

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2016	2017	2018	2019	2020
Capital Expenditures	\$ 0	-0-	-0-	-0-	-0-
Operating Costs	-0-	-0-	-0-	-0-	-0-
External Revenues	-0-	-0-	-0-	-0-	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
NET FISCAL IMPACT	-0-*	-0-	-0-	-0-	-0-

ADDITIONAL FTE
POSITIONS (Cumulative) _____

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

• Recommended Sources of Funds/Summary of Fiscal Impact:

* There is no significant fiscal impact from this item. The proposed increase in license fees will generate approximately \$12,000 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] 9/2/16
OFMB ST 9/02 4K 9/2

[Signature] 9/17/16
Contract Dev. and Control
9/6/16

B. Legal Sufficiency:

[Signature]
Assistant County Attorney

Chief Legal Counsel

C. Other Department Review:

[Signature]
Department Director

Background & Policy Issues (Continued from Page 1): As of December 31, 2015, there were 726 permitted child care providers in Palm Beach County with a total capacity of 49,957 slots for children. Of these providers, 437 were center-based and 289 were home-based. Permits are issued by the Florida Department of Health in Palm Beach County for facilities and homes following review and approval by the Child Care Advisory Council. Five (5) 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. Family child care regulations and related monitoring, technical assistance, and enforcement activities are designed to:

- Reduce risks related to communicable disease transmission and injuries due to unsafe physical environment;
- Protect children from harm in out-of-home settings due to unfit caregivers; and
- Prevent inadequate supervision, child abuse and neglect, and other general inappropriate and harmful treatment of children.

Caregivers and all adult household members are required to have Level 2 background screening clearance, and all juvenile household members 12 years and older are required to have Level 1 background screening and clearance.

The recommendations for amendments to the rules were reviewed, discussed, and modified by the Child Care Advisory Council during several public meetings including five (5) workshop sessions. Family child care providers and representatives of several early education and child caring agencies actively participated in the relevant workshops and discussions. The comments and recommendations of the participants have been taken into consideration in drafting the proposed amendments. Seat No. 2 on the Child Care Advisory Council is occupied by a family child care provider, who is also President of the Palm Beach County Family Child Care Association. This Council member was present for all workshops and related meetings. Workshops were held on April 10, 2013, May 8, 2013, June 12, 2013, November 13, 2013, and February 11, 2015. Public comment was heard from a family child care provider in opposition to amount of the proposed annual license fee increase. On January 13, 2016, the Council responded to the comment by reducing the proposed fee from \$100 to \$80. The family child care provider agreed with the Council's decision. On January 13, 2016, the Council voted unanimously to transmit the proposed revisions to the Child Care Facilities Board for adoption.

Palm Beach County Rules and Regulations Governing Family Child Care Facilities were last amended November 21, 2006. Staff and the Child Care Advisory Council proposed these changes to incorporate applicable changes made in State law over the past five (5) years, to reflect recent amendments to Palm Beach County's local law, Chapter 59-1698, Laws of Florida, which is now Chapter 2010-249, Laws of Florida, and to clarify and improve general licensing standards for family child care homes.

1 **RESOLUTION NO. R-**

2 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH
3 COUNTY, FLORIDA, SITTING AS THE CHILD CARE FACILITIES BOARD, TITLED
4 THE PALM BEACH COUNTY RULES AND REGULATIONS GOVERNING FAMILY
5 CHILD CARE HOMES AND LARGE FAMILY CHILD CARE HOMES: AMENDING
6 ARTICLES I THROUGH XVIII AND ADDING ARTICLE XIX OF THE RULES AND
7 REGULATIONS GOVERNING FAMILY CHILD CARE FACILITIES IN PALM BEACH
8 COUNTY; PROVIDING FOR DEFINITIONS; PROVIDING FOR RULES OF
9 PROCEDURE FOR THE CHILD CARE ADVISORY COUNCIL; PROVIDING FOR
10 LICENSE APPLICATION PROCEDURES; PROVIDING FOR INCREASE IN ANNUAL
11 LICENSE FEES; PROVIDING FOR PROCEDURES FOR HEARINGS, AND DENIAL
12 AND REVOCATION OF LICENSES; PROVIDING FOR FAMILY CHILD CARE
13 PERSONNEL TRAINING REQUIREMENTS; PROVIDING FOR BACKGROUND
14 SCREENING REQUIREMENTS; PROVIDING FOR SUPERVISION AND STAFFING
15 REQUIREMENTS; PROVIDING FOR DAILY PROGRAM AND DISCIPLINE;
16 PROVIDING FOR PHYSICAL FACILITIES REQUIREMENTS; PROVIDING FOR
17 EMERGENCY PROCEDURES; PROVIDING FOR NUTRITION; PROVIDING FOR
18 MEDICINE, FIRST-AID AND EMERGENCY PROCEDURES; PROVIDING FOR
19 COMMUNICABLE DISEASE CONTROL; PROVIDING FOR ADMISSION,
20 ASSESSMENT AND RECORD KEEPING; PROVIDING FOR CHILD CARE DURING
21 NIGHTTIME HOURS; PROVIDING FOR TRANSPORTATION; PROVIDING
22 REQUIREMENTS FOR FIELD TRIPS AND SWIMMING ACTIVITIES; PROVIDING
23 FOR CLASSIFICATION OF VIOLATIONS; PROVIDING FOR ENFORCEMENT
24 PROCEDURES; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING
25 FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; AND
26 PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE
27 DATE.

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

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

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

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

40 **WHEREAS**, Palm Beach County acknowledges the need to protect the health,
41 safety, and welfare of children enrolled in out-of-home child care arrangements; and

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

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

48 **Section 1. The Palm Beach County Rules and Regulations Governing**
49 **Family Child Care Facilities is hereby amended to read as set forth in the attached**
50 **Appendix.**

51 **Section 2. Repeal of Laws in Conflict** All local rules and regulations or local
52 laws in conflict with any provision of this resolution are hereby repealed to the extent of
53 any conflict.

54 **Section 3. Inclusion in the Code of Laws and Ordinances** The provisions of
55 these Rules and Regulations shall become and be made part of the Code of Laws and
56 Ordinances of Palm Beach County, Florida, and the Articles of these Rules and
57 Regulations may be re-numbered or re-lettered to accomplish such intention, and the
58 words "rules and regulations" may be changed to "section", "article", or other
59 appropriate word.

60 **Section 4. Severability** If any section, subsection, sentence, clause, or
61 provision of these Rules and Regulations is held unconstitutional, inoperative, or void by
62 a court of competent jurisdiction, such holding shall not affect the remainder of these
63 Rules and Regulations.

64 **Section 5. Savings Clause** All enforcement actions related to any license
65 issued pursuant to the Palm Beach County Rules and Regulations Governing Family
66 Child Care Facilities and initiated prior to the effective date of these Rules and
67 Regulations shall continue in full force and effect without interruption.

68 **Section 6. Effective Date** The provisions of these Rules and Regulations shall
69 become effective upon approval by the Board of County Commissioners, sitting as the
70 Child Care Facilities Board, and filed with the Clerk to the Board of County
71 Commissioners.

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

- 76 COMMISSIONER MARY LOU BERGER, MAYOR -
- 77 COMMISSIONER HAL R. VALECHE, VICE MAYOR -
- 78 COMMISSIONER PAULETTE BURDICK -
- 79 COMMISSIONER SHELLEY VANA -
- 80 COMMISSIONER STEVEN L. ABRAMS -
- 81 COMMISSIONER MELISSA MCKINLAY -
- 82 COMMISSIONER PRISCILLA A. TAYLOR -

83
84 The Chair thereupon declared the Resolution duly passed and adopted this ____
85 day of _____, 2016.

86 APPROVED AS TO FORM AND LEGAL SUFFICIENCY
87 PALM BEACH COUNTY, FLORIDA, BY
88 ITS BOARD OF COUNTY COMMISSIONERS
89
90 Sharon R. Bock, Clerk & Comptroller

91
92
93
94 By: _____
95 Assistant County Attorney

By: _____
Deputy Clerk

The substantive proposed rule changes accomplish the following:

1. Incorporate new State family child care standards pursuant to Chapter 402, Florida Statutes, and Chapter 65C-20, Florida Administrative Code;
2. Incorporate new requirements of Chapter 2010-249, Laws of Florida;
3. Add requirements for transportation of children;
4. Add outdoor play area site safety requirements;
5. Add pre-licensing training requirements and clarify license application requirements;
6. Increase annual license fees for family child care homes from \$40 to \$80, and set license fees for large family child care homes to \$150;
7. Clarify firearms safety requirements in accordance with applicable provisions of Florida Statutes;
8. Add guidelines for issuing provisional and probationary licenses;
9. Add requirements for Child Care Advisory Board composition, duties, procedures and term limits;
10. Add and clarify requirements for care of children during nighttime hours;
11. Add definitions of terms used in child care standards;
12. Clarify requirements for license application for family child care homes and large family child care homes;
13. Provide for expiration of annual licenses at the end of the anniversary month of initial issuance, rather than on June 30th of each year;
14. Provide standards for regulating inactive family child care providers;
15. Require pre-licensing training for family child care operators;
16. Clarify requirements for supervision of children;
17. Update background screening requirements and procedures including Level 2 screening from all family child care personnel and adult family members in keeping with State standards;
18. Prohibit the use of candles and plug-in air fresheners while children are in care;
19. Highlight the harmful effects of second hand tobacco smoke in child care settings;
20. Prohibit trampolines and bounce houses as play equipment;
21. Require access to gated communities for unannounced inspections;
22. Update requirements for fire safety and emergency planning;
23. Update standards for prevention and control of communicable diseases;
24. Provide standards for proper handling of breast milk;
25. Require parent notification about length of screen time during care;
26. Require caregiver shifts during nighttime care;
27. Provide for the use of electronic monitors during nighttime care upon parental consent;
28. Provide for prolonged child care for certain category of parents;
29. Require child safety alarm devices in vehicles used to transport children;
30. Require a provider self-evaluation health and safety checklist;
31. Require timesheets for employees and substitutes;
32. Require daily sign-in and sign-out records; Provide guidelines for uniform and progressive enforcement; and
33. Provide standards for licensing and regulating large family child care homes.

1 CHAPTER 2

2 **PALM BEACH COUNTY RULES & REGULATIONS GOVERNING FAMILY DAY CHILD**
3 **CARE HOMES AND LARGE FAMILY CHILD CARE HOMES.**

4 **ARTICLE I - SHORT TITLE AND APPLICABILITY**

- 5 A. These Rules and Regulations shall be known as the “Palm Beach County Rules
6 and Regulations Governing Family Day-Care-Facilities Child Care Homes & Large
7 Family Child Care Homes”.
- 8 B. All provisions of these Rules and Regulations shall be effective within the
9 unincorporated and incorporated areas of Palm Beach County, Florida.
- 10 C. These Rules and Regulations shall be construed to effect the purposes of
11 protecting the health, safety and welfare of the children of Palm Beach County and
12 promoting their emotional and intellectual development and care. These Rules
13 shall be the minimum standards for facilities providing family day-child care
14 services in Palm Beach County.
- 15 D. These Rules and Regulations shall apply to all family day child care facilities
16 homes and large family child care homes located in Palm Beach County. Unless
17 otherwise provided herein strict compliance with the Rules shall be required.

18 **ARTICLE II - AUTHORITY**

19 These Rules and Regulations are adopted under the authority of Chapter 59-1698, Laws
20 of Florida, as amended.

21 **ARTICLE III - DEFINITIONS**

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

- 26 1. *Adult*—means a person eighteen (18) years of age or older.
- 27 2. *Authorized adult or authorized substitute* – means the operator, employee, or
28 substitute who has been duly approved and or granted a license to operate the family
29 day child care facility home and has met the minimum requirements, including but
30 not limited to completion of background screening, First Aid and CPR certifications,
31 First Aid training, negative TB test, and physical health examination.
- 32 3. *Cardiopulmonary resuscitation*—~~refers to~~ means current certification in infant and
33 child cardiopulmonary resuscitation (“CPR”), an emergency procedure for sustaining
34 breathing and heartbeat until professional help arrives. ~~Acceptable courses include~~
35 ~~those authorized by the American Heart Association or the American Red Cross that~~
36 ~~contain an infant and child component. Such course shall be a “hands-on course”~~
37 ~~with real-time classroom instruction. On-line internet CPR courses are not acceptable~~
38 ~~to meet this standard.~~
- 39 4. *Caregiver* – means the operator, employee, or substitute who is responsible for the
40 care of children in the family child care home.
- 41 5. ~~4.~~ *Child*—~~means~~ a person less than thirteen (13) years of age who is related to the
42 operator of a facility regulated hereunder ~~under twelve (12) years of age~~ and all other
43 persons under eighteen (18) years of age.
- 44 6. ~~5.~~ *Child care*—means the care, protection and supervision of children for a period
45 less than twenty-four (24) hours a day on a regular basis which supplements parental
46 care, enrichment and health supervision for children in accordance with individual
47 needs, and for which compensation is received in the form of a payment, fee, grant,
48 services, or goods in kind. In addition, ~~facilities~~ residences which are held out to the
49 public to be establishments which regularly provide child custodial care shall be
50 deemed family day child care facilities regardless of whether compensation is
51 received, and be subject to the requirements herein.
- 52 7. ~~6.~~ *Child Care Advisory Council*—means an entity appointed by the Board of County
53 Commissioners of Palm Beach County, sitting as the Child Care Facilities Board, to
54 serve on behalf of the Board of County Commissioners as to the issuance and
55 revocation of licenses, and to advise the Board as to the Rules and Regulations

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- 56 necessary to protect the health and safety of children in family day child care homes.
57 The term "Council" may be used interchangeably with "Child Care Advisory Council".
58 The Palm Beach County Health Department shall serve as staff to the Council.
- 59 8. ~~7~~ Child Care Facilities Board—means the Board of County Commissioners of Palm
60 Beach County sitting as the local licensing agency to license family day child care
61 homes in Palm Beach County. The term "Board" may be used interchangeably with
62 "Child Care Facilities Board".
- 63 9. Child Development Associate (CDA) – means a national credential, recognized
64 throughout the United States and the world, issued by the Council for Early
65 Childhood Professional Recognition in Washington, DC.
- 66 10. Child enrichment service provider – means an individual who provides enrichment
67 activities, such as language training, music instruction, educational instruction, and
68 other experiences, to specific children during a specific time that is not part of the
69 regular program in a family child care home.
- 70 11. Children with Special Needs—Children with or without identified disability, health, or
71 mental health conditions requiring early intervention, special education services, or
72 other specialized services, supports, or monitoring.
- 73 12. ~~8.~~ Conspicuously posted or displayed – means clearly visible, immediately apparent
74 upon entering the room. Lettering on such materials produced by the facility shall be
75 bold-faced, easily readable, and no smaller than one (1) inch in height.
- 76 13. Continuing Education Unit (CEU) – means a standard unit of measure of coursework
77 used for training and credential purposes.
- 78 14. ~~9.~~ Custodial care—means child care as previously defined herein, for the purposes of
79 these Rules.
- 80 15. ~~40.~~ Department—means the Florida Department of Health in Palm Beach County,
81 and has the same meaning as the terms "Palm Beach County Health Department"
82 "County Health Department" or "Health Department."
- 83 16. Director – The on-site administrator or individual who has primary responsibility for
84 the day-to-day operation, supervision, and administration of a child care facility.
- 85 17. Disinfection – The destruction or elimination of most or all disease-causing
86 microorganisms.
- 87 18. Drop-in child care -- Child care provided in a child care facility located in a shopping
88 mall or business establishment, where a child is in care for no more than a four (4)
89 hour period, and where the parent or person leaving the child at the drop-in care
90 facility remains on the premises of the shopping mall or business establishment at all
91 times while the child is in care. Drop-in child care is prohibited in family child care
92 homes.
- 93 19. Employee – A person working in a family child care home who has satisfied all
94 personnel screening and training requirements. A fully trained and screened
95 employee may work as a designated substitute or assist the operator in caring for
96 children while the operator is present. An employee that is not fully trained cannot
97 provide direct care or supervision of children, and may be employed only to assist
98 the provider with household chores such as housekeeping.
- 99 20. ~~11.~~ Family day child care facility-home—means ~~any building or shelter~~ An occupied
100 residence in which custodial care is rendered to one to five six children, inclusive,
101 and for which compensation is received in the form of a payment, fee, grant, goods,
102 or services in kind for any of the children receiving care, whether or not operating for
103 profit, or which is held out to the public to be an establishment which regularly
104 provides child custodial care. A family day child care facility home also includes the
105 parking lot or area, curtilage, yards, landscaped areas, playgrounds, accessory
106 buildings, and all indoor and outdoor areas of the facility premises. The term also
107 refers to the family day child care operation associated with the building or shelter
108 subject to the exemptions set forth in Chapter 59-1698 2010-249, Special Acts, Laws
109 of Florida, as amended by Chapter 77-620 Special Acts, Laws of Florida. For the
110 purposes of this definition, the children in care shall be from one or more families
111 unrelated to the provider. Where care is provided only to children related to the

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- 112 provider, specifically by blood, marriage, adoption or foster care, then the term family
113 day child care home shall not apply. The terms “family day care home”, “family child
114 care home”, or “home”, or “facility” may be used interchangeably with “family day
115 care facilities”, as defined by the above referenced Special Act.
- 116 21. 42. Family member—means a person residing in the family day child care home who
117 is related to the operator. This person may not reside in the family child care home
118 but may be a frequent visitor to the home while children are in care.
- 119 22. 43. Fictitious name documentation—means (a) a copy of the applicant’s, or license
120 holder’s current fictitious name registration, issued by the Division of Corporations of
121 the Florida Department of State, or (b) a written statement by the applicant, or
122 license holder setting forth the reason why compliance with the Fictitious Name Act
123 (section 865.09, Florida Statutes, as amended or replaced) is not required.
- 124 23. 44. Field trip—means any excursion off of the premises of a family day child care
125 facility home, in which the child(ren) remain in the custodial care of the operator or
126 substitute of the family child care home. This term excludes transportation services
127 provided to pick up children for custodial care and to relinquish custody of children
128 after providing such care.
- 129 24. 45. First-aid training—refers to means current certification in a course of instructions
130 designed to provide fundamental principles, knowledge and skills in first aid and
131 accident prevention, equivalent to the Red Cross Standard First-Aid Course. Such
132 course shall be a “hands-on course” with real time classroom instruction. On-line
133 internet courses are not acceptable to meet this standard.
- 134 25. Florida Child Care Professional Credential (FCCPC) – A credential pursuant to
135 Section 402.305(3)(b), F.S., that certifies successful completion of a DCF-approved
136 training program, that consists of a minimum of 120 hours of early childhood
137 instruction, 480 contact hours with children ages birth through eight years, and at
138 least two methods of formal assessment that offers two areas of certification. “Birth
139 Through Five” (formerly the DCF-approved CDA Equivalency training programs) and
140 “School-Age” (formerly the Florida School-Age Certification). Credentials must be
141 documented on CF-FSP Form 5270, April 2006, Florida Child Care Professional
142 Credential Certificate, A copy of CF-FSP 5270 may be obtained from the Florida
143 Department of Children and Families’ website at www.myflorida.com/childcare.
144 Active credentials are valid for five years from the date of issuance. A list of
145 approved and recognized FCCPC programs may be obtained from the Department
146 of Children and Families’ website at www.myflorida.com/childcare
- 147 26. Florida Department of Education Child Care Apprenticeship Certificate (CCAC) – A
148 DCF approved child care credential that consists of a minimum of 120 hours of early
149 childhood instruction and 480 contact hours with children ages birth through eight (8)
150 years and meets or exceeds the requirements outlined in s. 402.305(3)(c), F.S. A list of
151 approved and recognized DOE programs may be obtained on the Department of
152 Children and Families’ website at www.myflorida.com/childcare.
- 153 27. Florida Department of Education Early Childhood Professional Certificate (ECPC)” -
154 A DCF- approved child care credential that consists of a minimum of 120 hours of
155 early childhood instruction and 480 contact hours with children ages birth through
156 eight (8) years and meets or exceeds the requirements outlined in s. 402.305(3)(c),
157 F.S. A list of approved and recognized DOE programs may be obtained on the
158 Department of Children and Families’ website at www.myflorida.com/childcare
- 159 28. Florida Department of Education School-Age Professional Certificate (SAPC)” - A
160 DCF-approved child care credential that consists of a minimum of 120 hours of early
161 childhood instruction and 480 contact hours with school-age children and meets or
162 exceeds the requirements outlined in s. 402.305(3)(c), F.S. A list of approved and
163 recognized DOE programs may be obtained on the Department of Children and
164 Families’ website at www.myflorida.com/childcare.
- 165 16. Handicapped child—means a child with deafness, hearing impairment,
166 blindness, visual impairment, musculoskeletal handicap, speech impairment, health or
167 developmental impairment, mental retardation, serious emotional disturbance, specific
168 learning disability, who by reason thereof requires special services.
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- 170 29. 17. Health Department—means the division of Florida Department of Health in Palm
171 Beach County Health Department, which is responsible for carrying out the
172 administrative and financial duties of the Board, and for inspecting family day child
173 care facilities homes in Palm Beach County to ~~insure~~ ensure compliance with these
174 Rules and Regulations, as well as with applicable state laws and regulations. The
175 Health Department may also be referred to herein as the Department.
- 176 30. 48. Health Resource Professional – means any of the following Florida licensed
177 health care professionals with appropriate pediatric experience: licensed practical
178 nurse, physician’s assistant, advanced registered nurse practitioner (ARNP),
179 registered nurse, family practitioner, pediatric physician.
- 180 31. Home – The term “home” unqualified applies to a family child care home or a large
181 family child care home.
- 182 32. 49. Household member—means a person residing in the family day child care home
183 who is not related to the operator.
- 184 33. Inactive provider – A family child care provider that holds a current license, and does
185 not currently offer or provide child care services.
- 186 34. 20. Infant—means a child less than twenty-four (24) months of age.
- 187 35. 24. Isolation area – means a room or area, adequately ventilated and heated,
188 provided for the temporary isolation of children with communicable diseases or who
189 are displaying signs of illness and are waiting to be picked up by the parent. ~~This~~
190 ~~room or area is to be conveniently located near to hand washing and toilet facilities,~~
191 ~~and must be in an easily observable location. Such an area or room must be~~
192 ~~provided with a cot, bed, mat, or chair consisting of materials that can be sanitized~~
193 ~~easily.~~
- 194 36. 22. Juvenile—means a person between twelve (12) and seventeen (17) years of age.
- 195 37. Large family child care home means an occupied residence in which child care is
196 regularly provided for children from at least two unrelated families, which receives a
197 payment, fee, or grant for any of the children receiving care, whether or not operated
198 for profit, and which has at least two full-time child care personnel on the premises
199 during the hours of operation. One of the two full-time child care personnel must be
200 the owner or occupant of the residence. A large family child care home must first
201 have operated as a licensed family child care home for 2 years, with an operator who
202 has had a child development associate credential or its equivalent for 1 year, before
203 seeking licensure as a large family child care home. Household children under 13
204 years of age, when on the premises of the large family child care home or on a field
205 trip with children enrolled in child care, shall be included in the overall capacity of the
206 licensed home. A large family child care home shall be allowed to provide care for
207 one of the following groups of children, which shall include household children under
208 13 years of age:
- 209 (a) A maximum of 8 children from birth to 24 months of age.
210 (b) A maximum of 12 children, with no more than 4 children under 24 months of
211 age.
- 212 38. License – means a written operating permit issued to the owner of a family child care
213 home by the Department pursuant to Chapter 59-1698, Special Acts, Laws of Florida
214 as amended. This permit verifies that the family child care home or large family child
215 care home complied with minimum health and safety standards as set forth in these
216 rules, and is permitted to operate in Palm Beach County subject to conditions
217 documented on the permit.
- 218 39. 23. Licensed capacity—means the maximum number of children and/or infants that
219 may be cared for ~~by a facility~~ under the provisions of the license, at any one time
220 whether on or off ~~facility~~ the home premises. ~~This includes children away from the~~
221 ~~facility on field trips.~~ Licensed capacity shall be based on the minimum requirements
222 of these Rules.
- 223 24. Medication—means a drug or other substance used as a remedy for, or prevention of
224 illness:

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- 225 a) ~~Recognized in the official United States Pharmacopoeia, official Homeopathic~~
226 ~~Pharmacopoeia of the United States, or official National Formulary, or any~~
227 ~~supplement thereto.~~
- 228 b) ~~Intended for use in the diagnosis, cure, mitigation, treatment, therapy, or~~
229 ~~prevention of disease in man or other animals.~~
- 230 c) ~~Intended to affect the structure or any function of the body of man or other~~
231 ~~animals; or~~
- 232 d) ~~Intended for use as a component of any article specified in paragraph (a),~~
233 ~~paragraph (b), or paragraph (c), but does not include devices, their~~
234 ~~components, parts, or accessories.~~
- 235 e) ~~Does not include topical non-medicated physical barriers as defined in Article~~
236 ~~IX.C.~~

237 40. Napping – means a short period of rest during daylight or early evening hours.

238 41. Nighttime care – means child care provided during the evening hours and may
239 encompass the hours of 6:00 PM to 7:00 AM to accommodate parents who work
240 evenings and late-night shifts. This term has the same meaning as “evening care”
241 under section 402.302(7), Florida Statutes.

242 42. ~~25- Operator~~—means a any onsite person ultimately who holds the license to operate
243 a family day care facility. The operator shall be responsible for the overall operation
244 of the home. The operator of a family day care facility must be at least twenty-one
245 (21) years of age, and a full time resident of the family child care home. All children
246 attending the facility shall be under the operator’s direct care and supervision except
247 when temporarily under the care of a substitute.

248 43. Overnight Care: means nighttime care provided past 12:00 AM.

249 44. ~~26 Owner~~—means the person(s) or entity who bear(s) legal ownership of the family
250 day child care facility operation or business and has ultimate responsibility for the
251 overall operation, administration and compliance with the Rules and Regulations
252 Governing Family Day Care Facilities. is licensed to operate the child care facility.
253 This responsibility shall not be delegated or assigned.

254 45. ~~27- Parent~~—means a person with legal custody of a child in care in a family day child
255 care home, such as a mother, father, or legal guardian.

256 46. ~~28- Personnel~~—includes means the operator, substitutes, employees of a family child
257 care home, family members, and household members.

258 47. Prolonged Child Care – Child care provided for 24 hours or longer under special
259 circumstances, and requires prior approval by the Department. This term has the
260 same meaning as provided in Section 402.317, Florida Statutes.

261 48. ~~29- Sanitize~~ –The application of an appropriate germicidal solution or agent to reduce
262 the number of disease-causing or other undesirable microbes by at least 99.9% on
263 nonliving surfaces or objects with which children have regular or frequent contact.
264 as it refers to diaper changing mats, toys which may be mouthed, or other surfaces
265 such as tables and benches, this means the application of a solution via spray bottle,
266 or by immersion if appropriate. This solution shall be made by adding one tablespoon
267 of bleach to a quart of water, or one quarter cup of bleach to a gallon of water. This
268 solution shall be made fresh daily, with unused portions disposed of at the end of
269 each day.———

270 ~~Alternate disinfecting agents may be used in accordance with the manufacturer’s~~
271 ~~specifications, provided that such use renders the items 99.9% germ free, and leaves~~
272 ~~no toxic residue. Where such alternative sanitizing agents are used, the facility shall~~
273 ~~obtain and keep on hand at the facility appropriate Material Safety Data Sheets (MSDS)~~
274 ~~for those products.~~

275 49. ~~30- Screening~~—means the act of assessing the background of family day child care
276 personnel, and includes, but is not limited to, employment history checks, local
277 criminal records checks through local law enforcement agencies, fingerprinting for all
278 purposes and checks in this subsection, statewide criminal records checks through
279 the Department of Law Enforcement, and federal criminal records checks through the

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- 280 Federal Bureau of Investigation. Overnight visitors that are in the home for more than
281 four(4) week per year are required to be screened and cleared. ~~except that~~
282 screening for volunteers included under the definition of personnel includes only local
283 criminal records checks through local law enforcement agencies for current
284 residence and residence immediately prior to employment as a volunteer, if different,
285 and statewide criminal records correspondence checks through the Department of
286 Law Enforcement. At a minimum, screening must be conducted in accordance with
287 section 402.302(3), Florida Statutes and 402.305(2)(a), Florida Statutes, as
288 amended or replaced.
- 289 50. Screening Clearance – means documentation from the Florida Department of
290 Children and Families, Florida Department of Health, or other appropriate State or
291 local agencies verifying that upon completion of screening nothing has been found to
292 disqualify a person from working with children.
- 293 51. Screen Time – The time children spend in computer use and viewing media such as
294 television, video, and DVD.
- 295 52. Sleeping – Rest during the normal night time sleep cycle.
- 296 53. ~~31~~ Snack – means a commercially pre-packaged non-potentially hazardous ready-to-
297 eat-food item that is wrapped for individual consumption. This also includes fresh,
298 whole, uncut, ready-to-eat non-potentially hazardous fruits and vegetables.
- 299 54. Standard precautions—means guidelines developed by the Centers for Disease
300 Control and Prevention (CDC) for reducing the risk of spreading infectious diseases,
301 assuming that every individual might be infected with germs in all situations where
302 contact with blood or body fluids is possible. Standard precautions include proper
303 handwashing, use of latex gloves, environmental cleaning and sanitizing, and proper
304 disposal of soiled materials.
- 305 55. ~~32~~. Substitute—means any fully screened a competent adult who is to be available
306 as a substitute for the operator on a temporary or emergency basis. The substitute
307 must meet screening and training requirements as set forth in these regulations. who
308 has met the requirements for First Aid training, CPR certification, negative TB test or
309 TB Risk Assessment and physical examination, as described in Article IV.B, has met
310 the training requirements as set forth in Article VI.B.1, and who provides temporary
311 or emergency care for children in the absence of the operator. A licensed family day
312 care provider with an operational family day care home may not serve as a substitute
313 for another family day care home, or child care facility. A licensed family day care
314 provider, with a non-operational family day care home (no children currently
315 enrolled), may serve as a substitute for a single child care facility or may serve as
316 substitute for one of up to two (2) other family day care facilities, provided that each
317 of these other family day care operators has one (1) other substitute that is not a
318 licensed family day care provider.
- 319 56. ~~33~~. Training Coordinating Agencies—means authorized contracted providers,
320 designated by the Department of Children & Families, and responsible for the
321 coordination of day child care personnel training at the district/regional level.
- 322 57. Training Transcript ---means the electronic documentation of statutorily mandated
323 training and staff credential qualifications for child care personnel. Training
324 transcripts may be obtained from the Department of Children and Families website at
325 www.myflorida.com/childcare.
- 326 58. Usable space—Those areas available for indoor play, classrooms, work area,
327 napping space, or sleeping space. Usable space does not include areas occupied by
328 hallways, stairways, toilet facilities, bath facilities, kitchens, offices, storage areas,
329 permanent fixtures, non-movable furniture, and other areas not used in normal day to
330 day operations. Shelves or storage for toys and other materials shall be considered
331 usable space if accessible to children.
- 332 59. ~~34~~. Violation – means noncompliance with any provision of these Rules or of §§.
333 402.301 - 402.319, Florida Statutes, as amended or replaced.
- 334 60. ~~35~~. Violation Classes:
335 Class I—These are the most serious in nature and could result, or do result in

336 death/serious harm to the health, safety and well-being of a child, and include overt
337 abuse and negligence related to the operation and maintenance of the facility.

338 Class II—These are serious in nature but do not pose an immediate threat to the
339 health, safety and well-being of a child, but could reasonably be expected to cause
340 harm with-in 90 days, e.g., leaking roof.

341 Class III—These are the least serious in nature & include those conditions or
342 occurrences related to the operation and maintenance of the facility other than Class
343 I or Class II violations.

344 Any and all violations may be upgraded to a higher class of violation depending on
345 the severity of the circumstances.

346 61. ~~36. Weekend child care~~—means child care provided for less than 24 hours per day
347 between the hours of 6 p.m. on Friday and 6 a.m. on Monday.

348 **ARTICLE IV - LICENSURE PROCEDURE AND REQUIREMENTS**

349 **A. LICENSE REQUIRED:**

350 1. It shall be unlawful for any person, firm or corporation to establish, maintain, or operate
351 in Palm Beach County, a family day child care facility home or a large family child care
352 home without first obtaining a valid license pursuant to these Rules and Regulations.

353 2. The license shall be void when ownership, possession, or location of the family day
354 child care operation changes. The license shall remain the property of the Department
355 at all times and shall be returned to the Department upon demand, closure of facility,
356 or if void before the expiration date printed thereon. All licenses shall be issued only
357 upon submission of completed application documentation, receipt by the Department
358 of applicable approved background screening clearances, completion of current
359 satisfactory inspection of the facility by the Department, and payment of required fees.

360 **B. LICENSURE PROCEDURES**

361 1. The Board of County Commissioners of Palm Beach County, Florida, acting in the
362 capacity as the Child Care Facilities Board, is the local licensing agency to license
363 family day child care facilities homes in this County. The Board has designated the
364 Child Care Advisory Council to act on the Board's behalf for the purpose of
365 issuance and revocation of licenses, and as to recommend Rules and Regulations
366 necessary to protect the health and safety of persons in family day child care
367 facilities homes. The Department shall serve as staff to the Child Care Advisory
368 Council. ~~For the purposes of these Rules, the rules and procedures governing the~~
369 ~~Child Care Advisory Council shall be as set forth in the Palm Beach County Rules~~
370 ~~and Regulations Governing Child Care Facilities, Article IV(A)(2), as amended or~~
371 ~~replaced.~~

372 2. THE CHILD CARE ADVISORY COUNCIL

373 (a) Appointment and Termination

374 (i) In accordance with Chapter 59-1698, Special Acts, Laws of Florida, as
375 amended, the Palm Beach Board of County Commissioners, sitting as
376 the Child Care Facilities Board, shall appoint a Child Care Advisory
377 Council. Members of the Child Care Advisory Council shall serve at the
378 pleasure of the Board of County Commissioners and may be removed
379 without cause at any time. The Council shall be composed of seven
380 members consisting of the following:

381 a. Two members who represent and operate as a private enterprise a
382 facility regulated hereunder; one of whom operates a family child
383 care home or a large family child care home (Seats 1 and 2,
384 respectively).

385 b. One member who represents and operates a parochial facility
386 regulated hereunder (Seat 3).

387 c. One member who represents a consumer protection enforcement
388 official (Seat 4).

389 d. One member for fire protection, engineering, or technology (Seat 5).

- 390 e. One member who at the time of appointment was a parent of a child
391 in a facility regulated hereunder (Seat 6).
- 392 f. One member who represents the Department of Children &
393 Families (Seat 7).
- 394 (ii) (3) Council members appointed by the Board of County Commissioners
395 serve three-year terms, with a limit of three (3) consecutive terms. With
396 the exception of the Department of Children & Families' representative,
397 no member of the Council may serve more than three consecutive three
398 year terms. Members' terms shall begin on October 1st and end on
399 September 30th. For purposes of implementing these term limit
400 provisions, Seats 1 and 2 will expire September 30, 2016; Seats 3 and 4
401 will expire September 30, 2017; and Seats 5 and 6 will expire September
402 30, 2018. Thereafter, members shall be appointed or reappointed for
403 three year terms. Any vacancy occurring during a term shall be filled for
404 the unexpired portion of the term and shall not count towards the
405 member's term limits. Council members must reside in the County at the
406 time of appointment and while serving on the Council.
- 407 (iii) The Council shall be subject to the uniform policies and procedures
408 established by the Board of County Commissioners as currently set forth
409 in Resolution R-2013-0193, as may be further amended by action of the
410 Board of County Commissioners.
- 411 (iv) A quorum must be present for all Council meetings. A majority of the
412 members appointed shall constitute a quorum. All Council meetings
413 shall be governed by Robert's Rules of Order.
- 414 (v) Council members shall be governed by the applicable provisions of the
415 state Ethics Code and the applicable provisions of the Palm Beach
416 County Code of Ethics.
- 417 (vi) Council members shall be automatically removed for lack of attendance.
418 Lack of attendance is defined as a failure to attend three (3) consecutive
419 meetings or a failure to attend more than one-half of the meetings
420 scheduled during a calendar year. Participation for less than three-
421 fourths of a meeting shall be the same as failure to attend a meeting.
422 Members removed pursuant to this paragraph shall not continue to serve
423 on the Council, and such removal shall create a vacancy, unless
424 otherwise provided by statute or other binding rule. Special meetings
425 shall not be counted towards the attendance requirements.
- 426 (vii) In the event that any council member is no longer a qualified elector, or
427 the member is convicted of a felony or an offense involving moral
428 turpitude while in office, the Child Care Facilities Board shall terminate
429 the appointment of the member.
- 430 (b) Officers:
- 431 At an annual organizational meeting, the Council shall elect a Chair and Vice-
432 Chair from among the members. The term of Chair and Vice-Chair shall be
433 one year. The Chair shall be in charge of all procedures before the Council
434 and shall take such action as shall be necessary to preserve the order and
435 integrity of all proceedings before the Council. In the absence of the Chair, the
436 Vice-Chair shall act as Chair and shall have all the powers of the Chair.
- 437 (c) Rules of Procedure:
- 438 (i) Quorum: The presence of a majority of the members of the Council shall
439 constitute a quorum necessary to take action and transact business. All
440 actions shall require a simple majority of the quorum present and voting
441 at the meeting. In the event of a tie vote, the motion shall fail. No
442 member shall abstain from voting unless the member has a voting
443 conflict pursuant to State of Florida law.
- 444 (ii) All meetings shall be conducted in keeping with the Robert's Rules of
445 Order.

- 446 (d) Meetings
- 447 (i) The location of all meetings shall be in Palm Beach County, Florida.
- 448 (ii) If a matter is postponed due to lack of a quorum, the item shall be
- 449 scheduled to the next regularly scheduled meeting, unless a Special Call
- 450 meeting is convened.
- 451 (iii) Special Call meetings may be called by the Chair of the Council, in
- 452 writing by a majority of the members of the Council or orally by a majority
- 453 of the members of the Council at any meeting.
- 454 (iv) All meetings and public hearings shall be open to the public.
- 455 (v) All meetings shall be set for time certain after due public notice. Due
- 456 public notice shall include notification that a record is required to appeal
- 457 a final decision of the Council pursuant to F.S. § 286.0105, as amended
- 458 or replaced.
- 459 3. ~~2.~~ The Department Director, or his or her representative, is charged with the
- 460 administration and financial responsibility of carrying out the duties of the Board,
- 461 including, but not limited to, issuing licenses, subject to Council approval, and
- 462 inspecting family day child care facilities and large family child care homes as
- 463 required by these Rules and Regulations.
- 464 4. ~~3.~~ Application for a family day child care facility or large family child care home
- 465 license shall be made in writing on an approved form, and contain such
- 466 information, as prescribed by the Department. Said application is to be signed by
- 467 the operator of the facility home, and submitted to the Department. All
- 468 applications for new license change of ownership, or addition of service, including
- 469 nighttime care, must be submitted to the Department for review prior to licensure.
- 470 Completed applications, with the required substantiating documentation, must be
- 471 submitted to the Department at least three (3) weeks prior to the scheduled
- 472 monthly meeting of the Palm Beach County Child Care Advisory Council. An
- 473 application for change of ownership means an application for licensure on a
- 474 currently approved home from any person or persons, including corporations and
- 475 other distinct entities, other than the current license holder. Any false statements,
- 476 information or material omissions contained in said application shall be grounds for
- 477 denial or revocation of the license.
- 478 5. A completed application with the following documentation shall be on file at the
- 479 Department prior to issuance of a license:
- 480 a) Affidavit of Good Moral Character for the applicant/operator, substitute(s),
- 481 and any all adult household or family members.
- 482 b) Signed consent forms for a local criminal record check for applicant,
- 483 substitute(s) and household or family members twelve (12) years of age or
- 484 older, and signed consent forms for delinquency checks for household
- 485 members between the ages of twelve (12) years and seventeen (17) years of
- 486 age.
- 487 c) ~~Notarized statement attesting that Fingerprint Card and Information~~
- 488 ~~Caretaker Background Screening Form have been submitted for applicant,~~
- 489 ~~substitute(s) and any adult household or family members to the Department~~
- 490 ~~for processing Proof of Level 2 screening clearance for operator,~~
- 491 ~~substitute(s), employees, and all adult household or family members. Proof~~
- 492 ~~of Level 1 screening clearance for juvenile household or family members.~~
- 493 d) ~~Supplement to the application: two (2) Employment History Checks and~~
- 494 ~~Character References:~~
- 495 i. ~~Five-year employment history giving full and accurate information~~
- 496 ~~about jobs held and contact information for former employers.~~
- 497 ii. ~~and A listing of the names, addresses and phone numbers of three~~
- 498 ~~(3) persons submitting character references for the operator and~~
- 499 ~~substitute(s). Referencers must be familiar with the qualifications,~~
- 500 ~~character, and dependability of the person on whose behalf the~~
- 501 ~~reference is being submitted.~~

- 502 iii. Three (3) letters of character references for the operator and each
503 substitute(s), respectively. ~~of which~~ At least two (2) of the references
504 must not be non-related relatives of the person on whose behalf the
505 letter of reference is submitted. References should provide
506 information about the qualifications, character, and dependability of
507 the person, and the general suitability of the person to care for
508 children. Each reference must include the full name, phone number,
509 and complete address of the referencer.
- 510 e) ~~f.~~—Evidence of satisfactory licensing inspections performed by the
511 Environmental Health inspector and the Health Nurse within thirty (30) days
512 preceding the date of licensure.
- 513 f) ~~h.~~ A medical statement Certification by a physician or a qualified health
514 practitioner under direct supervision of the physician, that the
515 applicant/operator, employees, and substitute(s) are physically qualified to
516 care for children. The medical certification shall include evidence of freedom
517 from tuberculosis, as indicated by an approved tuberculosis risk assessment
518 and/or an approved skin test or chest X-ray administered within the
519 preceding six (6) months.
- 520 ~~A letter from a physician stating the applicant is free from tuberculosis as~~
521 ~~indicated by an approved tuberculosis risk assessment and/or an approved skin~~
522 ~~test or chest X-ray administered within the preceding six (6) months for~~
523 ~~applicant, substitute(s) and household members over the age of twelve (12)~~
524 ~~years.~~
- 525 g) ~~i.~~ A set of house and site plans of the entire property and its surrounding
526 areas, indicating:
- 527 1. ~~if there are~~ Any water hazards (i.e., swimming pools, spas,
528 canals, lakes, ponds, etc.) adjacent to, or on the property;
- 529 2. Streets adjacent to the property, and access to the home from the
530 street(s). ~~if the property is located on a busy, well-traveled street;~~
531 and
- 532 3. The fenced play area; and
- 533 4. The house and other structures on the property.
- 534 For large family child care homes, a copy of the set of plans
535 approved by the local zoning and building department is required.
- 536 i) ~~j.~~ Evidence the applicant and substitute(s) holds a current certification in First
537 Aid and infant and child CPR.
- 538 j) ~~k.~~ Evidence that the applicant and substitute(s) have satisfactorily completed
539 a Child Care Water Safety Course or the current equivalent if there is a
540 swimming pool (other than a spa) on the premises.
- 541 k) ~~l.~~ Fictitious name documentation, if applicable.
- 542 l) ~~m.~~ Evidence that both the operator, employees, and substitute(s) have
543 completed an approved family day care course required family child care
544 training and credentialing, and approved training in early literacy and
545 language development as set forth in Article VI herein.
- 546 m) Evidence that the operator has completed the family child care pre-licensing
547 training program conducted by the Department.
- 548 n) ~~n.~~ A statement attesting to the number of hours the substitute(s) works will
549 work at the facility. This statement shall be completed submitted on a form
550 provided by the Department.
- 551 o) ~~o.~~ Evidence of the approval of the applicable Building Department, local
552 building, zoning, and fire departments, when applicable. if located in
553 incorporated areas.
- 554 p) ~~p.~~ Evidence of the approval of the applicable Fire Department, including a A
555 satisfactory fire inspection report completed within the last ~~six (6)~~ three (3)
556 months.

- 557 g. ~~q.~~ Proof of residence at the location to be licensed. ~~A copy of the~~ The
558 proposed operator or applicant's current Florida driver's license or State of
559 Florida Identification, and two (2) utility bills dated within six (6) weeks of date
560 of submission of the original application, shall serve as proof of residence.
- 561 r. ~~r.~~ Proof of ownership of the real property. A copy of the recorded property
562 deed or a current tax bill will serve as proof of ownership and a lease
563 agreement or management agreement (if applicable). If the property is
564 leased, the applicant shall provide the property owner's written verification of
565 authority to operate a family day child care facility home on said property.
- 566 s) Proof of compliance with applicable drinking water rules and regulations if the
567 home is served by an onsite drinking water well, in accordance with Chapters
568 62-550, 62-555, and 64E-8, Florida Administrative Code, as amended or
569 replaced, and Palm Beach County Environmental Control Rule I, as
570 amended or replaced.
- 571 t) Proof of compliance with onsite sewage treatment and disposal rules and
572 regulations if the home is served by a septic tank system, in accordance with
573 64E-6, Florida Administrative Code, as amended or replaced, and Palm
574 Beach County Environmental Control Rule II, as amended or replaced.
- 575
- 576 6. ~~4.~~ The Department shall, issue a license subject to Council approval, ~~issue a~~
577 ~~license~~ or renew a license upon determining that minimum standards are met, and
578 the applicant otherwise meets the requirements for licensure set forth herein.
- 579 7. A license shall not be issued or renewed unless all required screening applications
580 and related documents have been submitted and all pertinent persons so
581 screened have been cleared or otherwise found not to be disqualified from working
582 with children. ~~materials have been timely and accurately submitted in accordance~~
583 ~~with the procedures set forth in Article IV herein. A license shall not be issued or~~
584 ~~renewed if any of the personnel at the applicant facility have failed the screening~~
585 ~~required by Sections 402.305(1)(a) and 402.3055, or these Rules and~~
586 ~~Regulations.~~
- 587 8. ~~5.~~ All licenses shall expire at the end of the month, one (1) year from the date of
588 issuance. June 30th of each year, unless revoked or surrendered.
- 589 a. All applications for annual license renewal for the following calendar year
590 must be completed and filed with the Department no later than ~~March 1~~
591 ~~of the current year~~ ninety days before the current expiration date. Applications
592 not timely filed constitute a violation of these rules, and may cause delay in
593 licensure beyond the date of expiration and subject the licensee to penalties
594 for violation of Article IV.A.1 and Article IV.B.13. of these Rules. The
595 following documents must accompany the renewal application:
- 596 i. ~~a.~~ Completed, notarized application, which includes a listing of all
597 household and family members, substitutes, and employees;
- 598 ii. ~~b.~~ Signed consent forms for a local criminal record check for
599 applicant, substitute(s), family members, and household members
600 twelve (12) years of age or older, and signed consent forms for
601 delinquency checks for household members between the ages of
602 twelve (12) years and seventeen (17) years of age;
- 603 iii. ~~c.~~ Corporate information and/or fictitious name information, if
604 applicable;
- 605 iv. ~~d.~~ A completed, notarized Affidavit of Good Moral Character for
606 operator, employees, household members eighteen (18) years of
607 age or older, and substitute(s);
- 608 v. Any additional information required and requested to process
609 screening application.
- 610 vi. Fees for screening applicant, substitute(s), employee, and family
611 and household members, when applicable.

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612 b. Any false statements, information, or material omissions contained in the
613 renewal application or screening documents ~~may~~ shall be grounds for
614 revocation or denial of the license.

615 c. Family day child care licenses shall be issued only upon submission of
616 completed renewal application documentation, payment of required fees,
617 and completion of current satisfactory inspection of the facility by the
618 Department.

619 9. ~~6.~~ Licenses shall not be transferable or assignable.

620 10. ~~7.~~ The license shall be issued in the name of the ~~owner and~~ operator of the family
621 day child care facility home. The operator of a family day child care home may not
622 work outside of the home during the hours when the family day child care home is
623 operating. In the event of rental or leased property the operator shall be the
624 individual who occupies the residence. The license shall be valid for no premises
625 other than those for which it was originally issued. The operator shall hold only
626 one family day child care facility home license and must be a full time resident of
627 the family day child care home facility.

628 11. ~~8.~~ A license for the operation of a family day child care facility home shall not be
629 issued or renewed if the licensee has an outstanding fine assessed pursuant to
630 these Rules and Regulations which is in final order status. In the case of an
631 application for change of ownership, name change, large family child care home,
632 or nighttime care approval for a family day child care facility home having an
633 outstanding fine, the outstanding fine shall be paid before a license or ~~renewal~~
634 approval is issued.

635 12. A family child care operator, making application for nighttime care approval shall
636 submit a copy of a satisfactory fire inspection report completed by the Fire
637 Authority Having Jurisdiction. Such fire inspection shall be completed within thirty
638 (30) days of the application for nighttime care approval. The nighttime care
639 application shall be made in writing on a form, provided by the Department.

640 13. Failure to submit a complete application for renewal of an annual license a family
641 child care home or large family child care home at least 45 days prior to the
642 expiration date of the current license constitutes a licensing violation. The
643 department shall issue a Notice of Administrative Action imposing a fine of
644 \$100.00 for the first occurrence, \$200.00 for the second occurrence, and \$300.00
645 for each subsequent occurrence within a five year period.

646 **C. MINIMUM STANDARDS FOR THE ISSUANCE OF LICENSES**

647 1. Standards established by these Rules and Regulations shall meet or exceed state
648 family day child care standards set forth in Chapter 402, Florida Statutes, as
649 amended, or replaced, and Florida Administrative Code provisions established
650 pursuant to Florida Statutes, § 402.305, as amended or replaced, which standards
651 are expressly incorporated herein by reference. In the event of a conflict between
652 these Rules and State family day care or large family child care standards, the
653 more stringent shall apply.

654 2. No Rules and Regulations of the Board shall be adopted or become effective until
655 after a public hearing has been held by the Board pursuant to notice published in a
656 newspaper of general circulation in Palm Beach County at least ten (10) days prior
657 to the hearing.

658 3. When approved by the Board and filed with the Clerk of the Board of County
659 Commissioners, such Rules and Regulations have the force and effect of law.

660 4. To ensure that accurate statistical data is available, the Department shall report
661 annually to the Department of Children and Families the number of family day
662 child care facilities under the jurisdiction of the Child Care Facilities Board, the
663 number and age range of children served, and the number of revocations and
664 denials of licenses during the previous year.

665 **D. LICENSED CAPACITY**

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666 A family ~~day child care facility~~ home shall be allowed to provide care for one of the
667 following groups of children, which shall include those children under the age of
668 thirteen (13) years of age who are related to the caregiver, or who are household
669 members:

- 670 1. A maximum of four (4) children from birth to twelve (12) months of age for a
671 total of 4 children; or
- 672 2. A maximum of ~~5~~ six (6) children from birth to twelve (12) years of age, for a
673 total of 6 children, provided that no more than three (3) of the children are
674 ~~from the ages of birth to younger than~~ twelve (12) months of age.
- 675 3. All children present in the facility under the age of thirteen (13) years of age,
676 whether or not related to the caregiver, or who are household members, and
677 whose parents are absent from the facility, including children away from the
678 facility on field trips, shall be counted in determining compliance with these
679 Rules and Regulations.

680 E. PROVISIONAL LICENSE

- 681 1) The Department may issue a provisional license for a family child care home to
682 applicants requesting an initial license or renewal of an existing license, and who
683 are unable to meet all the standards provided for in these rules and regulations.
- 684 2) The Department, upon approval of the Child Care Advisory Council, may issue a
685 provisional license allowing a facility to operate for a designated period of time
686 while working to comply with one or more licensing standards, provided the
687 operator is making adequate provisions to ensure the health and safety of the
688 children in care. A provisional license is not a disciplinary sanction.
- 689 3) A provisional license or certificate shall not be issued unless the family child care
690 home is in compliance with all screening requirements.
- 691 (4) A provisional license shall not be issued for a period that exceeds 6 months;
692 however, under unusual circumstances beyond the control of the applicant, it may
693 be renewed one time for a period that may not exceed 6 months
- 694 (6) A provisional license may be suspended or revoked if inspections or review by the
695 Department indicates that insufficient progress has been made toward compliance.

696 F. PROBATIONARY LICENSE

- 697 1. A probationary license indicates that the annual license is in jeopardy of being
698 revoked or not renewed due to violations of licensing standards, and in keeping
699 with the Department's progressive enforcement matrix. A probationary license
700 shall not be issued as an initial license for a new home.
- 701 2. A probationary status license is used as a disciplinary sanction for repeated
702 noncompliance with licensing requirements. A probationary status license that is
703 issued due to non-compliance within the provider's control is valid for up to six
704 months. A probationary status license issued for this reason may not be renewed.
- 705 3. A probationary status license issued for non-compliance may be suspended or
706 revoked if monitoring through a minimum of bimonthly inspections by the
707 Department finds that the operator is not in compliance with the terms of the
708 corrective action plan, or that the operator is not making sufficient progress toward
709 compliance with licensing requirements.
- 710 4. Probation requires the licensee to comply with specific conditions intended to
711 ensure that the licensee comes into and maintains compliance with licensing
712 standards. Examples of such conditions are: a deadline to remedy an existing
713 violation, a specified period during which compliance with licensing standards must
714 be strictly maintained; and specified conditions under which the facility must
715 operate during the probationary period.
- 716 5. A probationary license may be granted only by the Child Care Advisory Council on
717 the recommendation of the Department, to satisfy the remedy prescribed in the
718 Department's child care licensing enforcement procedures, or as an alternative to
719 revocation of a license or denial of an application for renewal of an annual license.

720 G. E-ADVERTISEMENTS

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721 It is unlawful for a family day child care facility home or large family child care home to
722 advertise ~~the operation of a family day care facility~~ child care services without a valid
723 license. Any person advertising a licensed family day child care facility home by
724 printed notice or broadcast must include in the advertisement the ~~facility's~~ local agency
725 license number. This requirement includes, but is not limited to, advertisements in the
726 yellow pages of the telephone directories, community bulletin boards, fliers,
727 pamphlets, classified ads, signs, radio, television, computer modem, internet, and
728 other advertising media. The requirement does not apply to classified ads for
729 employment purposes.

730 **H. FEE**

731 No license authorizing a person or entity to operate a family day child care facility
732 home or large family child care home in Palm Beach County, pursuant to Chapter ~~59-~~
733 ~~4698~~, 2010-249, Laws of Florida, as amended, shall be issued until such person or
734 entity has paid a fee according to the fee schedule below:

- 735 1. Family day child care facility home. The annual fee for operation of a family day
736 child care facility home shall be ~~\$40.00~~ 80.00
- 737 2. Large family child care home: The annual fee for operation of a large family
738 child care home shall be \$150.00.

739 ~~Prorated Fees for Mid-year Licensure~~. Family day care facilities homes obtaining a
740 license after July 1st of each year, shall be required to pay a prorated fee as follows:

741 <u>For licenses issued:</u>	<u>License fee required:</u>
742 Jul. 1 through Sept. 30	100% of required annual fee
743 Oct. 31 through Dec. 31	75% of required annual fee
744 Jan.1 through Mar. 31	50% of required annual fee
745 Apr. 1 through Jun. 30	25% of required annual fee

- 746 3. ~~Change of Ownership~~ Administrative Fee: Family day child care facilities homes
747 and large family child care homes obtaining a change in ownership, name
748 change, or nighttime care approval shall be required to pay an administrative
749 fee of ~~twenty-five~~ thirty dollars (~~\$25~~30.00), in addition to the applicable plan
750 review fee and license fee.
- 751 4. Authority to collect fees. The Department is authorized to collect the fees
752 imposed herein and apply said fees to cover its costs associated with inspection
753 and licensing under Chapter 59-1698, Laws of Florida as amended.

754 **I. INACTIVE PROVIDERS**

- 755 1. Inactive providers still hold a valid family child care license and are required
756 to maintain compliance with applicable family child care standards including,
757 but not limited to:
 - 758 • General requirements
 - 759 • Physical environment
 - 760 • Training
 - 761 • Health & Safety requirements
 - 762 • Record keeping
- 763 2. Family child care providers must provide written notification of their inactive
764 status to the Department and the local Child Care Resource and Referral
765 agency within one month of becoming inactive.
- 766 3. An inactive family child care provider must provide notice to the Department
767 of the intent to resume operation not less than five working days prior to
768 resumption of operation of the family child care home.
- 769 4. The inactive provider must facilitate access during reasonable hours of the
770 work day for monitoring and license renewal inspections.

771 5. Inactive providers shall inform the Department about any changes in contact
772 information such as telephone numbers, mailing address, and email
773 address, within one month of such change.

774 **ARTICLE V.: EXCLUSIONS, HEARINGS PROVIDED, DENIAL OR REVOCATION OF**
775 **LICENSE OR NIGHT TIME CARE APPROVAL.**

776 A. **Exclusion From Owning, Operating, Or Being Employed By A Large Family Child**
777 **Care Home or a Family day child Care facility Home:**

778 (1) Ownership and operation of a family day child care facility home or a large family
779 child care home, or employment by a family day child care facility home may be
780 excluded pursuant to section 402.3055(2), Florida Statutes, as may be amended
781 or replaced.

782 (2) Where the Department ~~is~~ becomes aware of a history of enforcement or
783 disciplinary action involving an applicant, owner or operator while being the
784 owner, operator, or employee of a child care facility, a large family child care
785 home or family day child care facility home, the Department shall, ~~notify the~~
786 applicant, owner or operator, in writing, that such history could be grounds for
787 denial or revocation of a family day care facility license. Pursuant to Article VII
788 (G) A.2. herein, the Department shall refer the following to the Child Care
789 Advisory Council to make determination as to the exclusion from owning or
790 operating a family day child care facility home or large family child care home in
791 Palm Beach County and the denial or revocation of such license:

792 (a) The applicant, owner, or operator being a party to a child care facility or
793 family ~~day child~~ care facility home license being denied, revoked or
794 suspended in any state or jurisdiction, or,

795 (b) The applicant, owner or operator has been the subject of disciplinary action
796 or been fined while being the owner, operator, or employee of a child care
797 facility or family ~~day child~~ care facility home in any state or jurisdiction.

798 (c) Should the Council's ~~initial determination be~~ determine that there are
799 possible grounds for denial or revocation, the Council shall direct the
800 Department to issue a notice of intent to deny or revoke in accordance with
801 Article V herein.

802 B. **Intent to Deny or Revoke a License, or Night Time Care Approval**

803 The Department shall deny or revoke a license or night time care approval, or pursue
804 other remedies including, but not limited to, the implementation of a corrective action
805 plan and enforcement action as set forth in Article XVIII herein, in addition to or in lieu
806 of denial, or revocation for failure to comply with the standards herein. When the
807 Director of the Department has reasonable cause to believe that grounds for denial or
808 revocation of a license or night time care approval exists, or when the Council has
809 directed the issuance of a notice of intent to deny or revoke, the Director shall notify
810 the applicant or licensee in writing, stating the grounds upon which the license or
811 night time care approval is being denied or revoked. If the applicant or licensee
812 makes no written request for a hearing to the Child Care Advisory Council within
813 fifteen (15) days from receipt of such notice, the license or night time care approval
814 shall be deemed denied or revoked as the case may be.

815 C. **Denial or Revocation Hearings:**

816 Such hearings are not granted pursuant to Florida Statute, Chapter 120, but are
817 granted pursuant to Special Acts, Laws of Florida, Chapter 59-1698, as amended.

818 1. Time for Hearing

819 If a request for a hearing is made to the Child Care Advisory Council, a hearing
820 shall be held within sixty (60) days and shall be conducted by the Child Care
821 Advisory Council. Either party may be granted a one-time continuance of no
822 more than thirty (30) days.

823 2. Hearing Procedures

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

DRAFT

- 827 3. The Department shall provide personnel to act as Clerk to the Child Care
828 Advisory Council for the purpose of the hearings and retention of the
829 record.
- 830 D. The Council shall issue its recommended order within fifteen (15) days of said hearing,
831 stating that the license is issued, retained, revoked or denied as the case may be.
832 Said order shall be sent to the applicant or licensee by Registered or Certified mail,
833 Return Receipt requested. The Child Care Advisory Council's written order shall be
834 considered final agency action.
- 835 E. Within thirty (30) days after the Child Care Advisory Council issues its written order,
836 any person whose substantial interests have been determined by the Council's
837 decision shall have the right to seek review of said order by petitioning the Circuit
838 Court in and for Palm Beach County by a *writ of certiorari*.

839 **ARTICLE VI – PERSONNEL, STAFF QUALIFICATIONS & SUPERVISION**

840 **A. MINIMUM AGE REQUIREMENTS**

841 The operator of a family day child care facility home must be at least twenty-one (21)
842 years of age. Substitutes must be at least eighteen (18) years of age.

843 **B. TRAINING**

- 844 1. Prior to licensure, all family day child care home operators must successfully
845 complete the following Department of Children and Families training requirements:
- 846 a. Thirty (30) -clock-hour Department of Children and Families Family Child Care
847 Home training, as evidenced by a valid Training Transcript that indicates
848 certification in the training requirements. ~~passage of a competency based~~
849 ~~examination with a score of seventy (70) or better. The Department of Children~~
850 ~~and Families, or its designated representative, will offer competency~~
851 ~~examinations. Prior to attending the training, Family Day Care Home operators~~
852 ~~have one opportunity, if they choose, to exempt from the Department of Children~~
853 ~~and Families' thirty (30) -clock-hour Family Child Care Home training module by~~
854 ~~successfully completing competency examinations with a score of seventy (70)~~
855 ~~or better. All family day care home operators who have successfully completed~~
856 ~~the mandatory 30-clock-hour Family Child Care Home training prior to the~~
857 ~~availability of the competency examinations will not be required to complete the~~
858 ~~competency based testing.~~
- 859 b. 5-clock hour (or 0.5 CEU) Early Literacy and Language Development
- 860 c. First Aid certification as evidenced by a valid card or certificate.
- 861 d. Infant and Child CPR certification as evidenced by a valid card or certificate.

862 Certificates of course completion for first aid and CPR training programs are valid for
863 the time frames documented thereon, not to exceed three (3) years. Online internet
864 first aid and CPR courses are acceptable to meet the standard provided the training
865 includes an onsite instructor-led skills demonstration and assessment by a certified
866 instructor. Only age-appropriate First Aid and CPR certifications by nationally
867 recognized providers will meet this requirement. Acceptable nationally recognized
868 providers include: American Red Cross, American Heart Association, National Safety
869 Council, and American Safety and Health Institute.

- 870 2. Family ~~day~~child care home substitutes who work forty (40) hours or more a month
871 on average during a twelve (12) month period must have successfully completed
872 the following training requirements:
- 873 a. The thirty (30) -clock-hour Department of Children and Families Family Child
874 Care Home training, as evidenced by a valid Training Transcript that indicates
875 the required certification. ~~passage of a competency based examination with a~~
876 ~~score of seventy (70) or better. All family day care home substitutes who have~~
877 ~~completed the thirty (30) -clock-hour Family Child Care Home training prior to the~~
878 ~~availability of the competency examination will not be required to complete the~~
879 ~~competency based testing. Prior to attending the training, Family Day Care~~
880 ~~Home substitutes have one opportunity, if they choose, to exempt from the~~
881 ~~Department of Children and Families thirty (30) -clock-hour Family Child Care~~
882 ~~Home training by successfully completing competency examinations with a score~~

- 883 of ~~seventy (70) or better.~~ Competency examinations will be offered by the
884 Training Coordinating Agency.
- 885 b. 5-clock hour (or 0.5 CEU) Early Literacy and Language Development
- 886 c. Current certification in First Aid.
- 887 d. Current certification in Infant and Child CPR.
- 888 3. Family daychild care home substitutes who work **less** than forty (40) hours a
889 month on average during a twelve (12) month period shall have completed the
890 following training requirements:
- 891 a. Department of Children and Families 6-hour Family Child Care Rules and
892 Regulations course or the three (3) -clock-hour Fundamentals of Child Care
893 training. Family daychild care substitutes who have successfully completed
894 the thirty (30) -clock-hour Family Child Care Home training will not be
895 required to complete the 6-hour Family Child Care Rules and Regulations
896 or the three (3) -clock-hour Fundamentals of Child Care training.
- 897 b. 5-clock hour (or 0.5 CEU) Early Literacy and Language Development.
- 898 c. Current certification in First Aid.
- 899 d. Current certification in Infant and Child CPR.
- 900 4. ~~3.~~ Training Documentation:
- 901 Training certificates are issued or training transcripts are updated upon the
902 successful completion of training, as evidenced by the passage of a competency
903 examination. The ~~(30)-~~clock-hour Family Child Care Home training will be
904 documented on CF-FSP Form 5267, ~~May 2003~~ March 2009, and the Department of
905 Children and Families' child care training transcript. A copy of the Department of
906 Children and Families' ~~Family Child Care Training Certificate or~~ current training
907 transcripts for each operator, employee, and substitute must be kept on file in the
908 family day child care home.
- 909 5. ~~4.~~ Prior to licensure, the operator and substitute(s) must hold a current certification
910 in First-Aid and in infant and child cardiopulmonary resuscitation (CPR). The First-
911 Aid course may be the Red-Cross Standard First-Aid or its equivalent. The infant
912 and child cardiopulmonary resuscitation course may be the course provided by the
913 American Red Cross, the American Heart Association, or a pediatric
914 cardiopulmonary resuscitation course equivalent. These courses must be
915 completed prior to licensure. Certificates of course completion are valid based on
916 the time frames established by each First-Aid and CPR training program, First-Aid
917 not to exceed three (3) years, and CPR not to exceed two (2) years. On-line First
918 Aid and CPR courses are not acceptable to meet this standard. First Aid and CPR
919 training must be done by real time classroom instruction. The First-Aid training or
920 CPR course cannot be substituted for any part of the Department of Children and
921 Families' thirty (30) -clock hour family daychild care course. Certifications in CPR
922 and First Aid shall be kept current by renewal prior to their effective expiration
923 dates.
- 924 6. ~~5.~~ All family daychild care operators, adult family members and substitutes shall
925 have a statement on file at the facility that they have read the Department of
926 Children and Families' pamphlet "Child Abuse and Neglect in Florida, A Guide for
927 Professionals", CF-PI 175-17 for guidelines on reporting and identifying child
928 abuse and neglect, or participate in an equivalent child training course approved
929 by the Department of Children and Families. The pamphlet: "Child Abuse and
930 Neglect in Florida, A Guide for Professionals", and the form to be used, shall be
931 provided by the Department for this purpose.
- 932 7. ~~6.~~ Immunization & Health Records Training
- 933 Facility operators shall complete the two (2) hour Immunization & Health Records
934 training provided by the Department within six (6) months from the date of original
935 licensure. ~~Facility operators licensed prior to the effective date of these Rules shall~~
936 ~~complete this training by June 30, 2008.~~
- 937 8. ~~7.~~ Training in Early Literacy & Language Development

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In addition to the training above, all operators, and substitutes of family daychild care homes who work forty (40) hours or more a month on average during a twelve (12) month period, shall complete five (5) -clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to five (5) years of age, as documented on the certificate of course completion, classroom transcript, or diploma. Family daychild care homes licensed on or after January 1, 2005, prior to licensure, must complete five (5) -clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to five (5) years of age. In order to meet this requirement, all operators, and substitutes of family daychild care homes who work forty (40) hours or more a month on average during a twelve (12) month period must select a training course from the Department of Children and Family Services' list of approved literacy training programs, which may be accessed by going to the website: www.myflorida.com/childcare/training <http://www.myflfamilies.com/service-programs/child-care/early-literacy>, or by contacting the Department. ~~Literacy training that was taken between July 1, 1999 and July 1, 2004, will be accepted by the licensing authority until January 1, 2005, if it meets all the required components stated above.~~

9. ~~8.~~ Child Care Water Safety Course, Basic Water Safety and Certified Lifeguard

Where there is a swimming pool (other than a spa) on the premises, applicants for a family daychild care license shall satisfactorily complete a Child Care Water Safety Course or the current equivalent prior to the issuance of a license. Family daychild care providers with a swimming pool (other than a spa) on the premises, licensed prior to the effective date of these Rules, and their respective substitutes, shall complete this training within six (6) months of the effective date of these Rules. If the family daychild care home uses a swimming pool at the family daychild care home site for the children in care, at least one (1) additional person who has completed a basic water safety course such as the one offered by the American Red Cross, YMCA or other organization, must be present when children in care are using the pool to assist in providing adequate supervision and to assist in the event of an emergency.

10. ~~9.~~ Annual In-Service Training.

~~a. (A) All family daychild care home operators must complete annual in-service training in accordance with Section 65C-20.009(4), Florida Administrative Code, as may be amended or replaced. a minimum of ten (10) -clock hours of in-service training or one (1) CEU, The minimum number of hours of in-service training must be completed annually during the State's fiscal year beginning July 1 and ending June 30, and The annual ten (10) -clock hours in-service training or one (1) CEU, must be completed in one or more of the following areas:~~

- i. Health and Safety, including universal precautions;
- ii. Infant/child CPR;
- iii. First Aid (this training may only be taken to meet the in-service requirement once every three {3} years);
- iv. Nutrition and Food Safety;
- v. Child development – typical and atypical;
- vi. Child transportation and safety;
- vii. Behavior management;
- viii. Working with families;
- ix. Design and use of child oriented space;
- x. Community, health and social service resources;
- xi. Child abuse;
- xii. Child care for multilingual children;

- 992 xiii. Working with children with disabilities in child care;
- 993 xiv. Safety in outdoor play;
- 994 xv. Literacy;
- 995 xvi. Guidance and Discipline;
- 996 xvii. Computer Technology;
- 997 xviii. Leadership development/program management and staff supervision;
- 998 xix. Age appropriate lesson planning;
- 999 xx. Homework assistance for school age care;
- 1000 xxi. Developing special interest centers/spaces and environments; or
- 1001 xxii. Other course areas relating to child care or child care management.
- 1002 b. Operators who did not complete the required annual in-service training during
- 1003 a given licensure year must complete the remaining in-service training hours
- 1004 within 30 days of the noncompliance finding by the Department. These hours
- 1005 cannot be used to meet the current year’s in-service training requirements.
- 1006 c. (B) Documentation of the in-service training:
- 1007 i. Documentation of the in-service training must be recorded on CF-FSP
- 1008 Form 5268, Feb. 2004, Child Care In-Service Training Record CF-FSP
- 1009 5268A, In-service Training Record – Family Day Care Home, March
- 1010 2009, which is incorporated herein by reference, or an equivalent form
- 1011 provided by the Department, and maintained at the family day child care
- 1012 home. CF-FSP Form 5268 may be obtained from the licensing authority
- 1013 or by going to the Department of Children and Families’ website at:
- 1014 www.myflorida.com/childcare/training [programs/child-care/forms-and-applications](http://www.myflfamilies.com/service-</u>
1015 <u><a href=)
- 1016 ii. A new in-service training record is required each fiscal year.
- 1017 iii. In addition to maintaining the training record for the current fiscal year,
- 1018 the in-service training records for the previous two (2) fiscal years must
- 1019 also be maintained at the family day child care home for review by the
- 1020 licensing authority.
- 1021 iv. College level courses that cover the topics above may also be counted to
- 1022 meet the annual in-service training requirement.

1023 11. Training For Prospective and Current Operators

1024 All prospective operators of family child care homes and large family child care
1025 homes shall attend a pre-licensing workshop conducted by the Department prior to
1026 the license application being presented to the Child Care Advisory Council for
1027 approval. Existing operators and employees may attend the workshop for required
1028 in-service training hours, or as part of a corrective action plan for non-compliance
1029 with licensing standards.

1030 **C. HEALTH EXAMINATIONS**

- 1031 1. At the time of licensure, the operator, employee, and substitute(s) shall have on
- 1032 file a ~~statement attesting~~ medical certification that they are physically qualified to
- 1033 care for children. This medical ~~statement~~ certification shall be completed within
- 1034 the preceding six (6) months by a person given authority by Florida Statutes to
- 1035 perform medical examinations. The medical certification shall include ~~E~~evidence
- 1036 of freedom from tuberculosis, as indicated by an approved TB risk assessment
- 1037 and/or an approved skin test or X-ray administered within the preceding six (6)
- 1038 months. The medical certification shall be provided upon initial licensure, and
- 1039 every two (2) years thereafter for the operator, employee, and substitutes, ~~and~~
- 1040 all adult
- 1041 2. The operator must provide medical certification of freedom from tuberculosis for all
- 1042 family and household members over the age of twelve (12) years. ~~Physical~~
- 1043 ~~examinations of the operator, and substitute shall be renewed every two (2) years.~~
- 1044 This certification shall be provided prior to initial licensure and every two (2) years
- 1045 thereafter.

1046 **D. SUPERVISION OF CHILDREN**

- 1047 1. At all times, which includes when the children are sleeping ~~and~~ or napping, the
1048 operator, employee, or authorized substitute shall remain responsible for the
1049 supervision of the children in care, and be capable of responding to the
1050 emergencies and needs of the children. During the hours of operation, children
1051 shall have adult supervision, which means watching and directing children's
1052 activities, both indoors and outdoors, and responding to each child's needs. The
1053 operator, employee, or substitute must be aware of the location and activities of
1054 each child at all times. The ~~operator~~ caregiver may not provide care for children
1055 for more than ~~42~~ 16 hours continuously per day or per twenty-four hour period.
- 1056 2. A child who has been placed in an isolation area due to illness must be within sight
1057 and hearing of the operator, employee, or authorized substitute at all times.
- 1058 3. The number of children in a family child care home at any given time is limited to
1059 the maximums set forth herein. Household members under the age of 13 years
1060 and children of any age who are in the operator's care and do not reside in the
1061 family child care home, are counted in the license capacity.
- 1062 4. During the hours of operation of the family child care home, social visits by friends
1063 and relatives should be carefully managed to prevent distraction of the
1064 caregiver(s) and resulting inadequate supervision of children in care. Relatives,
1065 neighbors, and other individuals who frequently visit the family child care home
1066 while children are in care are required to be screened.
- 1067 5. When necessary, and during overnight care, the operator shall use sufficient
1068 appropriately placed audio and/or visual electronic monitors to ensure the safety
1069 and comfort of children.
- 1070 6. While children are in care, alcohol use is prohibited within the family daychild care
1071 home and all outdoor areas of the home. No person while using, or who is under
1072 the influence of narcotics, alcohol, or other drugs, which impair their ability to
1073 provide supervision and safe child care, shall be an operator, substitute, or
1074 employee of a family daychild care home.

1075 **E. SUBSTITUTE/EMERGENCY ARRANGEMENTS**

- 1076 1. There shall be a written plan to provide at least one ~~(4)~~ other authorized adult, to be
1077 available to substitute for the operator in an emergency or on a temporary basis.
1078 This plan shall include the name, address, and telephone number of the
1079 designated authorized substitute(s), and shall be furnished to the parent. In the
1080 absence of the family daychild care operator, the substitute may serve as a
1081 temporary replacement for the operator. For the purposes of this section, the term
1082 "temporary" shall be considered on a case-by-case basis, but in no event shall this
1083 period exceed fifteen (15) consecutive days.
- 1084 2. ~~The substitute(s) shall hold current certification in CPR and First-Aid. The facility~~
1085 operator shall advise the Department in writing of any change in substitute or the
1086 number of hours the substitute(s) work(s) in their home, within five (5) days of
1087 such change occurring.
- 1088 3. The operator of the family day child care home must sign a statement attesting to the
1089 number of hours the substitute(s) work(s) in their home. This shall be maintained
1090 and kept up-to-date on file at the facility.
- 1091 4. It is the intent of these Rules that the operator be the primary caregiver for children in
1092 care during the hours of operation of the family day child care ~~facility~~ home. During
1093 the operating hours of the facility, the substitute(s) shall not provide care to
1094 children on a regular basis, as in such case, the operator is not the primary
1095 caregiver. The operator shall maintain accurate and current records of the times
1096 the substitute worked in the home each. These records shall be maintained for a
1097 period of not less than one year.
- 1098 5. An individual may serve or be listed as a substitute for more than one licensed family
1099 day child care provider or child care facility.
- 1100 6. An individual shall not serve as a substitute in excess of 40 hours per month on
1101 average ~~during a twelve (12)~~ over a six-month period in any ~~one~~ single family day

1102 child care home for which they have been identified as the designated substitute.
1103 In addition, a substitute may not provide care for children for more than 12 hours
1104 continuously per day or per twenty-four hour period.

1105 7. A licensed family day child care provider with an operational family day child care
1106 home, shall not serve as substitute for another family daychild care provider, or
1107 child care facility. A current director of a child care facility shall not serve as
1108 substitute for a family child care home during the hours of operation of the child
1109 care facility.

1110 8. ~~A licensed family day care provider, with a non-operational family day child care~~
1111 ~~home (no children currently enrolled), An inactive provider may serve as a~~
1112 ~~substitute for a single only one child care facility or may serve as substitute for~~
1113 ~~one (1) of up to two (2) other family daychild care facilities operators, provided that~~
1114 ~~each of these other family day child care operators has at least one (1) other~~
1115 ~~substitute that is not a licensed family day child care provider. In the event that a~~
1116 ~~licensed family day child care provider intends to serves as a substitute at a child~~
1117 ~~care facility or serves for another family daychild care substitute home, the~~
1118 ~~provider shall notify the Department of the following in writing:~~

- 1119 a. The status of the licensed family day child care home and date that the
1120 facility provider became non-operational inactive;
- 1121 b. The names of the child care facility or family day child care home(s) where
1122 the provider will be serving as a substitute;
- 1123 c. The date that the provider's family day child care home returns to
1124 operational status, at least seven (7) business days before the resumption of
1125 operation.

1126

1127 **ARTICLE VII - BACKGROUND AND SCREENING REQUIREMENTS**

1128 A. In accordance with Chapter 435, Florida Statutes, as amended or replaced, each
1129 operator, substitute, employee, family member, household member, and volunteer of a
1130 family child care home or large family child care home shall be screened and cleared
1131 using the standards for screening set forth in that Chapter. Standards for screening
1132 shall also ensure that the person has not been judicially determined to have committed
1133 abuse or neglect against a child as defined in, § 39.01, Florida Statutes, as amended
1134 or replaced. A family child care home or large family child care home shall not be
1135 licensed or re-licensed until the Department receives proof of background screening
1136 clearance on the operator, substitutes, employees, and on all other household and
1137 family members who are subject to screening pursuant to Section 402.313 or
1138 402.3131, Florida Statutes. Screening includes the following:

1139 1. Level 2 screening as defined in Section 435.04, F.S., includes at a minimum
1140 Federal Bureau of Investigations (FBI), Florida Department of Law Enforcement
1141 (FDLE), and, if applicable, local law enforcement (Palm Beach County Sheriff's
1142 Office (PBSO)) criminal records checks. For the purpose of issuing a license, any
1143 out-of-state criminal offense, which if committed in Florida, would constitute a
1144 disqualifying felony offense, shall be treated as a disqualifying felony offense for
1145 screening purposes under this rule.

1146 2. ~~G.~~ Consideration of Applicant's History –

1147 The Department shall include on the application for a family day child care or large
1148 family child care license a question asking the applicant, owner, or operator if any
1149 such person has ever had a license denied, revoked, or suspended in any state or
1150 jurisdiction or has been the subject of a disciplinary action or has been fined as the
1151 operator of a family day child care facility home or while owning, operating or
1152 employed at a child care facility. The applicant, owner, or operator shall attest to
1153 the accuracy of the information requested under penalty of perjury. If the applicant,
1154 owner, or operator admits that he/she has been a party in such action, the Council
1155 Department shall review the nature of the suspension, revocation, disciplinary
1156 action, or fine before granting the applicant a license to operate a family day child
1157 care facility home. If the Council Department determines as the result of such
1158 review that it is not in the best interest of the State or County for the applicant to be

- 1159 licensed or obtain a license shall not be granted in accordance with the procedures
 1160 set forth in Article V (A) herein.
- 1161 3. An employment history check must include the previous five years, which shall
 1162 include the applicant's job title and a description of his/her regular duties,
 1163 confirmation of employment dates, and level of job performance. Failed attempts
 1164 to obtain the employment history must be documented in the personnel file, and
 1165 include dates, times, and the reason the information was not obtained.
- 1166 4. A Child Care Affidavit of Good Moral Character must be completed for all family
 1167 child care personnel in accordance with the Department's screening procedures.
 1168 The Affidavit of Good Moral Character form may be obtained from the Department.
- 1169 a. B.—All personnel must be of good moral character in order to operate a family
 1170 daychild care home as determined through Level 2 screening and background
 1171 checks conducted as provided in Chapter 435, F.S., as amended or replaced.
 1172 All personnel of the facility must attest, under penalty of perjury they have
 1173 complied with the minimum standards of good moral character as contained in
 1174 Section 435.04, F. S., as amended or replaced.
- 1175 b. C.4. An Affidavit of Good Moral Character shall be completed and notarized
 1176 annually for the operator, household members eighteen (18) years of age or
 1177 older, employees, and substitutes.
- 1178 c. D. Factors to be considered in determining good moral character shall include
 1179 the following minimum requirements: G good moral character based upon
 1180 screening. Such minimum standards for screening shall ensure that no child
 1181 care personnel at a family day child care facility home have been found guilty
 1182 of, regardless of adjudication, or entered a plea of *nolo contendere* or guilty to
 1183 any offense or felony prohibited under any of the following provisions of the
 1184 Florida Statutes, or under a similar statute of another jurisdiction: disqualifying
 1185 offenses listed in section 435.04, Florida Statutes, or on the current form
 1186 containing the Affidavit of Good Moral Character.
- 1187 i. For purposes of this subsection, a finding of delinquency, or a plea of
 1188 *nolo contendere* or other pleas amounting to an admission of guilt to
 1189 a petition alleging delinquency pursuant to Part II of Chapter 39 F.S.,
 1190 as amended or replaced, or similar statutes of other jurisdictions, for
 1191 any of the foregoing acts, has the same effect as a finding of guilt,
 1192 regardless of adjudication or disposition.
- 1193 ii. Standards for screening shall also ensure that the person has not
 1194 been judicially determined to have committed abuse or neglect
 1195 against a child as defined in Section 39.01(2) and (37), as amended
 1196 or replaced;
- 1197 5. Evidence of screening clearance and compliance with this article shall be
 1198 maintained at the facility and be available for inspection by the Department. The
 1199 Department is authorized to prescribe the frequency and the forms for regularly
 1200 submitting proof of compliance with this Article.
- 1201 6. Falsification, forgery, misrepresentation, or significant omission of applicant
 1202 information for background screening or results of background screening constitute
 1203 grounds for denial or revocation of a license to operate a family child care home in
 1204 Palm Beach County. Furthermore, on finding evidence that any child care
 1205 personnel or owner of a family child care home, large family child care home, or
 1206 child care facility has falsified, forged, misrepresented, or omitted significant
 1207 information from any background screening documents, the Department shall refer
 1208 such personnel or owner to the Child Care Advisory Council for a determination as
 1209 to their exclusion from owning, operating, or being employed by a family child care
 1210 home or child care facility in Palm Beach County, in keeping with section
 1211 402.3055(2), Florida Statutes.
- 1212 7. A At the time application is made for a license, all personnel of a family day child
 1213 care home shall submit to the Department a complete set of fingerprints taken by
 1214 an authorized law enforcement agency all background screening documentation
 1215 required for a Level 2 background screening including documents required

Moved
1 above

1216 ~~pursuant to Article IV(B)(4) above. For the purpose of issuing a license, any out-of-state~~
1217 ~~criminal offense, which if committed in Florida, would constitute a disqualifying felony offense, shall~~
1218 ~~be treated as a disqualifying felony offense for screening purposes under this rule.~~
1219 ~~Any new personnel not screened at the time of licensure shall, within five working days after coming~~
1220 ~~within the provisions of these Rules, submit to the facility a complete set of fingerprints taken by an~~
1221 ~~authorized law enforcement agency or an employee of the Department who is trained to take~~
1222 ~~fingerprints. The facility is responsible for submitting said fingerprints to the Department within forty-~~
1223 ~~eight (48) hours of receipt.~~

1224 ~~The Department shall review the record of the person being screened with respect~~
1225 ~~to the crimes contained in Section 435.04(2), F.S., as amended or replaced, and~~
1226 ~~shall notify the facility of its findings.~~

1227 8. The Department of Children and Families ~~or~~ and the Department shall conduct the
1228 screening and background checks for operators, employees, substitutes, family
1229 and household members. The screening and background checks include:

- 1230 a. A one time employment history check for the previous ~~two (2)~~ five years,
- 1231 b. Three (3) letters of reference, two (2) of which must be from persons not
1232 related to the applicant,
- 1233 c. If applicable, Juvenile Records Check through the Florida Department of
1234 Law Enforcement,
- 1235 d. ~~an Information Caretaker Background Screening Form~~ Local arrest
1236 history check through the Palm Beach County Sheriff's Office,
- 1237 e. Statewide criminal history check through the Florida Department of Law
1238 Enforcement, and
- 1239 f. Federal criminal records check through the Federal Bureau of
1240 Investigation. The federal criminal records checks require the
1241 submission of electronic fingerprints through an approved Live Scan
1242 provider.

1243 9. ~~F.~~The costs of processing fingerprints and the state and local criminal records
1244 checks shall be borne by the applicant or the personnel being screened.

1245 10.When disposition information is missing on a criminal record, it shall be the
1246 responsibility of the person being screened, upon request of the Department or the
1247 Department of Children and Families, to obtain and supply ~~within thirty (30) days~~
1248 the missing disposition information to the Department within thirty (30) days.

1249 B. Additions and exemptions to the screening and background checks are as follows:

1250 1. Every member of the family ~~daychild~~ care home operator's family and every person
1251 residing in the family ~~daychild~~ care home must be screened in the same manner as
1252 defined in ~~Article VII C.~~ of these Rules. If such individuals are between the ages of
1253 twelve (12) and seventeen (17) years, the individuals are not required to be
1254 fingerprinted but shall be screened for delinquency records through the Florida
1255 Department of Law Enforcement. Individuals under twelve (12) years of age are
1256 not required to be screened.

1257 ~~2. Those persons providing substitute care in the absence of the family day care~~
1258 ~~home operator must be screened in the same manner as defined in Article VII, C.~~
1259 ~~of these Rules.~~

1260 2. ~~3-~~Rescreening Required:
1261 Every five (5) years Level 2 re-screening is required for all adult personnel and
1262 household/family members, and a statewide ~~correspondence~~ criminal records
1263 check ~~and an annual local records check is to be submitted to the Department~~ is
1264 required for all juvenile household/family members.

1265 3. An annual local arrest history check is required for all personnel and household
1266 members. The request for this check must be submitted through the Department.

1267 ~~4. An Affidavit of Good Moral Character shall be completed and notarized annually for~~
1268 ~~the operator, household members eighteen (18) years of age or older, employees, and~~
1269 ~~substitutes.~~

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1270 D. ~~Factors to be considered in determining good moral character shall include the~~
1271 ~~following minimum requirements:~~

1272 ~~Good moral character based upon screening. Such minimum standards for screening~~
1273 ~~shall ensure that no child care personnel at a family day care facility have been found~~
1274 ~~guilty of, regardless of adjudication, or entered a plea of *nolo contendere* or guilty to~~
1275 ~~any offense or felony prohibited under any of the following provisions of the Florida~~
1276 ~~Statutes, or under a similar statute of another jurisdiction:~~

1277 ~~Section: 393.135 relating to sexual misconduct with certain developmentally~~
1278 ~~disabled clients~~

1279 ~~Section: 394.4593 relating to sexual misconduct with certain mental Health~~
1280 ~~patients~~

1281 ~~Section: 415.111 adult abuse, neglect, or exploitation of aged persons or~~
1282 ~~disabled adults~~

1283 ~~Section: 741.30 domestic violence and injunction for protection (defined in~~
1284 ~~741.28) means any assault, aggravated assault, battery, aggravated battery,~~
1285 ~~sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false~~
1286 ~~imprisonment, etc. of a family or household member~~

1287 ~~Sections: 782.04 murder~~

1288 ~~782.07 manslaughter, aggravated manslaughter of an elderly~~
1289 ~~person or disabled adult, or aggravated manslaughter of a child~~

1290 ~~782.071 vehicular homicide~~

1291 ~~782.09 killing an unborn child killing an unborn child by injury to the mother~~

1292 ~~Sections: 784.011 assault, if the victim of assault, if the victim of offense was a~~
1293 ~~minor~~

1294 ~~784.021 aggravated assault~~

1295 ~~784.03 battery, if the victim of battery, if the victim offense~~
1296 ~~was a minor~~

1297 ~~784.045 aggravated battery~~

1298 ~~784.075 battery on a detention battery on a detention or commitment facility staff~~

1299 ~~Sections: 787.01 kidnapping~~

1300 ~~787.02 false imprisonment~~

1301 ~~787.04(2) taking, enticing, or removing a child beyond the state limits with~~
1302 ~~criminal intent pending custody proceedings~~

1303 ~~787.04(3) carrying a child beyond the state lines with criminal intent to avoid~~
1304 ~~producing a child at a custody hearing or delivering the child to the designated~~
1305 ~~person~~

1306 ~~Sections: 790.115(1) exhibiting firearms or weapons within 1,000 feet of a school~~

1307 ~~790.115(2)(b) possessing an electric weapon or device, destructive device, or other~~
1308 ~~weapon on school property~~

1309 ~~Sections: 794.011 sexual battery~~

1310 ~~794.041 prohibited acts of persons in familial or custodial authority (former)~~

1311 ~~Chapter: 796 Prostitution~~

1312 ~~Section: 798.02 lewd and lascivious behavior~~

1313 ~~Chapter: 800 lewdness and indecent exposure~~

1314 ~~Section: 806.01 arson~~

1315 ~~Chapter: 812 felony theft and/or robbery and related crimes, if a felony~~

1316 ~~Section: 817.563 fraudulent sale of controlled substances, if the offense was a~~
1317 ~~felony~~

- 1318 ~~Sections: 825.102 — abuse, aggravated abuse, or neglect of disabled adults or~~
1319 ~~elderly persons~~
- 1320 ~~825.1025 — lewd or lascivious offenses committed upon or in the presence of an~~
1321 ~~elderly person or disabled adult~~
- 1322 ~~825.103 exploitation of disabled adults or elderly persons, if the offense was a felony~~
- 1323 ~~Section: 826.04 — incest~~
- 1324 ~~Sections: 827.03 — child abuse, aggravated child abuse, or neglect of a child~~
- 1325 ~~827.04 — contributing to the delinquency or dependency of a child~~
- 1326 ~~827.05 — negligent treatment of children~~
- 1327 ~~827.071 sexual performance by a child~~
- 1328 ~~Sections: 843.01 — resisting arrest with violence~~
- 1329 ~~843.025 depriving an officer means of protection or communication~~
- 1330 ~~843.12 — aiding in an escape~~
- 1331 ~~843.13 — aiding in the escape of juvenile inmates in correctional institution~~
- 1332 ~~Chapter: 847 — obscene literature~~
- 1333 ~~Section: 874.05(1) — encouraging or recruiting another to join a criminal gang~~
- 1334 ~~Chapter: 893 — drug abuse prevention and control only if the offense was a felony or~~
1335 ~~if any other person involved in the offense was a minor~~
- 1336 ~~Section: 916.0175 — relating to sexual misconduct with certain forensic clients~~
- 1337 ~~Sections: 944.35(3) — inflicting cruel or inhuman treatment on an inmate resulting in~~
1338 ~~great bodily harm~~
- 1339 ~~944.46 — harboring, concealing, or aiding an escaped prisoner~~
- 1340 ~~944.47 — introduction of contraband into a correctional facility~~
- 1341 ~~Sections: 985.4045 — sexual misconduct in juvenile justice programs~~
- 1342 ~~985.4046 — contraband introduced into detention facilities~~
- 1343 4. Exemption from Disqualification
- 1344 a. Pursuant to Section 435.07, Florida Statutes, as amended or replaced, the
1345 Department of Children and Families, may grant to any person an exemption
1346 from disqualification from working with children or the developmentally disabled.
1347 for the following:
- 1348 ~~(a) Felonies committed more than three (3) years prior to date of disqualification.~~
1349 ~~For the purpose of this subsection, the term “felonies” means both felonies~~
1350 ~~prohibited under any of the Florida Statutes cited in this chapter or under similar~~
1351 ~~statutes of other jurisdictions;~~
- 1352 ~~(b) Misdemeanors prohibited under any of the Florida Statutes cited in this~~
1353 ~~subsection or under similar statutes of other jurisdictions;~~
- 1354 ~~(c) Offenses which were a felony when committed but are now a misdemeanor;~~
- 1355 ~~(d) Findings of delinquency as specified in this subsection;~~
- 1356 ~~(e) Commissions of acts of domestic violence as defined in §§ 741.30 F.S., as~~
1357 ~~amended or replaced.~~
- 1358 b. ~~f.~~ Exemptions granted by one licensing agency shall be considered by
1359 subsequent licensing agencies, but are not binding on the subsequent licensing
1360 agency.
- 1361 c. In order to grant an exemption to a person, the Department of Children and
1362 Families must have clear and convincing evidence to support a reasonable
1363 belief that the person is of good moral character so as to justify an exemption.
1364 Persons seeking exemption have the burden of setting forth sufficient evidence
1365 of rehabilitation.

- 1366 5. E. While children are in care, alcohol use is prohibited within the family day care
1367 home and all outdoor areas of the home. No person while using, or who is under
1368 the influence of narcotics, alcohol, or other drugs, which impair their ability to
1369 provide supervision and safe child care, shall be an operator, substitute, or
1370 employee of a family day care home. No person shall be an operator, substitute,
1371 or employee of a family daychild care home who:
- 1372 a. 1. Is a habitual or excessive user of alcohol.
1373 b. 2. Illegally uses narcotics or other impairing drugs.
1374 c. 3. Has a confirmed report of adult and/or child abuse, neglect or exploitation
1375 as defined in Section ~~§§ Chapter 415, F.S.~~ Chapter 39, F.S., as amended or
1376 replaced.
1377 d. 4. Has falsified license application information.
1378 e. Has falsified screening application information or screening results
1379 documentation.

1380 **ARTICLE VIII - PHYSICAL FACILITY**

1381 **A. GENERAL**

- 1382 1. All local building and fire, health, and licensing requirements must be met and
1383 maintained. Approval of applicable Building and Fire Departments is mandatory prior
1384 to licensure, unless specifically exempted herein. The family daychild care operator
1385 shall advise the Department in writing of any change to the home or premises
1386 requiring a permit, and shall provide a set of related floor plans and/or site plans to the
1387 Department for review and approval prior to such changes being made.
- 1388 2. The family daychild care home shall have lighting to allow direct supervision of
1389 children, and safe entering and exiting each room. At all times lighting must be
1390 sufficient to visually observe and supervise children, including during naptime.
- 1391 3. Electrical outlets shall be capped when not in use. Electric wiring shall not be placed
1392 so that it presents a tripping hazard. Extension cords shall not be used as permanent
1393 wiring. In addition, electrical power cords shall not be readily accessible to children.
- 1394 4. Portable electric fans shall be screened and out of the children's reach.
- 1395 5. Household pets, animals or fowl, must be free of disease, and properly immunized, if
1396 immunizations are available for the type of animal, pet or fowl. Documentation of
1397 such immunization shall be maintained, kept current, and be made available to the
1398 Department upon request.
- 1399 a. In addition, license documentation shall be maintained, kept current, and
1400 be made available to the Department for any animal, pet or fowl that is
1401 required to be licensed.
- 1402 b. Any animal which according to the records of the Palm Beach County
1403 Animal Care and Control Services Division has bitten a human more than
1404 once, or has exhibited aggressive behavior, or has been declared
1405 dangerous pursuant to Palm Beach County Animal Care and Control
1406 Ordinance 98-22, as amended or replaced, or any comparable law, shall
1407 not be on the property of the family daychild care home.
- 1408 c. At the time of enrollment of children, the operator must inform the parent in
1409 writing about all pets or animals on the premises of the family child care
1410 home. Thereafter, the parents must be informed about any new pets on the
1411 premises while children are in care.
- 1412 d. It is the responsibility of the operator or authorized substitute(s) to ensure
1413 that children do not come into contact with animals that might endanger a
1414 child's safety. Large or potentially dangerous animals shall remain leashed
1415 or otherwise restrained in a secured enclosure away from contact with
1416 children in care. For the purposes of this section, a secured enclosure shall
1417 mean a locked pen or structure constructed to prevent an animal from
1418 escaping over, under or through the enclosure. The enclosure shall have
1419 secure sides and a top, pursuant to Palm Beach County Animal Care and
1420 Control Ordinance 98-22, as amended or replaced.

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- 1421 6. All areas, surfaces or items accessible to children shall be free of toxic substances
1422 and hazardous materials including lead paint. This includes outer surfaces of
1423 buildings, fences or play equipment.
- 1424 a. All cleaning supplies and other potentially poisonous or dangerous supplies
1425 shall be plainly labeled. Such products shall be stored in a key locked
1426 cupboard, box or cabinet, or be absolutely inaccessible to children in care,
1427 unless actively in use by the family ~~daychild~~ care provider or substitute.
- 1428 b. Purses of family ~~daychild~~ care personnel shall be inaccessible to children.
- 1429 c. Any product that bears a warning on the label KEEP OUT OF THE REACH
1430 OF CHILDREN, or words or symbols to that effect, shall be presumed to be
1431 potentially poisonous or dangerous.
- 1432 d. There shall be a separate key-locked storage area or container for
1433 medicines.
- 1434 7. Any containers of alcohol, including liquor and wines, shall be stored out of the reach
1435 of children. In addition to these items, knives and sharp tools shall be stored in
1436 locations inaccessible to the children in care, and shall be stored in a fashion that
1437 sharp edges are not readily accessible upon opening their storage areas.
- 1438 8. Products that produce irritating odors or toxic fumes shall not be used while children
1439 are present. These include candles, plug-in and aerosol air fresheners, cleaning
1440 agents, and disinfectants.
- 1441 9. Hygienic Food handling procedures and a safe environment must be provided to
1442 insure ensure the health, safety, and comfort of the children.
- 1443 10. Pursuant to Chapter 386, Florida Statutes, during the hours of operation, while
1444 children are in care, smoking is prohibited within the family ~~daychild~~ care home, and
1445 all outdoor play areas. Secondhand smoke can be especially harmful to children's
1446 health because their lungs still are developing. All family ~~daychild~~ care home
1447 operators shall inform parents/guardians if someone living in the home smokes
1448 tobacco or nicotine products. This notification to each parent/guardian is required to
1449 be in writing prior to enrollment of each child. Proof of the notification must be
1450 maintained with the enrollment records in each child's file. The caregiver must take
1451 all necessary precautions to prevent children from being exposed to secondhand
1452 smoke which can endanger their health.
- 1453 11. The home must have proper ventilation and a safe and approved source of heat. An
1454 inside temperature of 72° to 82° Fahrenheit must be maintained at all times during
1455 operation of the facility. A reliable thermometer shall be provided in a major indoor
1456 area of the facility.
- 1457 12. Space heaters, and non-vented open flame heaters are prohibited. Fire places shall
1458 be vented. Heaters and fireplaces shall be shielded so that they present no danger
1459 and a child cannot come in contact with the surface.
- 1460 13. Family ~~daychild~~ care ~~facilities~~ homes shall be located on well-drained sites, easily
1461 accessible by vehicles. They shall not be located where excessive noise, odors, dust,
1462 smoke, other air pollutants, or traffic may interfere with the children's comfort.
- 1463 14. The family ~~daychild~~ care ~~facility~~ home is to be located either on the first (1st) floor at
1464 ground level only, or: on the first (1st) two (2) floors (ground level plus one {1}) if
1465 located in a single family dwelling unit.
- 1466 15. ~~All facilities~~ homes shall have at least one (1) exit, and a second (2nd) means of
1467 escape from each level. The second (2nd) means of escape shall consist of either a
1468 door leading outside at or to ground level, or an outside window which can be opened
1469 from the inside without the use of tools to provide a clean opening of not less than
1470 twenty inches (20") in width and twenty-four inches (24") in height with a minimum of
1471 5.7 square feet in area. The bottom of the opening cannot be more than forty-four
1472 inches (44") above the floor of the room.
- 1473 16. Infants and other preschool children shall be permitted on the first floor (ground level)
1474 only.
- 1475 ~~Exception – Infant care shall be permitted on the first (1st) floor (ground level) only.~~

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1476 ~~15. All facilities shall develop and post, in a conspicuous location, a written Emergency~~
 1477 ~~Evacuation Plan to be used during emergencies and fire drills. This Emergency~~
 1478 ~~Evacuation Plan shall include a diagram of safe routes by which family day care~~
 1479 ~~personnel and children may exit each area of the facility in the event of fire or other~~
 1480 ~~emergency requiring evacuation. Fire drills shall be conducted monthly, using the~~
 1481 ~~Emergency Evacuation Plan, and shall be conducted at various times when children~~
 1482 ~~are in care. Documentation showing the date, number of children in attendance, and~~
 1483 ~~time taken to evacuate the premise shall be maintained and kept on file for one (1)~~
 1484 ~~year.~~

1485 17. ~~16.~~ All buildings shall be rodent proof and all openings to the outer air shall be
 1486 effectively screened. The building and premises shall be free of rodents and vermin.
 1487 Should they occur at the facility, rodents and vermin shall be exterminated. Pest
 1488 control shall not take place while the facility is occupied by children in care.

1489 18. ~~17.~~ There must be at least one operable corded landline or Voice over Internet
 1490 Protocol (VoIP) telephone in the facility home and, if conditions indicate, additional
 1491 telephone or extensions to summon help in case of fire or other emergencies. The
 1492 phone shall be operable even in the event of a power outage in the home.

1493 a. Telephone systems that work only when a computer is turned on and
 1494 internet connection is established are not acceptable to meet this
 1495 requirement.

1496 b. Coin operated and locked telephones shall be prohibited.

1497 c. Telephones shall be located so as to be easily accessible from all parts of
 1498 the building during the hours that family day child care home operates.

1499 d. Family ~~day~~ child care homes that have a swimming pool or spa on the
 1500 premises, shall also have a telephone located in the area of the pool or spa.

1501 e. The family ~~day~~ child care home operator shall advise the Department
 1502 immediately in the event that there is a change to the facility phone number.

1503 f. All emergency telephone numbers including, but not limited to, fire, police,
 1504 poison control center, ambulance, Florida Abuse Registry, and the
 1505 Department, and the address of and directions to the family ~~day~~ child care
 1506 home, shall be posted on or near all phones and shall be used to respond to
 1507 emergencies to protect the health, safety, and well-being of any child in
 1508 care.

1509 g. To meet the immediate needs of the child, family ~~day~~ child care home
 1510 operators shall call 911 or other emergency numbers in the event of an
 1511 emergency.

1512

Regional Poison Control Center	Tampa General Hospital 1-800-282-3171 National Poison Control Hotline. If 1-800 is busy, call (813) 253-4444 OR the National Poison Control Center
National Poison Control Center	1-800-222-1222
Emergency Number (Fire, Police, & Medical Emergencies)	911
Florida Abuse Hotline	1-800-96-ABUSE or 1-800-962-2873

<p>Florida Department of Health/ Palm Beach County Health Department</p> <p style="text-align: center;"><u>Answering Service</u> <u>After Hours/</u> <u>Nighttime &</u> <u>Weekends</u></p>	<p>North & Central County Area: 561-<u>837-5900</u> 355-3018</p> <p>South County Area: 561-274- 3187</p> <p>Far West & Glades Area: 561-966-1633</p> <p><u>561-881-1888</u></p>
<p>A.G. Holley Hospital</p>	<p>561-582-5666</p>
<p>Palm Beach County <u>Emergency Operations Center</u> <u>(EOC) E.O.C.</u> <u>(Emergency Operations</u> <u>Center)</u></p>	<p>561-712-6400</p>

1513

1514 19. ~~18~~-Water Supply - There shall be an adequate supply of potable water, meeting the
1515 quality standards of Chapter ~~17-22, Florida Administrative Code, Chapters 62-55-, 62-~~
1516 ~~555, and 64D-8, Florida Administrative Code, as amended or replaced, and~~
1517 Standards of Palm Beach County as adopted under Palm Beach County Ordinance
1518 ~~78-5 and subsequent revisions.~~ Environmental Rule II.

1519 a. Plumbing and water supply distribution shall meet applicable requirements of the
1520 Florida Building Code, and local building requirements.

1521 b. Hot water under pressure shall be provided in the food preparation and utensil
1522 washing areas.

1523 c. Potable drinking water shall be available to children of all ages at all times. If
1524 disposable cups are used they must be discarded after each use.

1525 20. ~~19.~~ Waste Disposal - All sewage shall be disposed of as required by Chapter 64E-6,
1526 Florida Administrative Code, as amended or replaced, and Palm Beach County
1527 Environmental Control Rule One (1) Unified Land Development Code, Article 15, as
1528 amended or replaced.

1529 21. ~~20.~~ Firearms shall be kept unloaded in a locked closet or cabinet and out of the reach
1530 of children, and shall be in compliance with §§ s. 790.174 F.S., as amended or
1531 replaced. Ammunition shall be stored separately from firearms and under key lock.
1532 Firearm cases or racks shall be key locked to prevent removal of firearms by children,
1533 and shall not be housed in areas of the home used for the care of children. As
1534 required by Florida Statute, section 790.174, as may be amended, and Florida
1535 Administrative Code 65C-13.030 and 65C-20.010, as may be amended, a person who
1536 stores or leaves, on a premise under his or her control, a loaded firearm, as defined in
1537 Florida Statute, section 790.001, and who knows or reasonably should know that a
1538 minor is likely to gain access to the firearm without the lawful permission of the
1539 minor's parent or the person having charge of the minor, or without the supervision
1540 required by law, shall keep the firearm in a securely locked box or container or in a
1541 location which a reasonable person would believe to be secure or shall secure it with
1542 a trigger lock. To the extent prohibited by Florida Administrative Code 65C-20.010
1543 (1)(d), no firearms or weapons as defined in Section 790.001 Florida Statutes, shall
1544 be kept upon any person located on the premise, excluding federal, state or local law
1545 enforcement officers.

1546 **B. INDOOR SPACE**

1547 There shall be a collective minimum of thirty-five (35) square feet per child of usable
1548 activity space exclusive of semi-permanent appliances and fixtures, including but not
1549 limited to refrigerators, stoves, countertops, built in cabinetry, bathrooms, and
1550 passageways. Kitchens, offices, laundry rooms, storage areas, and other areas not
1551 used in normal day-to-day operations are not included in determining usable indoor

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1552 floor space. Facilities licensed prior to October 1, 1992, not meeting this requirement
1553 (of 35 square feet per child) as of October 1, 1992, shall be exempt from this
1554 requirement.

1555 C. OUTDOOR SPACE

1556 There shall be adequate outdoor space on the premises. Children must be under
1557 direct adult supervision when playing outdoors. The outdoor play area shall be clean,
1558 free of litter, nails, glass, and other obvious hazards. All equipment shall be safely
1559 installed and properly maintained. All equipment shall be free of sharp and jagged
1560 edges, protruding bolts and nails that can cause entanglement, and openings that can
1561 cause entrapment of a child's head. Sand or sawdust boxes used in outdoor play
1562 areas shall be constructed to allow for drainage, and maintained in a safe and
1563 sanitary condition. These are to be covered at all times when not in use.

1564 1. All family daychild care applicants shall submit site plans for review. Licensure
1565 shall be subject to plan approval.

1566 2. The outdoor play space shall be fenced, a minimum of four (4) feet in height.

1567 3. The play area shall have adequate sun, with provision for shade in warm weather.

1568 4. Water Hazards:

1569 a. Water hazards, including but not limited to lakes, ditches, ponds, brooks,
1570 canals, wading pools, except sit pools, shall be fenced (minimum height of four
1571 {4} feet) and key locked to keep the water hazards out of reach of children.

1572 b. Removable pool fences, where provided, shall be installed by the manufacturer
1573 or licensed contractor. Sit pools used in accordance with these Regulations
1574 specified in Article VIII.C.5. shall not be classified as a water hazard.

1575 c. The operation of a family day child care facility at a home with a swimming pool,
1576 hot tub or spa is prohibited, if the following requirements are not met:-
1577 Exception:

1578 i. All in-ground swimming pools and above-ground swimming pools, shall
1579 have either a fence or barrier on all four sides, a minimum of four (4) feet
1580 in height, separating the home house or other structures from the
1581 swimming pool. The fence or barrier may not have any gaps or openings
1582 that could allow a young child to crawl under, squeeze through, or climb
1583 over the barrier.

1584 ii. All spas and hot tubs must meet the same barrier requirements for in-
1585 ground and above-ground swimming pools, or instead, spas and hot tubs
1586 may be covered with a safety cover, as defined in Section 515.25(1), F.S.,
1587 as amended or replaced, that complies with ASTM F1346-91 (Standard
1588 Performance Specification for Safety Covers and Labeling Requirements
1589 for All Covers for Swimming Pools, Hot Tubs, and Spas, as amended or
1590 replaced) at all times when children are in care.

1591 iii. The exterior wall of the home, if it has ingress and egress, does not
1592 constitute a fence or barrier.

1593 iv. All doors or gates in the fence or barrier shall be locked at all times when
1594 children are in care and when the pool is not being used by the children in
1595 care.

1596 v. All doors or egresses from the house that provide access to pool or spa
1597 shall be equipped with an alarm device that sounds whenever the door or
1598 egress is opened. The alarm devices must be maintained in proper
1599 working condition at all times.

1600 vi. In addition to the fence, or barrier, the family daychild care home operator
1601 shall ensure that all exterior doors leading to the pool, spa, or hot tub area
1602 remain locked at all times while children are in care. Barriers may be
1603 temporary in nature but must be sturdy and meet all the above
1604 requirements and be in place during all times when children are in care.

1605 vii. The wall of an aboveground swimming pool may be used as its barrier;
1606 however, such structure must be at least four (4) feet in height. In no

1607 event shall a screened enclosure serve as a barrier. In addition, any
1608 ladder or steps that are the means of access to an aboveground pool must
1609 be removed at all times while children are in care and when the pool is not
1610 being used by the children in care.

1611 viii. ~~5.~~ Any swimming or wading pool used by children in care must be
1612 constructed and operated in compliance with Chapter 64E-9, of the Florida
1613 Administrative Code, "Public Swimming Pools and Bathing Places", as
1614 amended or replaced, and the Florida Uniform Building Code, as amended
1615 or replaced, and these Rules.

1616 ix. ~~6.~~ If the family daychild care home uses a swimming pool, it shall be
1617 maintained by using chlorine or other suitable chemicals.

1618 d. ~~7.~~ Sit Pool - A pool designed for, and used by children for purposes of play.
1619 Said pool shall have a diameter of no more than five (5) feet and depth of less
1620 than one (1) foot. Water in sit pools must be completely changed every two (2)
1621 hours. Said pools shall be cleaned with a bleach solution between uses. When
1622 not in use, said pool must be emptied and stored in a secure area separate
1623 from the children's play area, in manner so as not to collect standing water.
1624 When in use, the operator or authorized substitute must constantly and directly
1625 supervise the children using the pool.

1626 **D. SLEEPING AND NAPPING SPACE**

1627 1. Each home must include a designated area where each child can sit quietly or lie
1628 down to rest or nap.

1629 2. Infants up to the age of twelve (12) months must nap or sleep in cribs with sides.
1630 Cribs must meet the construction regulations as outlined in Title 16, Parts ~~4508 &~~
1631 ~~4509, 1219 & 1220~~ Code of Federal Regulations, December 28, 2010, which is
1632 incorporated by reference. A copy may be obtained from the Department of
1633 Children and Families website, www.myflorida.com/childcare, or from the following
1634 link <http://www.flrules.org/Gateway/reference.asp?No=Ref-03038>. ~~as amended or~~
1635 ~~replaced.~~ Sturdy playpens may be substituted for cribs. The sides must be raised
1636 and secured while an infant is in the crib or playpen. Cribs and playpens with
1637 bases which rest on the floor shall not be used. No double or multi decked cribs,
1638 cots or beds may be used. Exception: previously licensed facilities utilizing multi-
1639 decked cribs prior to the effective date of these rules, may continue to use them,
1640 provided that they are used in accordance with manufacturer's specifications, and
1641 such specifications are maintained on site at the facility and made available to the
1642 department upon request. ~~Such use may not continue beyond June 30, 2010.~~

1643 All cribs should meet the ASTM F1169-10a Standard Consumer Safety
1644 Specification for Full-Size Baby Cribs, F406-10b Standard Consumer Safety
1645 Specification for Non-Full-Size Baby Cribs/Play Yards, or the CPSC 16 CFR 1219,
1646 1220, and 1500 – Safety Standards for Full-Size Baby Cribs and Non-Full-Size
1647 Baby Cribs; Final Rule.

1648 Pillows and sleep positioners are prohibited in cribs or playpens, and shall not be
1649 used. Blankets, if used, shall be arranged so that infants' upper bodies remain
1650 visible to staff at all times. Crib bumpers and crib bumper pads shall not be used.

1651 3. When napping or sleeping, infants that are not capable of rolling over on their own
1652 should be positioned on their backs and on a firm surface to reduce the risk of
1653 Sudden Infant Death Syndrome (SIDS), unless an alternate position is authorized
1654 in writing by a physician. This documentation shall be maintained in the child's
1655 record.

1656 4. Children over 2 (two) years old may sleep on beds used by the family provided
1657 that a sheet solely for the use of each child covers the bedding. Bedding means a
1658 cot, crib, mattress, playpen or floor mat. Air mattresses and foam mattresses may
1659 not be used for napping.

1660 5. When napping, each child in care must be provided with safe and sanitary bedding
1661 and shall have a separate bed, cot, crib, playpen, or floor mat, except that two (2)
1662 sibling preschool children may share a double bed. If floor mats are used they
1663 shall be at least one inch thick and covered with an impermeable, easily cleanable

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- 1664 material. Bedding shall be sanitized at least daily or more frequently as needed.
1665 Cots and mats shall be sanitized on a weekly basis, or more frequently as needed,
1666 where individual cots and mats are assigned to specific children for use. In this
1667 case, the facility shall maintain on site a current record of bedding assignments.
- 1668 6. A minimum distance of eighteen (18) inches shall be maintained on all sides
1669 between individual napping spaces. Napping spaces shall not be designated in
1670 kitchens, bathrooms, utility rooms, or garages.
- 1671 7. If separate rooms are used for napping, the doors of these rooms shall remain
1672 open to enable the operator to provide adequate supervision and allow the
1673 operator to respond to emergencies and needs of the children.
- 1674 8. There shall be no more than two (2) rooms used for sleeping and said rooms shall
1675 be in close proximity to each other.

1676 **E. TOILET AND BATH FACILITIES**

- 1677 1. The home shall have at least one (1) toilet, and one (1) bathing facility and one
1678 (1) lavatory for hand washing provided with soap and towel(s). Each child shall
1679 have his own individually labeled towel and wash cloth if disposable towels and
1680 wash cloths are not used. If disposable towels are used, they shall be discarded
1681 after each use.
- 1682 2. For infants and other children in diapers, there shall be in addition at least one
1683 (1) portable infant seat or potty chair and one (1) portable bathing facility.
1684 These shall be kept in a sanitary condition and sanitized after each use. In
1685 addition, there shall be a diaper changing table, with an impermeable surface
1686 which is cleaned with a sanitizing solution after each use.
- 1687 3. Children shall be continuously supervised when bathing, being diapered or
1688 when changing clothes.

1689 **F. ISOLATION AREA**

1690 The home shall have an area for a child who becomes ill, where he or she is subject to
1691 close observation for any changes in condition. The designated isolation area shall be
1692 located on the ground floor.

1693 **G. EQUIPMENT**

- 1694 1. Indoor Equipment - The home shall have equipment and toys which are safe,
1695 age appropriate, and can be maintained in a safe and sanitary condition.
- 1696 2. Outdoor Equipment –
- 1697 a. There shall be play equipment to provide suitable and age- appropriate
1698 activities for the children. Play equipment shall be installed and used in
1699 accordance with the manufacturer’s instructions and specifications.
- 1700 b. All equipment shall be safely installed and maintained in a safe and sanitary
1701 condition.
- 1702 c. All equipment shall be free of sharp and jagged edges, protruding bolts and
1703 nails that can cause injuries or entanglement, and openings that can cause
1704 entrapment of a child’s head.
- 1705 d. Sand boxes or sawdust boxes used in outdoor play areas shall be constructed
1706 to allow for drainage, and maintained in a safe and sanitary condition. The
1707 boxes shall be covered at all times when not in use.
- 1708 e. Trampolines and bounce houses are prohibited for use by children during the
1709 hours of operation of the family child care home.
- 1710 f. The operator or substitute shall not allow children to use play equipment that is
1711 not age-appropriate, or is defective, broken, or otherwise unsafe for use by the
1712 children.

1713 **H. CLEANLINESS, AND ORDERLINESS, & GENERAL SAFETY**

- 1714 1. All parts of the home, furnishings, equipment, plumbing and the premises shall
1715 be kept clean, sanitary, free of hazards, in an orderly condition and in good repair
1716 at all times. The storage of accumulated debris, dilapidated and or unnecessary

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- 1717 equipment, furnishings and materials in the home and on the premises shall be
1718 prohibited.
- 1719 2. The family day child care activity areas shall be organized to provide an orderly
1720 atmosphere and to maximize possibilities for satisfying play.
- 1721 3. Soiled items shall be placed in plastic-lined, covered containers ~~which~~ that are
1722 not accessible to children. The container shall be emptied, cleaned, and
1723 disinfected daily. Children’s wet or soiled clothing and crib sheets or other linens
1724 shall be changed promptly.
- 1725 4. The operator and substitutes shall wash their hands with soap, running water and
1726 friction, drying thoroughly after having assisted children with diapering, toileting
1727 or personal hygiene procedures, as well as following and prior to food
1728 preparation. Children shall wash their hands with soap, running water and
1729 friction, drying thoroughly after toileting or personal hygiene procedures, and
1730 prior to meals, with the assistance of the operator or substitute(s) if necessary.
- 1731 5. Equipment and toys shall be cleaned and sanitized regularly to prevent the
1732 transmission of communicable diseases. All toys used by infants must be
1733 sanitized daily.
- 1734 6. The family child care home shall not be used for any activity that threatens or is
1735 likely to endanger the health and safety of children. Use of the family child care
1736 premises for illegal or dangerous activities while children are in care constitutes
1737 grounds for revocation or denial of a license.
- 1738 7. An owner, family child care personnel, volunteer, or enrichment service provider
1739 shall not allow or engage in any activity or behavior that places or is likely to
1740 place children at risk of being injured, frightened, or exposed to other harmful or
1741 inappropriate experiences.

1742 **I. ACCESS**

- 1743 1. The Department has the right to access the entire family day child care home,
1744 including any and all locked rooms, any and all buildings on the premises, any
1745 and all outdoor areas whether fenced or not, all records required to be kept by
1746 these Rules and Regulations, and to inspect for compliance with these Rules and
1747 Regulations.
- 1748 2. A family day child care ~~facility provider~~ must provide the custodial parent access,
1749 in person and by telephone to the family day care facility home during normal
1750 hours of operation or when the parent’s child is in care.
- 1751 3. Family child care homes located in gated communities with unmanned security
1752 posts shall provide an entry code to the Department to facilitate access for
1753 unannounced inspections and investigations. Provision of the access code shall
1754 be a condition of licensing.

1755

1756 **J. FIRE SAFETY AND EMERGENCY PLANNING**

1757

- 1758 1. All facilities shall meet or exceed all applicable State Fire Marshall Rules and
1759 Regulations as set forth in 69A-3.012, Florida Administrative Code, as amended
1760 or replaced, including at least one (1) operable fire extinguisher with a current
1761 certificate and one (1) smoke detector on each floor of the family day child care
1762 home. There shall be a minimum of two (2) operable smoke detectors installed
1763 in homes with split floor plans.
- 1764 2. Mobile homes as defined by Chapter 320, Florida Statutes, as amended or
1765 replaced, shall not be utilized for family day child care facilities homes.
1766 Exception: those mobile homes completely protected by an automatic fire
1767 suppression system installed in accordance with National Fire Protection
1768 Association (NFPA) 13D, as amended or replaced, and approved by the local
1769 Building and Fire authorities.
- 1770 3. ~~2-~~The building and property shall be free from fire hazards.

- 1771 4. ~~3.~~ The facility shall develop an Emergency Preparedness Plan to include at
1772 minimum, procedures to be taken by the family child care home during a fire,
1773 lockdown, and inclement or violent weather. ~~For Response To Violent Weather.~~
- 1774 a. The plan shall address the identification of violent weather, a procedure to
1775 quickly have the children return to the shelter of the building if the adverse
1776 weather occurs at the facility, and a procedure when the children are away
1777 from the family day child care home on a field trip. Impending violent
1778 weather includes, but is not limited to, observable lightning, thunder,
1779 thunderstorms, hurricanes, hail and tornadoes.
- 1780 b. The family day child care home must have a plan to follow local weather
1781 forecasts and plan activities accordingly.
- 1782 c. Each plan shall specifically include immediate removal of all children from
1783 outdoor play areas during rainfall or whenever lightning is visible on the
1784 horizon or thunder is audible.
- 1785 d. Each plan shall include taking and recording attendance of children in the
1786 event of evacuation or relocation.
- 1787 e. Each plan shall include responses to violent weather during field trips and
1788 transportation of children.
- 1789 f. This plan shall be available on site for review by the Department.
- 1790 5. ~~4.~~ After a fire or natural disaster, the operator or substitute(s) must notify the
1791 Department, within twenty-four (24) hours, in order to ensure that health
1792 standards are met for continued operation as a family day child care home. In
1793 the event that the Department is not accessible by routine daytime access
1794 phone numbers, the operator shall contact ~~A. G. Holley Hospital~~ the after hour
1795 Answering Service or the Palm Beach County Emergency Operations Center
1796 for further information.
- 1797 6. ~~5.~~ In the event that a state of emergency is declared for Palm Beach County,
1798 the Department shall have the authority to enact appropriate interim policies
1799 and procedures to ensure the health, safety, and well-being of children in care.
- 1800 7. ~~6.~~ In the event of extensive renovation or re-modeling of the family day child
1801 care home, or the installation of burglar bars or security bars on doorways or
1802 windows of the family day child care home, the family day child care operator
1803 shall:
- 1804 a. ~~Provide the Department with copies of the approvals from the applicable~~
1805 ~~building department within thirty (30) days from the date of completion prior~~
1806 ~~to commencement of the construction project. In addition,~~
- 1807 b. Request an inspection by the Fire Authority Having Jurisdiction shall be
1808 completed and a copy of the satisfactory inspection report provided to the
1809 Department within ~~thirty (30)~~ five (5) days from the date of completion.
- 1810 c. Submit a written plan outlining the following:
- 1811 i. Projected timeline of the project;
- 1812 ii. Whether construction activities will be done during times that
1813 children will be on the premises.
- 1814 iii. The measures that will be taken to protect the health and safety of
1815 children;
- 1816 iv. An understanding that if operation of the family child care home has
1817 to be suspended during the construction period, an inspection and
1818 approval by the Department is required before operation can be
1819 resumed.
- 1820 ~~7 In order to continue the provision of night time care, family day care facilities~~
1821 ~~previously approved for night time care, shall submit a new written request for~~
1822 ~~approval, along with copy of a satisfactory inspection by the Fire Authority Having~~
1823 ~~Jurisdiction, completed within six (6) months of the effective date of these Rules.~~

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1824 ~~A family day care operator, making initial application for night time care approval,~~
1825 ~~shall submit a copy of a satisfactory inspection by the Fire Authority Having~~
1826 ~~Jurisdiction. Such inspection shall be completed within thirty (30) days of the~~
1827 ~~application for nighttime care approval.~~

1828 8. All facilities shall develop and post, in a conspicuous location, a written
1829 Emergency Evacuation Plan to be used during emergencies and fire drills. This
1830 Emergency Evacuation Plan shall include a diagram of safe routes by which
1831 family child care personnel and children may exit each area of the facility in the
1832 event of fire or other emergency requiring evacuation.

1833 9. Fire drills shall be conducted at least monthly, using the Emergency Evacuation
1834 Plan, and shall be conducted at various times when children are in care.
1835 Documentation showing the date, number of children in attendance, and time
1836 taken to evacuate the premise shall be maintained and kept on file for one (1)
1837 year. The fire drills conducted during the licensure year must include, at a
1838 minimum:

- 1839 a. One fire drill during the established napping/sleeping times.
- 1840 b. One fire drill using an alternate evacuation route.
- 1841 c. One fire drill in the presence and at the request of the Department in
1842 coordination with the operator.

1843 10. Current attendance records and parent/guardian emergency contact information
1844 must accompany the caregiver and children whenever they leave the building
1845 as a group during a drill, outdoor activities, or emergency evacuation. The
1846 attendance records must be used to account for all children at all times.

1847 11. The operator shall maintain a written record of fire drills showing the date, time,
1848 number of children and staff in attendance, evacuation route used, time taken
1849 for all individuals to evacuate the premises, and any unusual findings or
1850 problems encountered. This record must be maintained for not less than one
1851 year from the date of the drill.

1852 12. Documentation of conducted fire and emergency preparedness drills must be
1853 available at the facility at the time of inspection. Documentation produced after
1854 the inspection shall not meet the licensing standard or corrective action
1855 requirements.

1856 **ARTICLE IX**

1857 **MEDICINES, FIRST-AID AND EMERGENCY MEDICAL PROCEDURES**

1858 **A. FIRST-AID TREATMENT**

1859 The home shall contain a first aid kit that shall be accessible to the operator and kept
1860 out of the reach of children. The kit must include:

- 1861 1. Liquid Soap
- 1862 2. Band-Aids or equivalent
- 1863 3. Disposable latex non-porous gloves (in a puncture proof container)
- 1864 4. Cotton balls or applicators
- 1865 5. Sterile gauze pads and rolls
- 1866 6. Adhesive tape
- 1867 7. Thermometer
- 1868 8. Tweezers
- 1869 9. Pre-moistened wipes
- 1870 10. Scissors
- 1871 11. A current resource guide on first-aid and CPR procedures.

1872 These supplies shall be kept in a covered container which is labeled "First-Aid" and
1873 kept in a designated location. A first-aid manual shall also be accessible.

1874 **B. EMERGENCY PROCEDURES: INCIDENT & CHILD ABUSE REPORTING**

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- 1875 1. Written permission for emergency health care of the child must be obtained and
1876 signed by the parent, and include the names, addresses and telephone numbers
1877 of the child's physician, the hospital of choice to be called in case of an
1878 emergency and two (2) responsible adults the provider can contact in case the
1879 parent is not available.
- 1880 2. Parents shall be notified immediately of any illness, accident, emergency or injury
1881 to the child in the home and their specific instructions regarding action to be
1882 taken shall be obtained. In cases of emergency, if the parents cannot be
1883 reached, the operator will contact those sources designated on the emergency
1884 form or implement the procedures authorized on the emergency form.
- 1885 3. All accidents, incidents, and observed health related signs and symptoms ~~which~~
1886 that occur at a family ~~day~~ child care home, must be documented and shared with
1887 the parent on the day they occur. Documentation shall be written and shall
1888 include the name of the affected child, date and time of occurrence, description
1889 of occurrence, actions taken, and signatures of the operator or substitute(s) and
1890 the parent. Records of accidents, incidents, and observed health related signs
1891 and symptoms must be maintained for one (1) year.
- 1892 4. Any unusual incident involving the child, which may be reasonably construed to
1893 constitute abuse shall be reported to the Abuse Hotline, as well as the
1894 Department of Health Child Care Licensing Program within twenty-four (24)
1895 hours of occurring. In addition, child care personnel who know, or have
1896 reasonable cause to suspect, that a child is abused, abandoned, or neglected by
1897 a parent, legal custodian, caregiver, or other person responsible for the child's
1898 welfare shall report such knowledge or suspicion to the Abuse Hotline, as well as
1899 the Department.

1900 **C. MEDICATION**

1901 All medications shall be plainly labeled and in their original packaging. Family ~~day~~
1902 child homes are not required to give medication. However, if they do so, the
1903 following shall apply:

- 1904 1. A written authorization signed by a parent shall accompany any type of
1905 medication stating the time and amount of dosage and the name of the
1906 medication to be given to the child. The family ~~day~~ child care home operator
1907 shall record the name of the child, medication date, time, method and amount of
1908 dosage given. The record shall be signed by the parent of the child, and initialed
1909 by the adult who gave the medication. Both the medical authorizations and the
1910 records of dispensing medication shall be maintained for one (1) year.
- 1911 2. Prescription medication brought to the family ~~day~~ child care home by the parent
1912 must be in the original container with the name of the physician, child, and shall
1913 be dispensed according to written directions on the prescription label.
- 1914 3. Non-prescription medication brought to the family ~~day~~ child care home by the
1915 parent must be in the original container with the name of the child and medication
1916 directions on the label and shall be dispensed according to the printed
1917 manufacturer's label. For the purposes of dispensing non-prescription medication
1918 that is not brought in by the parent, in the event of an emergency, non-
1919 prescription medication can only be dispensed if the home has written
1920 authorization from the parent to do so. Any medication dispensed under these
1921 conditions must be documented in the child's file and the parent must be notified
1922 on the day of occurrence. If the parent notifies the family ~~day~~ child care home of
1923 any known allergies to medication, written documentation must be maintained in
1924 the child's file.
- 1925 4. Topical non-medicated physical barriers - Physical barrier lotions, ointments and
1926 creams including but not limited to sunscreen, insect repellent, and diaper
1927 ointments are generally not medications. If the facility elects to allow use of
1928 these items, the facility must have a written policy governing their use. Parents
1929 must be made aware of such policy and have knowledge of its content. Such
1930 policy must include a requirement for written parental consent for application of
1931 non-medicated physical barriers. The policies, at a minimum, must ensure

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1932 compliance with the provisions of these Rules and the standards contained
1933 herein.

1934 5. Children's medications which have expired, or no longer being administered,
1935 shall be returned to the parent.

1936

1937 **ARTICLE X - COMMUNICABLE DISEASE CONTROL**

1938 The family child care home shall use standard precautions to prevent the spread of
1939 communicable diseases.

1940 A. Handwashing

1941 1. Handwashing is one of the most effective methods of preventing the transmission
1942 of communicable diseases, and is important in keeping children, caregivers, and
1943 household members healthy. Wearing gloves or using hand sanitizers is never a
1944 substitute for hand washing. Caregivers shall wash their hands as often as
1945 possible, including:

- 1946 i. Upon arrival and before beginning work.
- 1947 ii. After using the bathroom.
- 1948 iii. After helping a child use the bathroom.
- 1949 iv. After diaper changing.
- 1950 v. Before handling food or food utensils.
- 1951 vi. Before and after administering medication.
- 1952 vii. After handling uncooked meats, or eggs.
- 1953 viii. After handling unwashed fruits and vegetables.
- 1954 ix. Before and after eating.
- 1955 x. After any hand contact with bodily fluids including vomit, drool, blood,
1956 stool, or discharge from the eyes or nose.
- 1957 xi. After handling any pets or animals.
- 1958 xii. After cleaning activities.
- 1959 xiii. After handling garbage and garbage containers.
- 1960 xiv. After coming back from break.
- 1961 xv. After removing gloves.

1962

1963 B. Isolation area.

1964 1. The family child care home shall have a designated isolation room or area for a
1965 child who becomes ill. Any child who is suspected of having a communicable
1966 disease or who has a fever of 100 degrees Fahrenheit or higher, in conjunction
1967 with any of the signs and symptoms listed in paragraph "2" below, shall be placed
1968 in the isolation area.

1969 2. Children in care shall be observed on a daily basis for signs of communicable
1970 disease. Signs and symptoms of a suspected communicable disease include the
1971 following:

- 1972 i. severe coughing, causing the child to become red or blue in the face
1973 or to make a whooping sound,
- 1974 ii. difficult or rapid breathing,
- 1975 iii. stiff neck,
- 1976 iv. diarrhea (more than one abnormally loose stool within a twenty-four
1977 {24} -hour period),
- 1978 v. temperature of one hundred degrees Fahrenheit (100°F) or higher
1979 taken when in combination with any other sign of illness,
- 1980 vi. conjunctivitis (Pink Eye),

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- 1981 vii. untreated, infectious skin patch(es),
- 1982 viii. unusually dark urine and/or gray or white stool and yellowish skin or
- 1983 eyes,
- 1984 ix. vomiting,
- 1985 x. pediculosis (head lice, nits),
- 1986 xi. and any other unusual sign or symptom of illness.
- 1987
- 1988 3. The child's condition shall be reported to the parent or another authorized
- 1989 person, and shall be removed from the facility as soon as possible. Such
- 1990 children shall not return to the family child care home without medical
- 1991 authorization, or until all signs and symptoms are no longer present.
- 1992 4. A child who has head lice shall not be permitted to return until treatment has
- 1993 occurred and been verified. Verification of treatment may include a product box,
- 1994 box top, empty bottle, or signed statement by a parent or that treatment has
- 1995 occurred. The operator must also treat areas, equipment, toys, and furnishings,
- 1996 with which the child has been in contact.
- 1997 5. An operator, substitute, employee or household member who develops signs and
- 1998 symptoms of a communicable disease or who has a fever of 100 degrees
- 1999 Fahrenheit or higher, in conjunction with any of the signs and symptoms listed in
- 2000 paragraph B.2. above, shall leave the areas of the home occupied by the children
- 2001 and shall not return without medical authorization, or until the signs and
- 2002 symptoms are no longer present. If it is the operator who is ill, the authorized
- 2003 substitute(s) must assume the operator's responsibilities, while children are in
- 2004 care.
- 2005 6. The isolation room or area must be conveniently located near to hand washing
- 2006 and toilet facilities, and must be in an easily observable location. Such an area
- 2007 or room must be provided with a cot, bed, mat, or chair, with surfaces consisting
- 2008 of materials that can be easily cleaned and sanitized.
- 2009 7. ~~A. When used in isolation areas, linens must be changed and washed, and~~
- 2010 ~~disposable items shall be changed and discarded after each use. Until cleaned~~
- 2011 ~~or disposed of, used linens and disposables shall be kept in a closed container~~
- 2012 ~~out of the reach of children.~~
- 2013 ~~C. B. Children in care shall be observed on a daily basis for signs of communicable~~
- 2014 ~~disease. Any child who is suspected of having a communicable disease or exhibits~~
- 2015 ~~other signs and symptoms which include any of the following, shall be placed in the~~
- 2016 ~~isolation area. The condition shall be reported to the parent or other person~~
- 2017 ~~authorized by the parent, and the child shall be removed from the facility as soon as~~
- 2018 ~~possible. Such children shall not return to the family day care home without medical~~
- 2019 ~~authorization, or until all signs and symptoms are no longer present:~~
- 2020 1. ~~severe coughing, causing the child to become red or blue in the face or to make~~
- 2021 ~~a whooping sound,~~
- 2022 2. ~~difficult or rapid breathing,~~
- 2023 3. ~~stiff neck,~~
- 2024 4. ~~diarrhea (more than one abnormally loose stool within a twenty-four {24} hour~~
- 2025 ~~period),~~
- 2026 5. ~~temperature of one hundred degrees Fahrenheit (100°F) or higher taken by the~~
- 2027 ~~axillary method when in combination with any other sign of illness,~~
- 2028 6. ~~conjunctivitis (Pink Eye),~~
- 2029 7. ~~untreated infectious skin patch(es),~~
- 2030 8. ~~unusually dark urine and/or gray or white stool and yellowish skin or eyes,~~
- 2031 9. ~~vomiting,~~
- 2032 10. ~~pediculosis (head lice, nits),~~

2033 11. ~~and any other unusual sign or symptom of illness.~~

2034 ~~C. A child who has headlice shall not be permitted to return until treatment has been~~
2035 ~~accomplished. The treatment shall include the removal of all lice, lice eggs and egg~~
2036 ~~eases.~~

2037 ~~D. An operator or household member who develops signs and symptoms of a~~
2038 ~~communicable disease which include, but are not limited to, any of the following: fever~~
2039 ~~(of one hundred and one degrees Fahrenheit (101° F) or higher), diarrhea, rash, pink~~
2040 ~~eye or skin infection, or who is a carrier of or who develops signs and symptoms of a~~
2041 ~~communicable disease which include, but are not limited to, any of the signs and~~
2042 ~~symptoms described in Section B above, shall leave the areas of the home occupied~~
2043 ~~by the children and shall not return without medical authorization, or until the signs and~~
2044 ~~symptoms are no longer present. If it is the operator who is ill, the authorized~~
2045 ~~substitute(s) must assume the operator's responsibilities, while children are in care.~~

2046 ~~E. All family day care home operators, household members over the age of twelve (12)~~
2047 ~~years, and substitutes shall have on file a statement that he/she is free of tuberculosis~~
2048 ~~(TB) in a communicable stage as indicated by an approved TB risk assessment, skin~~
2049 ~~test or chest X-ray. Such a risk assessment, skin test, or chest X-ray must have been~~
2050 ~~administered within the six (6) months prior to initial licensure. In the event that the~~
2051 ~~family day care facility recruits new substitutes, the TB risk assessment, skin test or~~
2052 ~~chest X-ray shall be completed prior to caring for children. Evidence of freedom from~~
2053 ~~tuberculosis shall be provided every two (2) years. If found positive and/or receiving~~
2054 ~~treatment, family day care personnel shall not be able to work with children without~~
2055 ~~written medical authorization to work around children. These health examinations shall~~
2056 ~~be documented on forms prescribed for this purpose by the Department.~~

2057 C. ~~F.~~ Communicable Disease Outbreaks.

2058 1. Notification: Operators shall immediately notify the Department of any
2059 suspected outbreak of notifiable disease or other disease condition as per
2060 Chapter 64D-3, Florida Administrative Code, as amended or replaced. A
2061 suspected outbreak occurs when two (2) or more children or employees have
2062 the onset of a similar sign or symptoms (such as diarrhea, rash, etc.) within a
2063 seventy-two (72) hour period or when one (1) or more cases of a serious
2064 communicable disease, which includes, but is not limited to, hepatitis, measles,
2065 meningitis, diphtheria, German measles (rubella), whooping cough,
2066 tuberculosis, chicken pox, mumps, Salmonella, Shigella, Campylobacter, or
2067 Giardia intestinal infection is diagnosed or suspected in a child or employee.
2068

2069 2. Communicable disease emergency: The presence of any notifiable
2070 communicable disease shall permit the Department Director to declare a
2071 communicable disease emergency. The declaration of said emergency shall
2072 mandate that health and immunization records of all children in attendance and
2073 all employees be made available for inspection. The Department Director shall
2074 have the authority under Florida Statutes §381.031, as amended or replaced,
2075 to require appropriate action to prevent the spread of such disease. This
2076 authority includes, but is not limited to, prohibiting attendance by a child or
2077 employee, restricting new admissions, or requiring immunization and is in
2078 keeping with recognized standards of medical and public health practice. In the
2079 event of non-compliance with the actions requested, the Department Director
2080 shall have the authority to quarantine the affected facility.

2081 D. ~~G.~~ Appropriate Sanitizers

2082 1. The Department recommends the use of chlorine bleach, appropriately diluted as
2083 an effective sanitizing agent. This solution shall be made by adding one tablespoon
2084 of bleach to a quart of water, or one quarter cup of bleach to a gallon of water. This
2085 solution shall be made fresh daily, with unused portions disposed of at the end of
2086 each day. This recommended bleach solution assumes use of bleach containing
2087 5.25 percent sodium hypochlorite. Bleach with higher or lower concentrations of
2088 sodium hypochlorite will require different proportions of bleach and water to
2089 produce an effective sanitizing solution.

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2090 2. Alternate Other sanitizing or disinfecting agents may be used in accordance with
2091 the manufacturer's specifications, provided that such use renders the items 99.9%
2092 germ free, and leaves no toxic residue. Where such alternative sanitizing agents
2093 are used, the facility shall obtain and keep on hand at the facility appropriate
2094 Material Safety Data Sheets (MSDS) for those products.

2095 3. Sanitized items may be wiped dry with clean cloth or paper towel or allowed to air
2096 dry. Application of a sanitizer is not a substitute for routine cleaning. Effective
2097 sanitization requires prior cleaning or washing of surfaces to remove visible dirt.

2098 E. Influenza Prevention

2099 Annually, during the months of August and September, the family child care home
2100 operator must provide parents with information detailing the causes, symptoms, and
2101 transmission of the influenza virus. To assist providers the Department of Children
2102 and Families developed a brochure, CF/PI 175-70, June 2009, Influenza Virus, Guide
2103 to Parents, which may be obtained from the Department of Children and Families'
2104 website at www.myflorida.com/childcare.

2105

2106

2107 **ARTICLE XI - NUTRITION**

2108 A. The operator shall offer meals and snacks of a quantity and quality to supplement
2109 food served by the parents so that the daily nutritional needs of the children are met
2110 according to recognized nutritional standards. The USDA MyPyramid, April 2005
2111 MyPlate June 2011 and *Dietary Guidelines for Americans, 2010*, as may be amended
2112 or replaced, is incorporated by reference, and shall be used to determine what food
2113 groups to serve at each meal or snack and the serving size of the selected foods for
2114 children two (2) years of age and older. Information and resources pertaining to
2115 MyPlate are available at <http://www.choosemyplate.gov/>. The food group "oils" and the
2116 discretionary calories" must be disallowed from the food groups that may be used.

2117 B. Using the USDA My Pyramid MyPlate guidelines, breakfast shall consist of at least
2118 three (3) different food groups, lunch and dinner shall consist of at least four (4)
2119 different food groups, and snacks shall consist of at least two (2) different food
2120 groups. Meal patterns to meet these standards are to be provided by the Department
2121 as a guide. Menus shall be dated and posted conspicuously weekly.

2122

2123 C. ~~B.~~ Nutrition Plan. There shall be a written agreement signed by the parent and
2124 operator and kept on file at the facility with a copy given to the parent. This
2125 agreement shall define the responsibilities of the parent and the operator for meeting
2126 the child's nutritional needs. If meals and/or snacks are furnished by the child's
2127 parents, this Alternate Nutrition Plan shall be indicated in the written agreement.

2128 D. ~~C.~~ Drinking water shall be freely available to children of all ages, and dispensed in a
2129 sanitary manner. If disposable cups are used, they shall be discarded after each use.

2130 E. ~~D.~~ Meal schedules may vary based on the duration of time the child is in care, but
2131 shall be at a minimum as follows:

2132 i. Children in care for eight (8) and fewer hours shall be offered at least one (1)
2133 meal and two (2) snacks, or two (2) meals and one (1) snack;

2134 ii. Children in care for more than eight (8) hours shall be offered at least two (2)
2135 meals and two (2) snacks, or three (3) snacks and one (1) meal;

2136 iii. Children shall be offered food at intervals at least two (2) hours apart and not
2137 more than three (3) hours apart unless the child is asleep.

2138 iv. All facilities shall assure that each child is provided with a mid-morning and
2139 mid-afternoon snack in addition to the number of meals necessary to meet
2140 the child's nutritional needs as stated in Article XII (A) above. Such snacks
2141 shall be served regardless of whether they are eligible for reimbursement
2142 under the Federal Food Program.

2143 v. Mid-morning snacks may be deleted if breakfast is served, provided that the
2144 routine mid-morning snack period is two (2) hours or less away from the time

- 2145 that breakfast is served. Young infants may require to be fed at shorter
2146 intervals than every two (2) hours to meet their nutritional needs, and shall be
2147 fed accordingly.
- 2148 vi. ~~E-~~During feeding times infants shall be individually fed or supervised at
2149 feeding appropriately for their ages and developmental abilities, and offered
2150 foods appropriate for their age.
- 2151 vii. Infants shall be held for bottle feedings until they are developmentally ready
2152 to sit in a high chair with good head control. Children shall not be left in high
2153 chairs or other types of feeding chairs outside of feeding times. The use of
2154 safety straps to prevent falls is required whenever children are placed in high
2155 chairs.
- 2156 viii. There shall be no propped bottles. If a child cannot hold the bottle, then a
2157 staff person or volunteer must hold the bottle during feeding. There shall be
2158 no automatic feeding devices unless medically prescribed and documented
2159 in the child's file.
- 2160 ix. Breast milk and formula must be handled in a sanitary manner at all times
2161 and according to manufacturer's instructions and instructions by parent. The
2162 provider must ensure all formulas and food brought from home are labeled
2163 with the child's first and last name. The provider is responsible for the label;
2164 therefore if the label is not completed by the parent, the facility staff must
2165 complete the label upon receipt of the formula and food. Breast milk or infant
2166 formula provided for a specific infant by a parent or guardian shall not be fed
2167 to other children. Prepared bottles shall be placed immediately in the
2168 refrigerator and used within 48 hours.
- 2169 x. In the event that the wrong breast milk or infant formula is provided to an
2170 infant in care, the provider must immediately inform the child's parent or legal
2171 guardian of the incident as well as the parent or legal guardian of the infant
2172 that the formula/breast milk was intended.
- 2173 ~~F.~~ ~~E-~~ Formula and beverage shall be prepared, individually labeled, and capped by the
2174 parent. The family day child care facility home shall refrigerate and handle the
2175 formula and or beverage in a sanitary manner. ~~There shall be no propped bottle for~~
2176 ~~infants and no mechanical devices used for feeding.~~
- 2177 ~~G.~~ ~~F-~~ Microwave ovens shall not be used for directly warming bottles. Microwave ovens
2178 may be used to warm water in a separate container. The bottle may then be placed in
2179 the heated water to obtain a safe and desired temperature, provided the container of
2180 water is no more than one hundred and twenty degrees Fahrenheit (120° F).
2181 Alternatively, bottles and infant foods may be warmed under running warm tap water.
- 2182 ~~H.~~ ~~F-~~ If a slow-cooking device, such as a crock pot is used for warming infant formula,
2183 human milk, or infant food, ~~this slow-cooking device shall not be accessible to children~~
2184 ~~and it shall~~ contain water that does not exceed one hundred and twenty degrees
2185 Fahrenheit (120° F), and shall be emptied, sanitized, and refilled with fresh water at
2186 least daily. After warming, bottles and heated foods shall be mixed gently and the
2187 temperature of the contents tested before feeding to prevent injury to children. A
2188 caregiver shall not hold an infant while removing a bottle or infant food from the
2189 container of warm water or while preparing a bottle or stirring infant food that has
2190 been warmed. All cooking/warming devices shall be inaccessible to children.
- 2191 ~~I.~~ ~~G-~~ Special diets shall be provided when ordered by the physician. Arrangements
2192 shall be made between the operator and parent for a child's modified diet when
2193 prescribed by a physician. The physician's order and a copy of the diet and sample
2194 meal plan for the special diet shall be in the child's record. If the parent notifies the
2195 family day child care home of any known food allergies, written documentation must
2196 be maintained in the child's file for as long as such child is in care.
- 2197 ~~J.~~ ~~H-~~ Cereal shall not be mixed with formula in infant bottles unless directed by a
2198 physician. The physician's order shall be kept in the child's file.

2199 **ARTICLE XII – DAILY PROGRAM AND CHILD DISCIPLINE**

- 2200 ~~A.~~ ~~F-~~ Daily program.

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- 2201 1. There must be a daily program to provide meaningful experiences geared to the
2202 age level of the children and to meet the social, emotional, physical, intellectual
2203 and developmental needs of each child as well as those of the total group and
2204 include a written program to be implemented periodically for children of an
2205 appropriate age, which will assist the children in preventing and avoiding physical
2206 and mental abuse.
- 2207 2. The activity program for both infants and children must be conspicuously displayed
2208 in the family ~~day child care facility~~ home and shall include a schedule for meals,
2209 snacks, naps, screen time, indoor and outdoor periods. Infants shall not be
2210 routinely left in playpens or cribs except for rest, nap or sleep.
- 2211 3. The program for infants must include adequate opportunity for activities for at least
2212 two (2) hours per day outside of the crib or playpen. An appropriate area must be
2213 provided for this activity. In addition, infants in care shall be provided with
2214 opportunities for outdoor time each day that weather permits.
- 2215 4. Drop-in child care is prohibited in family child care homes. Children must be
2216 admitted and enrolled in accordance with the admission and record keeping
2217 requirements in Article XV of these rules.
- 2218 5. At the time of enrollment, the provider must inform each parent/guardian about the
2219 amount of screen time the child will have during the typical daily program of care.

2220 **B.** Discipline

- 2221 1. ~~A.~~ The specific types of discipline used for each age group must be included in the
2222 written materials provided to the custodial parent. Verification that the owner has
2223 provided in writing the disciplinary practice used shall be documented on the
2224 enrollment form, and acknowledged by the signature of the custodial parent.
- 2225 2. ~~B.~~ The children in a family ~~day child care~~ home should be disciplined only in a
2226 constructive manner.
- 2227 3. ~~C.~~ Children shall not be subject to discipline which is severe, humiliating or
2228 frightening.
- 2229 4. ~~D.~~ Discipline shall not be associated with food, rest or toileting.
- 2230 5. ~~E.~~ Spanking or any other form of physical punishment is prohibited.
- 2231 6. Children shall not be denied active play as a form of discipline.

2232 **ARTICLE XIII - CARE FOR CHILDREN DURING NIGHTTIME HOURS**

- 2233 **A.** These minimum standards for family ~~day child care facilities~~ homes and large family
2234 child care homes set forth herein shall continue to apply to family child care homes
2235 and large family child care homes facilities which offer care during night-time hours (6
2236 P.M. to 7 A.M.) with the additional application of the following standards as set forth
2237 in this section.
- 2238 1. In keeping with operational restrictions in Article VI(D)(1) of these rules, each
2239 caregiver in a family child care home providing nighttime care shall not provide
2240 care continuously for more than 16 consecutive hours per 24-hour period.
- 2241 2. ~~A.~~ The operator shall notify the Department in writing of his/her plan of care, and
2242 shall have the written approval of the Child Care Advisory Council prior to
2243 ~~instituting the provision of~~ advertising or providing nighttime care on a regular
2244 basis. The plan of care must detail the scope of the nighttime care to be provided,
2245 the number and type of caregivers, and the shifts each caregiver will work.
- 2246 3. ~~B.~~ There shall be provided a suitable space for sleeping or napping, with one (1)
2247 child per bed or cot, with his or her own linens covering the bedding. Bed linen
2248 must be changed between each use.
- 2249 4. Children two (2) years of age or older may sleep on beds used by the family
2250 ~~provided if~~ individual linens are provided for each child, and ~~provided that~~ such
2251 beds are not in use by family members while children are in care. Children under
2252 two (2) years of age will be provided with a crib.
- 2253 5. There shall be not less than two (2) feet between beds or cots. In rooms used for
2254 the care of children remaining overnight, there shall be two hundred and fifty (250)

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2255 cubic feet for each bed or crib, and at least five hundred (500) cubic feet of air
2256 space per child. ~~Bed linen must be changed between each use.~~ There shall be
2257 sanitary storage space for cots and equipment if a separate sleeping room is not
2258 provided.

2259 ~~C. The operator or substitute(s) shall stay awake during operating hours while~~
2260 ~~children are in care.~~

2261 6. D. Children who have not been served an evening meal before arrival, must be
2262 served an evening meal that is consistent with these Rules. Children who stay
2263 beyond 6 A.M. must be provided a morning meal consistent with these Rules.

2264 7. E. When children remain overnight, playpens, air mattresses, foam mattresses,
2265 and mats are not acceptable and the operator must prepare a written plan outlining
2266 the sleeping arrangements of the children in care to be provided to the Department
2267 upon request. If the children are sleeping overnight, the operator must ensure
2268 accepted bedtime routines, such as brushing teeth and face and hand washing.
2269 Toothbrushes, towels and wash-cloths may shall not be shared, and shall be
2270 stored so that each child's personal hygiene items are not in contact with those of
2271 another child.

2272 8. F. ~~It shall be an additional violation of these Rules if eChildren~~ of the opposite sex,
2273 any one of which is over the age of six (6) years, are shall not be quartered in the
2274 same room without constant adult supervision.

2275 9. G. Nighttime care approval may be revoked or denied in accordance with the
2276 procedures set forth in Article V of these Rules if repeated violations of these
2277 requirements are documented or if children in care are harmed or found to have
2278 been in a position that could have resulted in serious harm.

2279 10. The family child care provider may use an electronic device to monitor sleeping
2280 children only, subject to specific written parental consent. If permitted, the operator
2281 shall provide reliable electronic monitors at appropriate locations so that sounds
2282 from the monitor can be clearly heard by the caregiver. When monitors are being
2283 used, the caregiver must observe sleeping children at appropriate intervals to
2284 ensure that they are safe and comfortable.

2285 11. Exit doors for family child care homes or large family child care homes shall be
2286 equipped with child-safe locks and working alarms that will alert the provider when
2287 the door is opened.

2288 B. Prolonged Child Care

2289 Child care may be provided for 24 hours or longer for a child whose parent or legal
2290 guardian works a shift of 24 hours or more. The requirement that a parent or legal
2291 guardian works a shift of 24 hours or more must be certified in writing by the
2292 employer, and the written certification must be maintained in the home by the child
2293 care provider and made available to the Department and the Child Care Advisory
2294 Council prior to the provision of prolonged child care. The time that a child remains in
2295 child care, however, may not exceed 72 consecutive hours in any 7-day period.
2296 During a declared state of emergency, the Child Care Facilities Board may
2297 temporarily waive the time limitations provided in this paragraph.

2298 **ARTICLE XIV – TRANSPORTATION**

2299 A. When a family ~~day~~ child care facility home or large family child care home provides
2300 regular transportation for children, the Department must be advised in writing.

2301 B. The driver shall have a current valid Florida driver's license.

2302 C. When a family ~~day~~ child care operator is transporting children, each child must be in
2303 an individual factory installed seat belt or Federally approved child safety restraint.

2304 D. The maximum seating capacity of the vehicle is based on the manufacturer's
2305 designated seating capacity specifications or the number of factory-installed seat
2306 belts. This seating capacity shall not be exceeded.

2307 E. Family ~~day~~ child care operators must obtain in advance written parental authorization
2308 granting permission to transport children in care.

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- 2309 F. Pursuant to Chapter 386, Florida Statutes, while children are in care, smoking is
2310 prohibited in vehicles when transporting children. Secondhand smoke poses a
2311 serious threat to children.
- 2312 G. A log shall be maintained for all children being transported in the vehicle. The log
2313 shall include each child's name, date, time of departure and time of arrival, signature
2314 of the driver and verification of the fact that all children have left the vehicle and are
2315 accounted for. This log shall be maintained for a minimum of twelve (12) months.
2316 Upon arrival at the destination and return to the family day child care home, the driver
2317 of the vehicle shall:
- 2318 (1) Mark each child off the log as the child departs the vehicle,
2319 (2) Conduct a physical inspection and visual sweep of the vehicle to ensure
2320 that no child is left in the vehicle, and
2321 (3) Sign and date the log immediately verifying that all children were all
2322 accounted for and that the visual sweep was conducted.
- 2323 H. Upon arrival at the destination and return to the family day child care home, the driver
2324 of the vehicle shall:
- 2325 (1) Conduct a physical inspection and visual sweep of the vehicle to ensure that no
2326 child is left in the vehicle, and
2327 (2) Sign and date the log immediately verifying that all children were accounted for
2328 and driver's log is complete.
- 2329 I. Child Safety Alarm Device
- 2330 All vehicles used by or on behalf of the large family child care home for the
2331 transportation of children and that are designed to transport six (6) or more
2332 passengers must be equipped with a child safety alarm device that prompts the
2333 driver to inspect the vehicle for children upon vehicle shut off. The device must be
2334 properly maintained in working order at all times.

2335 **ARTICLE XV: ADMISSION AND RECORD KEEPING**

2336 **A. HEALTH EXAMINATION AND IMMUNIZATION**

- 2337 1. Student Health Examination Certificate:
- 2338 a) Upon admission, each child must have on file a ~~written certificate of health~~
2339 ~~examination, current, complete, and properly executed Student Health~~
2340 ~~Examination Form, DH Form 3040, Student Health Examinations.~~ The
2341 general health examination certificate shall be completed by a person given
2342 authority by Florida Statutes to perform health examinations. The
2343 examination shall have been performed within six (6) months prior to initial
2344 enrollment in a family child care home or child care facility. ~~(unless the child~~
2345 ~~has transferred from another family day care or child care center) which~~
2346 ~~would be current for two (2) years after the initial enrollment physical~~
2347 ~~examination.~~
- 2348 b) The certificate shall attest that the child is in good health or that any known
2349 medical condition or health problem is under treatment.
- 2350 c) The certificate is valid for two (2) years from the date the physical
2351 examination was performed.
- 2352 d) The facility shall refuse admittance or temporarily exclude any child who is
2353 not in compliance with these provisions.
- 2354 2. Immunization Certificate:
- 2355 a) Upon admission, each child must have ~~on file~~ a DH Form 680, *Florida*
2356 *Certificate of Immunization*, DH Form 680, ~~for the prevention of diphtheria,~~
2357 ~~pertussis, tetanus, poliomyelitis, rubeola, rubella, mumps, Haemophilus~~
2358 ~~influenza type B (HIB), Hepatitis B, and varicella.~~ on file documenting age-
2359 appropriate immunizations of the following vaccines:
- 2360 • Pneumococcal conjugate vaccine (PCV)
2361 • Diphtheria-tetanus-pertussis (DTap) vaccine

- 2362 • Polio vaccine (IPV)
- 2363 • Measles-mumps-rubella (MMR) vaccine
- 2364 • Varicella vaccine (chickenpox)
- 2365 • Haemophilus influenza type b (Hib) vaccine
- 2366 b) Immunizations appropriate to the child's age shall be up-to-date or in the
- 2367 process of being updated, as set forth in Article XV.A.3.b.1. of these Rules.
- 2368 The facility operator shall refuse admittance or temporarily exclude any child
- 2369 who is not in compliance with these provisions.
- 2370 c) The manner and frequency of administration of the immunizations shall
- 2371 conform to recognized standards of medical practice of the State of Florida
- 2372 and are referenced on DH Form 680.
- 2373 d) Immunization records will be documented on forms approved and provided
- 2374 to physicians by the Department. Immunization certification or medical
- 2375 exemption shall be entered on DH Form 680 parts A or B and/or C, and
- 2376 religious exemption shall be entered on DH Form 681.
- 2377 e) Immunization records must be kept current. Family day child care facility
- 2378 home operators shall notify the child's parents approximately one (1) month
- 2379 prior to the expiration date of the Temporary Medical Exemption, DH Form
- 2380 680 part B.
- 2381 f) A valid Certificate of Immunization, DH Form 680 part A, shall be properly
- 2382 dated and signed by a physician or their authorized agent. A child in
- 2383 attendance with a medical exemption must present or have on file the
- 2384 Medical Exemption, DH Form 680, part B or DH Form 680, part C. DH Form
- 2385 680, part B may be signed by a physician or their designee. DH Form 680,
- 2386 part C, must be properly dated and signed by a physician licensed under
- 2387 provisions of Chapters 458, 459, or 460, F.S., as amended or replaced.
- 2388 g) Notification to the affected parties of any changes to the DH Form 680 as a
- 2389 result of changes to the recognized standards of medical practice will be
- 2390 provided by the Department's Immunization Program and will become
- 2391 effective six (6) months following the notification to all child care facilities.
- 2392 3. Exemptions:
- 2393 a) Health Examination: For religious purposes only, any child shall be exempt
- 2394 from medical or physical examination upon written and signed request of
- 2395 the parent of such child; however, the laws, Rules and Regulations relating
- 2396 to contagious or communicable diseases and sanitary matters shall not be
- 2397 violated.
- 2398 b) Immunization: A child's application for admittance to the family day child
- 2399 care facility home shall include immunization(s) according to recognized
- 2400 medical standards or include documentation of temporary medical,
- 2401 permanent medical or religious exemption.
- 2402 (1) Temporary Medical Exemption, DH Form 680 part B, is used for a child
- 2403 who is not fully immunized but is in the process of completing the
- 2404 required immunizations and cannot receive any additional vaccine at that
- 2405 time.
- 2406 (2) Permanent Medical Exemption, DH Form 680 part C, is used for a child
- 2407 who is not fully immunized but for medical reasons cannot receive one
- 2408 (1) or more of the required vaccines.
- 2409 (3) Religious Exemption, DH Form 681, is issued by the Department when
- 2410 the parent of the child objects in writing that the administration of
- 2411 immunization agents conflicts with his religious tenets or practices.
- 2412 c) When a family day child care facility home serves school-aged children, the
- 2413 school requirements for health examination and immunization shall apply and
- 2414 records of such need not be on file at the family child care facility home.

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2415 d) Medical records, i.e., Student Health Examinations, DH Form 3040; Certificate of
2416 Immunization, DH Form 680, become the property of the parents when the child
2417 withdraws from the facility home and are transferable if the child attends another
2418 facility or home.

2419 **B. ENROLLMENT INFORMATION**

2420 The operator shall obtain from the parent and keep current, the following enrollment
2421 information for each child in care:

- 2422 1. The child's full legal name, birth date, current address, and preferred name(s).
2423 2. The name and address of the parent(s).
2424 3. Telephone numbers and instructions as to how the parent may be reached
2425 during the hours the child is in the home.
2426 4. Names, addresses, and telephone numbers of person(s) who can assume
2427 responsibility for the child if for some reason the parent(s) cannot be reached
2428 immediately in an emergency. Names and addresses of persons authorized to
2429 take the child from the home. The child must not be released to any person other
2430 than the persons authorized by the parents, or listed on the enrollment form.
2431 5. The name, address, and telephone number of a physician or health resource
2432 professional that can be called in case of emergency and the parent's written
2433 permission to consult the physician or health resource professional if the parent
2434 cannot be reached.
2435 ~~The emergency form specified in Article XV above.~~
2436 6. Parents must be informed in writing of all animals on the premises of the home.
2437 Such information may be provided by way of a parent flier, a notification
2438 statement, or a statement included in the child's enrollment form. The facility
2439 home shall maintain a copy of the notification, dated and signed by the parent,
2440 verifying that the parent received this information.
2441 7. Summary of information that must be contained in each child's file care health
2442 folder:
2443 (a) Enrollment information.
2444 (b) Emergency medical authorization.
2445 (c) Alternate nutrition contract, if applicable.
2446 (d) Specialized diet information, if applicable
2447 (e) Allergy information, if applicable
2448 (f) Health Examination (DH Form 3040).
2449 (g) Immunization status (DH Form 680).
2450 8. The operator must complete and maintain a sequential list or roster of all children
2451 enrolled in the home. The roster must include the full name, date of birth, and
2452 date of enrollment of each child. Upon termination or discharge, the last date the
2453 child received care must be recorded on the list. This roster shall be maintained
2454 on a form provided by the Department. The roster for the immediate past 12-
2455 month period must be maintained at the home, and be available for review by the
2456 Department's representatives when requested. This record must be accurate
2457 and complete.

2458 **C. OTHER RECORDS**

- 2459 1. Health and Safety Checklist
2460 Operators of family day care homes shall complete a quarterly health and
2461 safety home inspection self-evaluation checklist developed by the Department.
2462 The completed checklist shall be signed by the operator of the family day care
2463 home and posted in a conspicuous location in the home to inform parents of the
2464 extent to which basic health and safety standards are being met.
2465 2. Timesheet required

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2466 All employees and substitutes shall complete a daily timesheet that accurately
2467 records the time spent at the home while children are in care. The record must
2468 show the start time and end time of each day's work, including evening and
2469 nighttime hours. Timesheet records for the immediate past 12-month period
2470 must be maintained at the home, and be available for review by the
2471 Department's representatives when requested. These records must be
2472 accurate and complete.

2473 **3. Sign In and Sign Out**

2474 (a) Daily attendance logs shall be maintained for all children in care. This log shall be
2475 maintained and used in keeping with Article VIII.J.11.

2476 **ARTICLE XVI**

2477 **FIELD TRIPS**

- 2478 1. Parents must be advised of field trip activities. Parental permission must be obtained
2479 either in the form of a general permission slip or prior to each field trip activity and
2480 documentation included in the child's record. The date, time and location of the field
2481 trip must be posted in a conspicuous location at least one (1) day prior to the field
2482 trip.
- 2483 2. For all field trips, a manifest shall be kept at the family day child care home with a
2484 copy brought to the field trip. Such manifest shall include the names of the children,
2485 attending the field trip; current telephone numbers where parent(s) may be reached
2486 in the event of an emergency. The manifest and any field trip permission slips must
2487 be maintained by the facility and kept on file at the facility for no less than one (1)
2488 year from the date of the field trip.
- 2489 3. Each facility shall take along with it on any field trip and keep close at hand a first aid
2490 kit and a cellular phone or similar two-way communication device that will allow the
2491 operator, employee, or authorized substitute to independently summon emergency
2492 assistance.
- 2493 4. Swimming activities and water play are prohibited at all fresh water bodies not
2494 permitted by the Department for such purposes. Water play, on land, is prohibited
2495 unless the water used is in facilities and from a source approved by the Department.
2496 During swimming activities, each child shall be directly supervised with physical or
2497 visual contact maintained at all times by the operator or authorized substitute.
- 2498 5. For field trips involving swimming activities, two (2) adults must be present when the
2499 children are in the swimming area, one (1) of whom must hold a current Certified
2500 Lifeguard Certificate or its equivalent. The family day care operator must ensure that
2501 facility must provide a person with a current Certified Lifeguard Certificate or its
2502 equivalent, is available for the swimming activities, unless there is a Certified
2503 Lifeguard on duty. Family day child care operators must obtain written permission in
2504 advance from a parent granting permission for their child to participate in swimming
2505 activities at specified locations.
- 2506 6. Notwithstanding parental consent or written acknowledgment, nothing herein shall be
2507 construed to require a facility to allow a child to participate in swimming activities
2508 when the facility does not consider the child sufficiently able to swim.
- 2509 7. All written acknowledgments, permission slips, and consent forms required herein
2510 must be kept at the facility for at least one (1) year after such forms have been relied
2511 upon to meet these requirements. If the Department deems it prudent to do so, it may
2512 issue and prescribe the use of forms pertaining to the requirements of this section.

2513 **ARTICLE XVII**

2514 **CLASSIFICATION OF VIOLATIONS**

2515 A violation is noncompliance with any provision of §§. 402.301 - 402.319, Florida Statutes,
2516 or these applicable Rules. The Department will use the following classifications as a
2517 guideline for determining the severity of violations of these Rules:

- 2518 A. Class I Violations: An incident of noncompliance with a Class I standard as
2519 described in the Family Child Care or Large Family Child Care Standards
2520 Classification Summary. Class I violations are ~~Are~~ the most serious in nature and
2521 ~~could result or do result in death or serious harm to the health, safety and well-~~

- 2522 ~~being of a child and include overt abuse and negligence related to the operation~~
2523 ~~and maintenance of a facility. pose an imminent threat to a child. Such threats~~
2524 ~~include abuse or neglect, which could or do result in death or serious harm to the~~
2525 ~~health, safety, or wellbeing of a child.~~
- 2526 B. Class II Violations: An incident of noncompliance with a Class II standard as
2527 described in the Family Child Care or Large Family Child Care Standards
2528 Classification Summary. Class II violations are ~~Are serious in nature but do not~~
2529 ~~pose an immediate threat to the health, safety and well-being of a child but could~~
2530 ~~reasonably be expected to cause harm within ninety (90) days (for example, a~~
2531 ~~leaking roof that could collapse) and include those conditions or occurrences~~
2532 ~~related to the operation and maintenance of a facility, other than Class I~~
2533 ~~violations. less serious than Class I violations, and could be anticipated to pose a~~
2534 ~~threat to the health, safety, or wellbeing of a child, although the threat may not be~~
2535 ~~imminent.~~
- 2536 C. Class III Violations: An incident of noncompliance with a Class III standard as
2537 described in the Family Child Care or Large Family Child Care Standards
2538 Classification Summary. Class III violations are ~~Are the least serious in nature~~
2539 ~~and pose no threat to the health, safety and well-being of a child and include~~
2540 ~~those conditions or occurrences related to the operation and maintenance of the~~
2541 ~~facility other than Class I or Class II violations. less serious in nature than Class II~~
2542 ~~violations, and may pose a low potential for harm to children.~~
- 2543 D. Technical Support Violation: An incident of noncompliance with Class II or Class
2544 III standards for which a fine is not recommended in keeping with the
2545 Department's Progressive Enforcement Matrix, as may be amended from time to
2546 time. This includes the first occurrence of noncompliance with an individual Class
2547 II standard, or the first or second occurrence of noncompliance with an individual
2548 Class III standard.
- 2549 E. ~~D.~~ ~~Other: Violations not included above or classified as a Class I, II, or III violation~~
2550 ~~but for which fines may be issued depending on severity or recurrence.~~
- 2551 E. ~~E.~~ ~~In addition to the provisions previously set forth herein, it is a violation of these~~
2552 ~~Rules to:~~
- 2553 (1) Fail, by false statement, misrepresentation, impersonation, or other
2554 fraudulent means, to disclose in any application for voluntary or paid
2555 employment, licensure or certification regulated herein, all information
2556 required or a material fact used in making a determination as to such
2557 person's qualifications to be family day child care personnel, in a child care
2558 facility, or other child care program.
- 2559 (2) Operate or attempt to operate a family day child care facility home under a
2560 license or certificate that is revoked, or terminated.
- 2561 (3) Misrepresent, by act or omission, a family day child care facility home to be
2562 duly licensed pursuant to this rule without being so licensed.
- 2563 (4) Make any other misrepresentation, by act or omission, regarding the
2564 licensure or operation of a family day child care facility home to a parent
2565 who has a child placed in the facility or is inquiring as to placing a child in
2566 the facility, or to a representative of the licensing authority, or to a
2567 representative of a law enforcement agency, including, but not limited to,
2568 any misrepresentation as to:
- 2569 (a) The number of children at the family day child care facility home;
- 2570 (b) The part of the family day child care facility home designated for family
2571 day child care;
- 2572 (c) The qualifications or credentials of family day child care personnel;
- 2573 (d) Whether a family day child care facility home complies with the
2574 screening requirements of 402.305, Florida Statutes, as amended or
2575 replaced, and these Rules herein; or

2576 (e) Whether family ~~day child~~ care personnel have the training as required
2577 by 402.305, Florida Statutes, as amended or replaced, and these
2578 Rules herein.

2579 **ARTICLE XVIII- ENFORCEMENT**

2580 **A. Disciplinary Sanctions**

2581 (a) Enforcement of disciplinary sanctions shall be applied progressively for
2582 each standard violation. In addition, owners/operators will be offered
2583 technical assistance in conjunction with disciplinary sanction. The
2584 Department shall take into consideration the actions taken by the home
2585 to correct the violation when determining the appropriate disciplinary
2586 sanction.

2587 (b) Each standard violation has an assigned classification based on the
2588 nature or severity of the violation(s) as identified within the Department's
2589 Family Child Care and Large Family Child Care Standard Classification
2590 Summary, which may be revised from time to time.

2591 (c) A violation of a Class II standard that results in death or serious harm to
2592 a child shall escalate to a Class I violation.

2593 (d) Disciplinary sanctions for licensing violations that occur within a two-year
2594 period shall be progressively enforced in keeping with the Department's
2595 progressive enforcement matrix which may be revised from time to time.
2596 Disciplinary sanctions include fines, probationary license, and denial or
2597 revocation of license.

2598 **B.** In addition to the revocation procedures set forth above, any violation of Chapter 59-
2599 1698 Laws of Florida, as amended, these Rules and Regulations, or Florida Statutes,
2600 §§ 402.301--402.319, as amended or replaced, or the Rules and Regulations
2601 promulgated thereunder, is subject to enforcement by the Department through the
2602 Palm Beach County Environmental Control Officer pursuant to Chapter 77-616, Laws
2603 of Florida, as amended. Pursuant to Chapter 77-616, Laws of Florida, the
2604 Environmental Control Hearing Board is authorized to issue fines of up to \$500 per
2605 violation per day of violation. In keeping with the progressive disciplinary sanctions
2606 outlined above, the most recent 2-year history of violations at a family child care
2607 home or large family child care home shall follow the operator of the home in the
2608 event of relocation, incorporation, or resumption of operation within a 2-year period
2609 after closure. Violations of these Rules may result in the issuance of an order
2610 requiring the owner/operator of the facility to appear before the Environmental
2611 Control Hearing Board and show cause why a civil penalty should not be imposed or
2612 corrective action ordered. Thereafter, the Environmental Control Hearing Board will
2613 convene, hear the matter, and, if a violation is found to have occurred, issue an order
2614 that may require corrective action and payment of a fine. Failure to pay any such fine
2615 ~~may shall~~ result in the filing of a lien against any and all property of the facility owner.
2616 The provisions of this paragraph describe an additional and supplemental means of
2617 enforcement. Nothing contained in this paragraph shall prohibit the County from
2618 enforcing these Rules and Regulations by any other means, including, but not limited
2619 to the institution of time-limited corrective action plans for the family ~~day child~~ care
2620 ~~facility~~ home and/or referral to the State Attorney's Office for criminal prosecution,
2621 pursuant to Chapter 77-616, Laws of Florida, as amended or replaced.

2622 **C.** Each day of violation shall be considered a separate and distinct violation.

2623 **D.** Members of the Child Care Facilities Board and its representatives may enter and
2624 inspect family ~~day child~~ care ~~facilities~~ homes and large family child care homes at
2625 reasonable hours, and may question such persons and investigate such facts,
2626 conditions, and practices or matters as may be necessary or appropriate to
2627 determine whether any person has violated any provision of Chapter 59-1698,
2628 Special Acts, Laws of Florida, as amended, or of any rule and regulation issued
2629 hereunder. The right of entry and inspection shall also extend to any premises which
2630 the Department has reason to believe are being operated or maintained as a family
2631 ~~day child~~ care ~~facility~~ home without a license, but no such entry or inspection of any
2632 premises shall be made without the permission of the person in charge thereof
2633 unless a warrant is first obtained from the circuit court authorizing same. Any

2634 application for a license or renewal made pursuant to these Rules, or any
2635 advertisement to the public of family day child care as defined herein shall constitute
2636 permission for entry or inspection of any premises for which such license is sought in
2637 order to facilitate verification of the information submitted on or in connection with the
2638 application. In the event that a licensed facility refuses permission for entry or
2639 inspection to the Department, a warrant shall be obtained from the circuit court
2640 authorizing same prior to such entry or inspection. Disciplinary action may also be
2641 instituted pursuant to Article XVIII (A) herein.

2642 E. In addition to conspicuously posting the license, the family day child care facility
2643 home or large family child care home shall post with the license:

- 2644 1) Each citation for a violation of any standard or requirement of these Rules
2645 and Regulations that has resulted in disciplinary action mandated by the
2646 Environmental Control Hearing Board.
- 2647 2) An explanation, written in simple language, of the corrective action, if any,
2648 taken by the facility for each citation. Included in the description shall be the
2649 dates on which the corrective action was taken.
- 2650 3) Each citation, explanation, and description of corrective action shall remain
2651 posted for one (1) year after the Environmental Control Hearing Board's
2652 effective date.

2653 E. Should the Department determine that any family day child care personnel makes
2654 any misrepresentation in violation of Article XVII (EF) above to a parent who has
2655 placed a child in the family day child care facility home, and the parent relied upon
2656 the misrepresentation, and the child suffers great bodily harm, permanent
2657 disfigurement, permanent disability, or death as a result of an intentional act or
2658 negligence by the family day child care personnel, then such matter may be referred
2659 to the State Attorney's Office for criminal prosecution, pursuant to Chapter 77-616,
2660 Laws of Florida, as amended or replaced. In addition, such actions shall be grounds
2661 for revocation or denial of a license pursuant to procedures outlined in Article V.

2662 **ARTICLE XIX- LARGE FAMILY CHILD CARE HOMES**

2663 **A. Large Family Child Care Homes.**

- 2664 1. A large family child care home, for the purposes of this rule, means a home
2665 that that is licensed under Chapter 2010-249, Special Acts, Laws of Florida,
2666 and meets the definition in Article III.35 of these Rules and Regulations. A
2667 large family child care home must first have operated as a licensed family child
2668 care home for two consecutive years, with an operator who has had a child
2669 development associate credential or its equivalent for one year. The two
2670 consecutive years of operation as a licensed family child care home must have
2671 been within five years of the date of the application to operate a large family
2672 child care home.
- 2673 2. Large family child care homes must meet and comply with requirements
2674 pursuant to Section 402.3131, F.S., Chapter 2010-249, Special Acts, Laws of
2675 Florida, and in this rule at all times unless there are insufficient numbers of
2676 children in care to meet the definition of a large family child care home, in
2677 which case an additional employee is not required.
- 2678 3. Large family child care homes shall meet all of the requirements in this Article,
2679 in addition to the requirements listed in Articles I – XVIII of these Rules and
2680 Regulations Governing Family Child Care Homes. When there is a conflict
2681 between requirements of Articles 1 through XVIII and Article XIX, the more
2682 stringent requirement applies.

2683 **B. Large Family Child Care Home Definitions.**

- 2684 1. "Full Time Employee" means one additional staff person at least 18 years of
2685 age, who is on the premises of a home operating as a large family child care
2686 home.
- 2687 2. "Hours of Operation" means the hours of the day or night that a large family
2688 child care home has children in care.

2689 3. "Operator" means the occupant and licensee of the large family child care
2690 home who is at least 21 years of age and responsible for the overall operation
2691 of the home.

2692 4. "Substitute" means a competent adult, at least 18 years of age, who is
2693 available to substitute for the operator or employee on a temporary or
2694 emergency basis.

2695 **C. Large Family Child Care Home Application and License.**

2696 1. Application for a license or for renewal of a license to operate a large family
2697 child care home must be made on a form prescribed by the Department.
2698 Application for a License to Operate a Large Family Child Care Home, which is
2699 incorporated by reference. The application form may be obtained from the
2700 Department. A license to operate a large family child care home may be used
2701 to operate a family child care home when the number of children in care meets
2702 the definition of a family child care home. A license to operate a family child
2703 care home cannot be used to operate a large family child care home.

2704 2. A completed application for renewal of an annual license must be submitted to
2705 the licensing authority at least 45 days prior to the expiration date of the current
2706 license to ensure that a lapse of licensure does not occur. Failure to submit a
2707 renewal application at least 45 days prior to the expiration date of the current
2708 license constitutes a licensing violation as defined in Article IV.B.12. of these
2709 Rules and Regulations.

2710 3. The application for licensure or re-licensure is not considered complete until
2711 the licensing authority receives proof of background screening clearance for
2712 the operator of the large family child care home, substitutes, and on all other
2713 personnel and household members who are subject to background screening
2714 pursuant to Section 402.3131(2), F.S., as amended. If the designated
2715 substitute changes during the licensure year, prior to taking care of children,
2716 the new designated substitute for the operator must comply with background
2717 screening and training requirements and the licensing authority must receive
2718 proof of background screening clearances.

2719 4. The Department may issue a provisional license allowing a home to operate for
2720 a designated period of time while working to correct one or more licensing
2721 standard(s) not met, provided the owner is making adequate provisions to
2722 ensure the health and safety of the children in care. A provisional license shall
2723 not be issued as an initial license, and is not a disciplinary sanction.

2724 5. CF-FSP Form 5337, March 2009, Child Abuse & Neglect Reporting
2725 Requirements, must be signed annually by the operator, employee and
2726 substitute(s).

2727 6. The large family child care home license shall be issued in the name of the
2728 operator, who must be at least 21 years of age and a resident of the large
2729 family child care home. In the event of rental or leased property, the operator
2730 shall be the individual who occupies the residence.

2731 7. A copy of the annual license shall be posted in a conspicuous location within
2732 the large family child care home.

2733 **D. Large Family Child Care Home Personnel.**

2734 1. All large family child care personnel must be screened and cleared, and meet
2735 applicable training requirements before employment to work in a large family
2736 child care home while children are present.

2737 2. Initial Screening. Screening information for the employee must be documented
2738 on Form 5131, Background Screening and Personnel File Requirements,
2739 which is incorporated by reference. A copy of CF-FSP 5131 may be obtained
2740 from the department's website at www.pbchd.com.

2741 3. Re-screening. Re-screening information for the employee must be documented
2742 on CF-FSP Form 5131.

2743 4. Large Family Child Care Home Staff Training.

2744 a. Definitions.

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- i. “Active” is the status of a candidate’s awarded credential or certification which demonstrates that the credential requirements have been successfully met.
 - ii. “Begin training for child care personnel” refers to a candidate’s commencement of at least one of the child care training courses listed in paragraph 65C-20.0013(5)(c), F.A.C. This may be accomplished by classroom attendance in a department-approved training course, acquiring an educational exemption from a department-approved training course, beginning a department-approved online child care training course, or by receiving results from a department-approved competency examination within the first 90 days of employment in the child care industry in any licensed Florida family child care home or large family child care home. The large family child care home is responsible for obtaining documentation from child care personnel.
 - iii. “Early Childhood Education” refers to coursework, certification, a credential or degree that specializes in children ages birth through eight years.
 - iv. High School Diploma, GED and/or College Degree” means a diploma or degree obtained from institution accredited and recognized by U.S. Department of Education. High school diplomas issued by private schools that are registered with the Florida Department of Education will be accepted. If a high school diploma is earned outside the U.S., it must be translated by someone who is a member of the American Translators Association, an approved credential evaluation agency approved by the Bureau of Educators Certification, or an accredited college/university. If a college degree is earned outside the U.S., it must be evaluated by an approved credential evaluation agency approved by the Bureau of Educators Certification or an accredited college/university to be equivalent to a U.S. degree.
 - v. “Inactive” refers to the status of a candidate’s awarded credential or certification that is no longer active; however, remains eligible for renewal.
 - vi. “National Early Childhood Credential (NECC)” pursuant to Section 402.305(3)(c), F.S., is an early childhood credential approved by the department and recognized by licensing authorities in at least five states that incorporates 120 hours of early childhood instruction, 480 contact hours with children ages birth through eight years, and includes at least two methods of formal assessment. This includes the Child Development Associate (CDA) credential issued by the Council for Professional Recognition in Washington, DC. A list of approved and recognized NECC programs may be obtained from the department’s website at www.myflorida.com/childcare.
 - vii. “Professional contribution” demonstrates a dedication to early childhood or school-age education outside of the child care program responsibilities.
 - viii. “Year of experience” is equivalent to a minimum of 1040 hours of paid and/or nonpaid documented work experience.
- b. Large Family Child Care Home Operators. In addition to the training requirements identified in rule 65C-20.009(3)(a) and (c), F.A.C., large family child care home operators must:
- i. Possess an active Staff Credential Verification Confirmation, documented on the Training Transcript.
 - (a) To apply for a staff credential verification, a candidate must complete CF-FSP Form 5211, March 2009, Florida Child Care Staff Credential Verification Application, which is incorporated by reference, and may be obtained from the department’s

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- website at www.myflorida.com/childcare. Operator must meet one of the following credentials below for a minimum of one year prior to initial Large Family Child Care Home Licensure:
- (I) An active National Early Childhood Credential (NECC); or
 - (II) An active Birth Through Five Child Care Credential awarded as a Florida Child Care Professional Credential (FCCPC), a Florida Department of Education Child Care Apprenticeship Certificate (CCAC), or Early Childhood Professional Certificate (ECPC); or
 - (III) An active School-Age Child Care Credential awarded as a Florida Child Care Professional Credential (FCCPC) or School-Age Professional Certificate (SAPC); or
 - (IV) Formal Educational Qualifications.
- (b) An Employment History Recognition Exemption will not be accepted to meet the minimum staff credential requirements for Large Family Child Care Homes.
- (c) An Employment History Recognition Exemption and a School-Age FCCPC will not be accepted to meet the minimum staff credential requirements for Voluntary Pre-Kindergarten (VPK).
- (d) Florida law requires that VPK instructional personnel possess an appropriate credential. If the Department identifies that a designated VPK teacher does not have an active credential, the department will notify the local Early Learning Coalition or its designated representative.
- ii. Within six (6) months of licensure, successfully complete 10-clock-hours of specialized training from the department's Part II training courses as evidenced by successful completion of a competency examination with a weighted score of 70 or better.
- (a) These courses include:
 - I. Infant and Toddler Appropriate Practices (10 hours),
 - II. Preschool Appropriate Practices (10 hours),
 - III. School-Age Appropriate Practices (10 hours),
 - IV. Special Needs Appropriate Practices (10 hours),
 - V. Early Literacy for Children Ages Birth Through Three (5 hours online),
 - VI. Basic Guidance and Discipline (5 hours online),
 - VII. Emergent Literacy for Voluntary Pre-Kindergarten (VPK) Instructors (5 hours online), or
 - VIII. Early Childhood Computer Learning Centers (5 hours online).
 - (a) Child care operators have one opportunity, if they choose, to exempt from one or more of the department's training courses prior to attending training by successful completion of corresponding competency examinations. If the Part II training course is only available online, exemption examinations are not available.
 - (b) The Department of Children and Families or its designated representative shall exempt individuals from one or more of the department's training courses with a:
 - (I) Bachelor's degree or higher in Early Childhood Education or Preschool Education from the Infant

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and Toddler Appropriate Practices course and
Preschool Appropriate Practices course.

(II) Bachelor’s degree or higher in Elementary
Education from the School-Age Appropriate
Practices course.

(III) Bachelor’s degree or higher in Exceptional Student
Education from the Special Needs Appropriate
Practices course.

iii. Maintain an active staff credential, documented on the individual’s
Training Transcript. Inactive staff credentials may not be used to
operate a large family child care home.

(a) A National Early Childhood Credential must be renewed
through the agency that awarded the original credential. Once
renewed, for licensing purposes, individuals must complete a
CF-FSP Form 5211, Florida Child Care Staff Credential
Verification Application to have the individual’s Training
Transcript updated with renewed credential information.

(b) To renew an active Birth Through Five or School-Age Child
Care Credential, every five years a candidate must complete
the renewal section of the CF-FSP Form 5211; if all criteria are
met, the individual’s Training Transcript will be updated with
renewed credential information. Renewal applications may be
submitted by the candidate no earlier than one year prior to the
end of the active period of the Birth Through Five or School-
Age Child Care Credential. An individual with an inactive Birth
Through Five or School-Age Child Care Credential may submit
a renewal application, but while inactive, the credential shall
not be used to operate a large family child care home. The
application will be reviewed, and if approved, a certificate will
be issued with a renewal date of five years from the date the
renewal requirements are met.

(c) A staff credential awarded for formal educational qualifications
is always active and does not need to be renewed.

c. Large Family Child Care Home Employees. Employees in a large family
child care home shall be at least 18 years of age and must satisfy the
following training requirements:

I. Within 90 days of employment in a Florida large family child care
home, begin the department’s 30-clock-hour Family Child Care Home
training. The training shall be successfully completed within 12
months from the date on which the training began, as evidenced by
the successful completion of a competency examination offered by
the department or its designated representative with a weighted score
of 70 or better. Training completion may not exceed 15 months from
the date of employment in a Florida large family child care home.
Documentation of course completion may either be a single Family
Child Care Home (30 Hr) certificate or certificates for the five (5)
individual training courses which total 30-clock-hours of training:
Family Child Care Home Rules and Regulations; Health, Safety and
Nutrition; Identifying and Reporting Child Abuse and Neglect; Child
Growth and Development; and Behavioral Observation and
Screening.

II. Within 12 months of date of employment in the Florida large family
child care home, complete a single course of training in early literacy
and language development of children ages birth through five years
that is a minimum of five-(5)-clock-hours or .5 CEUs. Proof of
completion will be documented on the certificate of course
completion, classroom transcript, or diploma. In order to meet this
requirement, employees must complete one of the following:

- 2913 a. One of the department’s online literacy courses available on
2914 the department’s website at www.myflorida.com/childcare; or
- 2915 b. One of the department’s approved literacy training courses. A
2916 list of these courses may be obtained from the department’s
2917 website at www.myflorida.com/childcare (no additional courses
2918 will be approved by the department); or
- 2919 c. One college level early literacy course (for credit or non-credit)
2920 if taken within the last five years.
- 2921 d. Large Family Child Care Home Substitutes. Substitutes are persons
2922 designated by the operator to care for children in the absence of the
2923 operator or an employee. Substitutes must be at least 18 years of age.
2924 Substitutes for the operator and an employee who works more than 40
2925 hours per month on average must meet the training requirements in
2926 paragraph 65C-20.009(3)(a), F.A.C. Substitutes for the employee who work
2927 less than 40 hours per month on average must meet the training
2928 requirements in paragraph 65C-20.009(3)(b), F.A.C.
- 2929 e. Large Family Child Care Home Annual In-Service Training. All large family
2930 child care home operators and employees must complete the annual in-
2931 service training requirements in subsection 65C-20.009(4), F.A.C.
 - 2932 i. Large family child care home employees may apply the mandated 30-
2933 clock-hour Family Child Care Home training to meet the annual in-
2934 service training requirement during the first year of employment.
- 2935 f. All employees continuously employed or hired prior to the last month of the
2936 provider’s licensure year must complete the annual in-service training
2937 requirement. This includes any changes in employment from one program
2938 to another.
- 2939 g. Employees continuously employed or hired prior to the last month of the
2940 provider’s licensure year who do not complete the required annual in-service
2941 training during any given year must complete the remaining in-service
2942 training hours within 30 days of the noncompliance finding by the licensing
2943 authority. These hours cannot be used to meet the current year’s in-service
2944 training requirements.

2945 **E. Large Family Child Care Home Supervision.**

- 2946 **1. In a large family child care home, direct supervision must be maintained at**
2947 **all times during the hours of operation. Direct supervision means watching**
2948 **and directing children’s activities responding to each child’s need. While**
2949 **children are napping or sleeping in bedrooms, the bedroom doors must**
2950 **remain open.**
- 2951 **2. Additional Supervision Requirements.**
- 2952 **3. 1. In addition to the number of staff required to meet staff-to-child ratios,**
2953 **if there are more than six preschoolers participating on field trips away from**
2954 **the large family child care home, there must be one additional adult present**
2955 **per each six preschoolers, or any fraction thereof, to provide direct**
2956 **supervision to the children. If some children remain in the home, the adult**
2957 **supervision staff-to-child ratios as required in Section 402.302(7), F.S., shall**
2958 **apply and must be maintained. In addition, one staff member on the field**
2959 **trip and one staff member remaining on the premises with children must**
2960 **have a valid and current certificate(s) of course completion for infant and**
2961 **child cardiopulmonary resuscitation (CPR) procedures and first aid training.**
2962 **At no time shall the total number of children exceed the capacity as defined**
2963 **in Section 402.302(8), F.S.**
- 2964 **4. 2. If a large family child care home uses a swimming pool that exceeds**
2965 **three feet in depth or uses beach or lake areas for water activities, the large**
2966 **family child care home must provide one person with a certified lifeguard**
2967 **certificate or equivalent, unless a certified lifeguard is on duty and present**
2968 **when children are in the swimming area.**

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F. Large Family Child Care Home Transportation. In addition to the transportation requirements identified in subsection 65C-20.010(8), F.A.C., a large family child care home must comply with the following:

1. Driver's Log. A log shall be maintained for all children being transported in the vehicle. The log shall be retained for a minimum of six months. The log shall include each child's name, date, time of departure and time of arrival, signature of driver and signature of second staff member to verify driver's log and that all children have left the vehicle.
2. Upon arrival at the destination, a second adult shall:
 - a. Conduct a physical inspection and visual sweep of the vehicle to ensure that no child is left in the vehicle; and
 - b. Sign, date and record the driver's log immediately, verifying that all children were accounted for and that the log is complete.
3. When one staff member takes some children on a field trip and one staff member remains on the premises with the remainder of the children in care, the operator or employee transporting children is totally responsible for the care and supervision of those children and shall follow the transportation guidelines in Articles XIV and XVI of these rules.

G. Large Family Child Care Home Planned and Unplanned Activities.

- I. Each age group or class must have a written and followed plan of scheduled activities posted in a conspicuous location accessible to the custodial parents or legal guardian. The written plan must meet the needs of the children being served and include scheduled activities that:
 - a. Promote emotional, social, intellectual and physical growth;
 - b. Include quiet and active play, both indoors and outdoors; and
 - c. Include meals, snacks, and nap times, if appropriate for the age and the times the children are in care.
- II. Providers are encouraged to advise parents or legal guardians of their child's activities on a daily basis and to participate in the program's activities.

H. Large Family Child Care Home General Requirements.

1. Fire Safety. Large family child care homes shall conform to state standards adopted by the State Fire Marshal, Chapter 69A-36, F.A.C., Uniform Fire Safety Standards for Child Care Facilities and shall be inspected annually. A copy of the current and approved annual fire inspection report by a certified fire inspector must be on file with the licensing authority.
2. Indoor Floor Space and Indoor Equipment.
 - a. A large family child care home must have 35 square feet of usable indoor floor space per child that does not include bedrooms unless it can be demonstrated that these bedrooms are used as multipurpose activity rooms.
 - b. Usable indoor floor space refers to that space available for indoor play and activities. Usable indoor floor space is calculated by measuring at floor level from interior walls and by deleting space for stairways, toilets and bath facilities, permanent fixtures and non-movable furniture. Kitchens, offices, laundry rooms, storage areas, hallways, and other areas not used in normal day-to-day operations are not included when calculating usable indoor floor space.
 - c. Shelves or storage for toys and other materials shall be considered as usable indoor floor space if accessible to children.
 - d. Where infants are in care, they shall have open indoor floor space outside of cribs and playpens.
 - e. Large family child care homes shall make available toys, equipment, and furnishings suitable to each child's age and development, and of a quantity suitable for each child to be involved in activities.

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- f. Toys, equipment, and furnishings must be safe and maintained in a sanitary condition, and shall be cleaned and sanitized or disinfected immediately if exposed to bodily fluids, such as saliva.
- 3. Outdoor Play Area and Outdoor Equipment.
 - a. At all large family child care homes, the outdoor play area shall maintain safe and adequate fencing or walls, a minimum of four feet in height. Fencing, including gates, must be continuous and shall not have gaps that would allow children to exit the outdoor play area. The base of the fence must remain at ground level, free from erosion or buildup, to prevent inside or outside access by children or animals.
 - b. All large family child care homes must have a minimum of 270 square feet of usable outdoor play area located on their property and which is used for the children attending or residing at the large family child care home, during operating hours. Infants in care shall be provided opportunities for outdoor time each day that weather permits.
 - c. The area beneath and immediately adjacent to play equipment or structure on which a child would land when falling or exiting the equipment must be maintained free from objects, obstructions, or encroachment by other structures, and be covered with protective surfacing to absorb the impact of a fall, and minimize the likelihood of a life-threatening head injury. Concrete, asphalt, packed earth, and grass are not acceptable as protective surfacing.
- 4. Emergency Procedures and Notification. The operator shall prepare an emergency evacuation plan including a diagram of safe routes by which the operator, employee and children may exit each area of the home in the event of fire or other emergency requiring evacuation. This plan shall be posted and shared with the employees, custodial parents, and/or legal guardians.

