

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

**FLORIDA DEPARTMENT OF HEALTH - PALM BEACH COUNTY**

**AGENDA ITEM SUMMARY**

Meeting Date: September 27, 2016

☐ Consent  
☐ Ordinance

☐ Regular  
☒ Public Hearing

Department: Florida Department of Health, Palm Beach County  
Submitted By: Administration  
Submitted For: Child Care Facilities Board

**I. EXECUTIVE BRIEF**

**Motion and Title:** Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, sitting as the Child Care Facilities Board, titled the Palm Beach County Rules and Regulations Governing Family Child Care Homes and Large Family Child Care Homes: amending Articles I through XVIII and adding Article XIX of the Rules and Regulations Governing Family Child Care Facilities in Palm Beach County; providing for definitions; providing for rules of procedure for the Child Care Advisory Council; providing for license application procedures; providing for increase in annual license fees; providing for procedures for hearings, and denial and revocation of licenses; providing for family child care personnel training requirements; providing for background screening requirements; providing for supervision and staffing requirements; providing for daily program and discipline; providing for physical facilities requirements; providing for emergency procedures; providing for nutrition; providing for medicine, first-aid and emergency procedures; providing for communicable disease control; providing for admission, assessment and record keeping; providing for child care during nighttime hours; providing for transportation; providing requirements for field trips and swimming activities; providing for classification of violations; providing for enforcement procedures; providing for repeal of laws in conflict; providing for inclusion in the code; providing for severability; providing for a savings clause; and providing for an effective date.

**Summary:** The Child Care Advisory Council and the Florida Department of Health in Palm Beach County are recommending a number of changes to the Rules and Regulations Governing Family Day Care Facilities. The Board of County Commissioners, pursuant to Chapter 2010-249, Laws of Florida, serves as the Child Care Facilities Board, and in this capacity, is required to promulgate rules and regulations as needed to protect the health and safety of children in child care facilities and family child care homes. The proposed changes will update County rules and provide greater consistency with State regulations which have been amended several times since the last rule update in 2006. The substantive proposed rule are attached in Attachment 2 to the agenda item. Countywide (HH)

**Background and Policy Issues:** The proposed amendments to the Palm Beach County Rules and Regulations Governing Child Care Facilities were reviewed and approved by the Child Care Advisory Council on January 13, 2016. (Continued on Page 3)

**Attachments:**

1. Resolution
2. List of Substantive Proposed Rule Changes
3. Palm Beach County Rules and Regulations Governing Family Child Care Homes

Recommended by: \_\_\_\_\_

Department Director

Date

Approved by: \_\_\_\_\_

Assistant County Administrator

Date



**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.

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**RESOLUTION NO. R-**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, SITTING AS THE CHILD CARE FACILITIES BOARD, TITLED THE PALM BEACH COUNTY RULES AND REGULATIONS GOVERNING FAMILY CHILD CARE HOMES AND LARGE FAMILY CHILD CARE HOMES: AMENDING ARTICLES I THROUGH XVIII AND ADDING ARTICLE XIX OF THE RULES AND REGULATIONS GOVERNING FAMILY CHILD CARE FACILITIES IN PALM BEACH COUNTY; PROVIDING FOR DEFINITIONS; PROVIDING FOR RULES OF PROCEDURE FOR THE CHILD CARE ADVISORY COUNCIL; PROVIDING FOR LICENSE APPLICATION PROCEDURES; PROVIDING FOR INCREASE IN ANNUAL LICENSE FEES; PROVIDING FOR PROCEDURES FOR HEARINGS, AND DENIAL AND REVOCATION OF LICENSES; PROVIDING FOR FAMILY CHILD CARE PERSONNEL TRAINING REQUIREMENTS; PROVIDING FOR BACKGROUND SCREENING REQUIREMENTS; PROVIDING FOR SUPERVISION AND STAFFING REQUIREMENTS; PROVIDING FOR DAILY PROGRAM AND DISCIPLINE; PROVIDING FOR PHYSICAL FACILITIES REQUIREMENTS; PROVIDING FOR EMERGENCY PROCEDURES; PROVIDING FOR NUTRITION; PROVIDING FOR MEDICINE, FIRST-AID AND EMERGENCY PROCEDURES; PROVIDING FOR COMMUNICABLE DISEASE CONTROL; PROVIDING FOR ADMISSION, ASSESSMENT AND RECORD KEEPING; PROVIDING FOR CHILD CARE DURING NIGHTTIME HOURS; PROVIDING FOR TRANSPORTATION; PROVIDING REQUIREMENTS FOR FIELD TRIPS AND SWIMMING ACTIVITIES; PROVIDING FOR CLASSIFICATION OF VIOLATIONS; PROVIDING FOR ENFORCEMENT PROCEDURES; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

**WHEREAS**, many parents with children are employed outside the home; and  
**WHEREAS**, child care is an indispensable part of the effort to meet basic economic obligations and to make economic gains; and

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

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

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

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

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

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

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

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

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

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

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

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

82  
83           The Chair thereupon declared the Resolution duly passed and adopted this \_\_\_\_  
84 day of \_\_\_\_\_, 2016.

85  
86 APPROVED AS TO FORM AND                               PALM BEACH COUNTY, FLORIDA, BY  
87 LEGAL SUFFICIENCY                                       ITS BOARD OF COUNTY COMMISSIONERS  
88  
89                                                               Sharon R. Bock, Clerk & Comptroller

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92  
93 By: \_\_\_\_\_ By: \_\_\_\_\_  
94       Assistant County Attorney                       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 30<sup>th</sup> 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

- 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](http://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](http://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](http://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](http://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](http://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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## DRAFT

- 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:

## DRAFT

- 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

- 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](http://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

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

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

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

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

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

## ARTICLE IV - LICENSURE PROCEDURE AND REQUIREMENTS

### A. LICENSE REQUIRED:

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

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

### B. LICENSURE PROCEDURES

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

#### 2. THE CHILD CARE ADVISORY COUNCIL

##### (a) Appointment and Termination

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

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

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

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

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 30<sup>th</sup>. 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.

(d) Meetings

- (i) The location of all meetings shall be in Palm Beach County, Florida.
- (ii) If a matter is postponed due to lack of a quorum, the item shall be scheduled to the next regularly scheduled meeting, unless a Special Call meeting is convened.
- (iii) Special Call meetings may be called by the Chair of the Council, in writing by a majority of the members of the Council or orally by a majority of the members of the Council at any meeting.
- (iv) All meetings and public hearings shall be open to the public.
- (v) All meetings shall be set for time certain after due public notice. Due public notice shall include notification that a record is required to appeal a final decision of the Council pursuant to F.S. § 286.0105, as amended or replaced.

3. ~~2.~~—The Department Director, or his or her representative, is charged with the administration and financial responsibility of carrying out the duties of the Board, including, but not limited to, issuing licenses; subject to Council approval, and inspecting family day child care facilities and large family child care homes as required by these Rules and Regulations.

4. ~~3.~~—Application for a family day child care facility or large family child care home license shall be made in writing on an approved form, and contain such information, as prescribed by the Department. Said application is to be signed by the operator of the facility home, and submitted to the Department. All applications for new license change of ownership, or addition of service, including nighttime care, must be submitted to the Department for review prior to licensure. Completed applications, with the required substantiating documentation, must be submitted to the Department at least three (3) weeks prior to the scheduled monthly meeting of the Palm Beach County Child Care Advisory Council. An application for change of ownership means an application for licensure on a currently approved home from any person or persons, including corporations and other distinct entities, other than the current license holder. Any false statements, information or material omissions contained in said application shall be grounds for denial or revocation of the license.

5. A completed application with the following documentation shall be on file at the Department prior to issuance of a license:

- a) Affidavit of Good Moral Character for the applicant/operator, substitute(s), and any all adult household or family members.
- b) Signed consent forms for a local criminal record check for applicant, substitute(s) and household or family members twelve (12) years of age or older, and signed consent forms for delinquency checks for household members between the ages of twelve (12) years and seventeen (17) years of age.
- c) Notarized statement attesting that Fingerprint Card and Information Caretaker Background Screening Form have been submitted for applicant, substitute(s) and any adult household or family members to the Department for processing Proof of Level 2 screening clearance for operator, substitute(s), employees, and all adult household or family members. Proof of Level 1 screening clearance for juvenile household or family members.
- d) Supplement to the application: two (2) Employment History Checks and Character References:
  - i. Five-year employment history giving full and accurate information about jobs held and contact information for former employers.
  - ii. and A listing of the names, addresses and phone numbers of three (3) persons submitting character references for the operator and substitute(s). Referencers must be familiar with the qualifications, character, and dependability of the person on whose behalf the 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 30<sup>th</sup> 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 of~~  
591           ~~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.

- 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

## DRAFT

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

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

### E. PROVISIONAL LICENSE

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

### F. PROBATIONARY LICENSE

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

### G. E-ADVERTISEMENTS

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 1<sup>st</sup> of each year, shall be required to pay a prorated fee as follows:

741 For licenses issued:	License fee required:
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. <del>Change of Ownership</del> <u>Administrative Fee</u> : Family day <u>child care facilities homes</u> 747 <u>and large family child care homes</u> obtaining a change in ownership, <u>name</u> 748 <u>change, or nighttime care approval</u> shall be required to pay an administrative 749 fee of <del>twenty-five</del> <u>thirty</u> dollars ( <del>\$25</del> <u>30</u> .00), in addition to the applicable <u>plan</u> 750 <u>review fee and license fee</u> .	
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.

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

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

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

- (1) Ownership and operation of a family day child care facility home or a large family child care home, or employment by a family day child care facility home may be excluded pursuant to section 402.3055(2), Florida Statutes, as may be amended or replaced.
- (2) Where the Department ~~is~~ becomes aware of a history of enforcement or disciplinary action involving an applicant, owner or operator while being the owner, operator, or employee of a child care facility, a large family child care home or family day child care facility home, the Department shall ~~notify the applicant, owner or operator, in writing, that such history could be grounds for denial or revocation of a family day care facility license.~~ Ppursuant to Article VII (G) A.2. herein, the Department shall refer the following to the Child Care Advisory Council to make determination as to the exclusion from owning or operating a family day child care facility home or large family child care home in Palm Beach County and the denial or revocation of such license:
  - (a) The applicant, owner, or operator being a party to a child care facility or family day child care facility home license being denied, revoked or suspended in any state or jurisdiction, or,
  - (b) The applicant, owner or operator has been the subject of disciplinary action or been fined while being the owner, operator, or employee of a child care facility or family day child care facility home in any state or jurisdiction.
  - (c) ~~Should the Council's initial determination be~~ determine that there are possible grounds for denial or revocation, the Council shall direct the Department to issue a notice of intent to deny or revoke in accordance with Article V herein.

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

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

**C. Denial or Revocation Hearings:**

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

**1. Time for Hearing**

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

**2. Hearing Procedures**

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

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             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



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.myfloridacare.com/childcare/training](http://www.myfloridacare.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](http://www.myflorida.com/childcare/training) <http://www.myflfamilies.com/service->
- 1015 [programs/child-care/forms-and-applications](http://www.myflfamilies.com/service-programs/child-care/forms-and-applications)
- 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~~vidence
- 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.

**D. SUPERVISION OF CHILDREN**

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

**E. SUBSTITUTE/EMERGENCY ARRANGEMENTS**

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

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

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

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

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

## ARTICLE VII - BACKGROUND AND SCREENING REQUIREMENTS

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

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

2. G-Consideration of Applicant's History –

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

- 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~~ 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.~~

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~~

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

## DRAFT

- 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 ~~day~~child care provider or substitute.
- 1428     b. Purses of family ~~day~~child 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 ~~F~~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 ~~day~~child 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 ~~day~~child 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 (1<sup>st</sup>) floor at  
1464 ground level only, or: on the first (1<sup>st</sup>) 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 (2<sup>nd</sup>) means of  
1467 escape from each level. The second (2<sup>nd</sup>) 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 (1<sup>st</sup>) floor (ground level) only.~~

- 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 <b>OR</b> <del>the National Poison Control Center</del>
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

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

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

- a. Plumbing and water supply distribution shall meet applicable requirements of the Florida Building Code, and local building requirements.
- b. Hot water under pressure shall be provided in the food preparation and utensil washing areas.
- c. Potable drinking water shall be available to children of all ages at all times. If disposable cups are used they must be discarded after each use.

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

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

**B. INDOOR SPACE**

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

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 ~~day~~ child 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 ~~day~~ child 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



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

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

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

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

#### D. SLEEPING AND NAPPING SPACE

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

2. Infants up to the age of twelve (12) months must nap or sleep in cribs with sides. Cribs must meet the construction regulations as outlined in Title 16, Parts ~~1508 & 1509, 1219 & 1220~~ Code of Federal Regulations, December 28, 2010, which is incorporated by reference. A copy may be obtained from the Department of Children and Families website, [www.myflorida.com/childcare](http://www.myflorida.com/childcare), or from the following link <http://www.flrules.org/Gateway/reference.asp?No=Ref-03038>. ~~as amended or replaced.~~ Sturdy playpens may be substituted for cribs. The sides must be raised and secured while an infant is in the crib or playpen. Cribs and playpens with bases which rest on the floor shall not be used. No double or multi decked cribs, cots or beds may be used. Exception: previously licensed facilities utilizing multi-decked cribs prior to the effective date of these rules, may continue to use them, provided that they are used in accordance with manufacturer's specifications, and such specifications are maintained on site at the facility and made available to the department upon request. ~~Such use may not continue beyond June 30, 2010.~~

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

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

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

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

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

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material. Bedding shall be sanitized at least daily or more frequently as needed. Cots and mats shall be sanitized on a weekly basis, or more frequently as needed, where individual cots and mats are assigned to specific children for use. In this case, the facility shall maintain on site a current record of bedding assignments.

6. A minimum distance of eighteen (18) inches shall be maintained on all sides between individual napping spaces. Napping spaces shall not be designated in kitchens, bathrooms, utility rooms, or garages.

7. If separate rooms are used for napping, the doors of these rooms shall remain open to enable the operator to provide adequate supervision and allow the operator to respond to emergencies and needs of the children.

8. There shall be no more than two (2) rooms used for sleeping and said rooms shall be in close proximity to each other.

### E. TOILET AND BATH FACILITIES

1. The home shall have at least one (1) toilet, and one (1) bathing facility and one (1) lavatory for hand washing provided with soap and towel(s). Each child shall have his own individually labeled towel and wash cloth if disposable towels and wash cloths are not used. If disposable towels are used, they shall be discarded after each use.

2. For infants and other children in diapers, there shall be in addition at least one (1) portable infant seat or potty chair and one (1) portable bathing facility. These shall be kept in a sanitary condition and sanitized after each use. In addition, there shall be a diaper changing table, with an impermeable surface which is cleaned with a sanitizing solution after each use.

3. Children shall be continuously supervised when bathing, being diapered or when changing clothes.

### F. ISOLATION AREA

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

### G. EQUIPMENT

1. Indoor Equipment - The home shall have equipment and toys which are safe, age appropriate, and can be maintained in a safe and sanitary condition.

2. Outdoor Equipment –

a. There shall be play equipment to provide suitable and age- appropriate activities for the children. Play equipment shall be installed and used in accordance with the manufacturer's instructions and specifications.

b. All equipment shall be safely installed and maintained in a safe and sanitary condition.

c. All equipment shall be free of sharp and jagged edges, protruding bolts and nails that can cause injuries or entanglement, and openings that can cause entrapment of a child's head.

d. Sand boxes or sawdust boxes used in outdoor play areas shall be constructed to allow for drainage, and maintained in a safe and sanitary condition. The boxes shall be covered at all times when not in use.

e. Trampolines and bounce houses are prohibited for use by children during the hours of operation of the family child care home.

f. The operator or substitute shall not allow children to use play equipment that is not age-appropriate, or is defective, broken, or otherwise unsafe for use by the children.

### H. CLEANLINESS, AND ORDERLINESS, & GENERAL SAFETY

1. All parts of the home, furnishings, equipment, plumbing and the premises shall be kept clean, sanitary, free of hazards, in an orderly condition and in good repair 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.~~

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

8. All facilities shall develop and post, in a conspicuous location, a written Emergency Evacuation Plan to be used during emergencies and fire drills. This Emergency Evacuation Plan shall include a diagram of safe routes by which family child care personnel and children may exit each area of the facility in the event of fire or other emergency requiring evacuation.
9. Fire drills shall be conducted at least monthly, using the Emergency Evacuation Plan, and shall be conducted at various times when children are in care. Documentation showing the date, number of children in attendance, and time taken to evacuate the premise shall be maintained and kept on file for one (1) year. The fire drills conducted during the licensure year must include, at a minimum:
  - a. One fire drill during the established napping/sleeping times.
  - b. One fire drill using an alternate evacuation route.
  - c. One fire drill in the presence and at the request of the Department in coordination with the operator.
10. Current attendance records and parent/guardian emergency contact information must accompany the caregiver and children whenever they leave the building as a group during a drill, outdoor activities, or emergency evacuation. The attendance records must be used to account for all children at all times.
11. The operator shall maintain a written record of fire drills showing the date, time, number of children and staff in attendance, evacuation route used, time taken for all individuals to evacuate the premises, and any unusual findings or problems encountered. This record must be maintained for not less than one year from the date of the drill.
12. Documentation of conducted fire and emergency preparedness drills must be available at the facility at the time of inspection. Documentation produced after the inspection shall not meet the licensing standard or corrective action requirements.

## ARTICLE IX

### MEDICINES, FIRST-AID AND EMERGENCY MEDICAL PROCEDURES

#### A. FIRST-AID TREATMENT

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

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

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

#### B. EMERGENCY PROCEDURES: INCIDENT & CHILD ABUSE REPORTING

- 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

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	<b>ARTICLE X - COMMUNICABLE DISEASE CONTROL</b>
1938	<u>The family child care home shall use standard precautions to prevent the spread of</u>
1939	<u>communicable diseases.</u>
1940	A. <u>Handwashing</u>
1941	1. <u>Handwashing is one of the most effective methods of preventing the transmission</u>
1942	<u>of communicable diseases, and is important in keeping children, caregivers, and</u>
1943	<u>household members healthy. Wearing gloves or using hand sanitizers is never a</u>
1944	<u>substitute for hand washing. Caregivers shall wash their hands as often as</u>
1945	<u>possible, including:</u>
1946	i. <u>Upon arrival and before beginning work.</u>
1947	ii. <u>After using the bathroom.</u>
1948	iii. <u>After helping a child use the bathroom.</u>
1949	iv. <u>After diaper changing.</u>
1950	v. <u>Before handling food or food utensils.</u>
1951	vi. <u>Before and after administering medication.</u>
1952	vii. <u>After handling uncooked meats, or eggs.</u>
1953	viii. <u>After handling unwashed fruits and vegetables.</u>
1954	ix. <u>Before and after eating.</u>
1955	x. <u>After any hand contact with bodily fluids including vomit, drool, blood,</u>
1956	<u>stool, or discharge from the eyes or nose.</u>
1957	xi. <u>After handling any pets or animals.</u>
1958	xii. <u>After cleaning activities.</u>
1959	xiii. <u>After handling garbage and garbage containers.</u>
1960	xiv. <u>After coming back from break.</u>
1961	xv. <u>After removing gloves.</u>
1962	
1963	B. <u>Isolation area.</u>
1964	1. <u>The family child care home shall have a designated isolation room or area for a</u>
1965	<u>child who becomes ill. Any child who is suspected of having a communicable</u>
1966	<u>disease or who has a fever of 100 degrees Fahrenheit or higher, in conjunction</u>
1967	<u>with any of the signs and symptoms listed in paragraph "2" below, shall be placed</u>
1968	<u>in the isolation area.</u>
1969	2. <u>Children in care shall be observed on a daily basis for signs of communicable</u>
1970	<u>disease. Signs and symptoms of a suspected communicable disease include the</u>
1971	<u>following:</u>
1972	i. <u>severe coughing, causing the child to become red or blue in the face</u>
1973	<u>or to make a whooping sound,</u>
1974	ii. <u>difficult or rapid breathing,</u>
1975	iii. <u>stiff neck,</u>
1976	iv. <u>diarrhea (more than one abnormally loose stool within a twenty-four</u>
1977	<u>{24} -hour period),</u>
1978	v. <u>temperature of one hundred degrees Fahrenheit (100°F) or higher</u>
1979	<u>taken when in combination with any other sign of illness,</u>
1980	vi. <u>conjunctivitis (Pink Eye),</u>

- 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.



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

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

#### E. Influenza Prevention

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

### ARTICLE XI - NUTRITION

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

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

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

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

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

- i. Children in care for eight (8) and fewer hours shall be offered at least one (1) meal and two (2) snacks, or two (2) meals and one (1) snack;
- ii. Children in care for more than eight (8) hours shall be offered at least two (2) meals and two (2) snacks, or three (3) snacks and one (1) meal;
- iii. Children shall be offered food at intervals at least two (2) hours apart and not more than three (3) hours apart unless the child is asleep.
- iv. All facilities shall assure that each child is provided with a mid-morning and mid-afternoon snack in addition to the number of meals necessary to meet the child's nutritional needs as stated in Article XII (A) above. Such snacks shall be served regardless of whether they are eligible for reimbursement under the Federal Food Program.
- v. Mid-morning snacks may be deleted if breakfast is served, provided that the routine mid-morning snack period is two (2) hours or less away from the time

- 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~~ Children 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.

- 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.

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

**B. ENROLLMENT INFORMATION**

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

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

**C. OTHER RECORDS**

1. Health and Safety Checklist

Operators of family day care homes shall complete a quarterly health and safety home inspection self-evaluation checklist developed by the Department. The completed checklist shall be signed by the operator of the family day care home and posted in a conspicuous location in the home to inform parents of the extent to which basic health and safety standards are being met.

2. Timesheet required

## DRAFT

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

### 3. Sign In and Sign Out

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

## ARTICLE XVI

### FIELD TRIPS

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

## ARTICLE XVII

### CLASSIFICATION OF VIOLATIONS

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

- A. Class I Violations: An incident of noncompliance with a Class I standard as described in the Family Child Care or Large Family Child Care Standards Classification Summary. Class I violations are ~~Are the most serious in nature and 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



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

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

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

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

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

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

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

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

1. "Full Time Employee" means one additional staff person at least 18 years of age, who is on the premises of a home operating as a large family child care home.
2. "Hours of Operation" means the hours of the day or night that a large family 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](http://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.

- 2745 i. “Active” is the status of a candidate’s awarded credential or  
 2746 certification which demonstrates that the credential requirements  
 2747 have been successfully met.
- 2748 ii. “Begin training for child care personnel” refers to a candidate’s  
 2749 commencement of at least one of the child care training courses  
 2750 listed in paragraph 65C-20.0013(5)(c), F.A.C. This may be  
 2751 accomplished by classroom attendance in a department-approved  
 2752 training course, acquiring an educational exemption from a  
 2753 department-approved training course, beginning a department-  
 2754 approved online child care training course, or by receiving results  
 2755 from a department-approved competency examination within the first  
 2756 90 days of employment in the child care industry in any licensed  
 2757 Florida family child care home or large family child care home. The  
 2758 large family child care home is responsible for obtaining  
 2759 documentation from child care personnel.
- 2760 iii. “Early Childhood Education” refers to coursework,  
 2761 certification, a credential or degree that specializes in children ages  
 2762 birth through eight years.
- 2763 iv. High School Diploma, GED and/or College Degree” means a  
 2764 diploma or degree obtained from institution accredited and  
 2765 recognized by U.S. Department of Education. High school diplomas  
 2766 issued by private schools that are registered with the Florida  
 2767 Department of Education will be accepted. If a high school diploma is  
 2768 earned outside the U.S., it must be translated by someone who is a  
 2769 member of the American Translators Association, an approved  
 2770 credential evaluation agency approved by the Bureau of Educators  
 2771 Certification, or an accredited college/university. If a college degree  
 2772 is earned outside the U.S., it must be evaluated by an approved  
 2773 credential evaluation agency approved by the Bureau of Educators  
 2774 Certification or an accredited college/university to be equivalent to a  
 2775 U.S. degree.
- 2776 v. “Inactive” refers to the status of a candidate’s awarded  
 2777 credential or certification that is no longer active; however, remains  
 2778 eligible for renewal.
- 2779 vi. “National Early Childhood Credential (NECC)” pursuant to  
 2780 Section 402.305(3)(c), F.S., is an early childhood credential approved  
 2781 by the department and recognized by licensing authorities in at least  
 2782 five states that incorporates 120 hours of early childhood instruction,  
 2783 480 contact hours with children ages birth through eight years, and  
 2784 includes at least two methods of formal assessment. This includes  
 2785 the Child Development Associate (CDA) credential issued by the  
 2786 Council for Professional Recognition in Washington, DC. A list of  
 2787 approved and recognized NECC programs may be obtained from the  
 2788 department’s website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).
- 2789 vii. “Professional contribution” demonstrates a dedication to early  
 2790 childhood or school-age education outside of the child care program  
 2791 responsibilities.
- 2792 viii. “Year of experience” is equivalent to a minimum of 1040 hours  
 2793 of paid and/or nonpaid documented work experience.
- 2794 b. Large Family Child Care Home Operators. In addition to the training  
 2795 requirements identified in rule 65C-20.009(3)(a) and (c), F.A.C., large family  
 2796 child care home operators must:
- 2797 i. Possess an active Staff Credential Verification Confirmation,  
 2798 documented on the Training Transcript.
- 2799 (a) To apply for a staff credential verification, a candidate must  
 2800 complete CF-FSP Form 5211, March 2009, Florida Child Care  
 2801 Staff Credential Verification Application, which is incorporated  
 2802 by reference, and may be obtained from the department’s

2803 website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare). Operator must meet  
 2804 one of the following credentials below for a minimum of one  
 2805 year prior to initial Large Family Child Care Home Licensure:  
 2806 (I) An active National Early Childhood Credential (NECC); or  
 2807 (II) An active Birth Through Five Child Care Credential  
 2808 awarded as a Florida Child Care Professional Credential  
 2809 (FCCPC), a Florida Department of Education Child Care  
 2810 Apprenticeship Certificate (CCAC), or Early Childhood  
 2811 Professional Certificate (ECPC); or  
 2812 (III) An active School-Age Child Care Credential awarded as a  
 2813 Florida Child Care Professional Credential (FCCPC) or  
 2814 School-Age Professional Certificate (SAPC); or  
 2815 (IV) Formal Educational Qualifications.  
 2816 (b) An Employment History Recognition Exemption will not be  
 2817 accepted to meet the minimum staff credential requirements  
 2818 for Large Family Child Care Homes.  
 2819 (c) An Employment History Recognition Exemption and a School-  
 2820 Age FCCPC will not be accepted to meet the minimum staff  
 2821 credential requirements for Voluntary Pre-Kindergarten (VPK).  
 2822 (d) Florida law requires that VPK instructional personnel possess  
 2823 an appropriate credential. If the Department identifies that a  
 2824 designated VPK teacher does not have an active credential,  
 2825 the department will notify the local Early Learning Coalition or  
 2826 its designated representative.  
 2827 ii. Within six (6) months of licensure, successfully complete 10-clock-  
 2828 hours of specialized training from the department's Part II training  
 2829 courses as evidenced by successful completion of a competency  
 2830 examination with a weighted score of 70 or better.  
 2831 (a) These courses include:  
 2832 I. Infant and Toddler Appropriate Practices (10 hours).  
 2833 II. Preschool Appropriate Practices (10 hours).  
 2834 III. School-Age Appropriate Practices (10 hours).  
 2835 IV. Special Needs Appropriate Practices (10 hours).  
 2836 V. Early Literacy for Children Ages Birth Through Three  
 2837 (5 hours online).  
 2838 VI. Basic Guidance and Discipline (5 hours online).  
 2839 VII. Emergent Literacy for Voluntary Pre-Kindergarten  
 2840 (VPK) Instructors (5 hours online), or  
 2841 VIII. Early Childhood Computer Learning Centers (5 hours  
 2842 online).  
 2843 (a) Child care operators have one opportunity, if they  
 2844 choose, to exempt from one or more of the  
 2845 department's training courses prior to attending training  
 2846 by successful completion of corresponding competency  
 2847 examinations. If the Part II training course is only  
 2848 available online, exemption examinations are not  
 2849 available.  
 2850 (b) The Department of Children and Families or its  
 2851 designated representative shall exempt individuals from  
 2852 one or more of the department's training courses with a:  
 2853 (I) Bachelor's degree or higher in Early Childhood  
 2854 Education or Preschool Education from the Infant

- 2855 and Toddler Appropriate Practices course and  
 2856 Preschool Appropriate Practices course.
- 2857 (II) Bachelor's degree or higher in Elementary  
 2858 Education from the School-Age Appropriate  
 2859 Practices course.
- 2860 (III) Bachelor's degree or higher in Exceptional Student  
 2861 Education from the Special Needs Appropriate  
 2862 Practices course.
- 2863 iii. Maintain an active staff credential, documented on the individual's  
 2864 Training Transcript. Inactive staff credentials may not be used to  
 2865 operate a large family child care home.
- 2866 (a) A National Early Childhood Credential must be renewed  
 2867 through the agency that awarded the original credential. Once  
 2868 renewed, for licensing purposes, individuals must complete a  
 2869 CF-FSP Form 5211, Florida Child Care Staff Credential  
 2870 Verification Application to have the individual's Training  
 2871 Transcript updated with renewed credential information.
- 2872 (b) To renew an active Birth Through Five or School-Age Child  
 2873 Care Credential, every five years a candidate must complete  
 2874 the renewal section of the CF-FSP Form 5211; if all criteria are  
 2875 met, the individual's Training Transcript will be updated with  
 2876 renewed credential information. Renewal applications may be  
 2877 submitted by the candidate no earlier than one year prior to the  
 2878 end of the active period of the Birth Through Five or School-  
 2879 Age Child Care Credential. An individual with an inactive Birth  
 2880 Through Five or School-Age Child Care Credential may submit  
 2881 a renewal application, but while inactive, the credential shall  
 2882 not be used to operate a large family child care home. The  
 2883 application will be reviewed, and if approved, a certificate will  
 2884 be issued with a renewal date of five years from the date the  
 2885 renewal requirements are met.
- 2886 (c) A staff credential awarded for formal educational qualifications  
 2887 is always active and does not need to be renewed.
- 2888 c. Large Family Child Care Home Employees. Employees in a large family  
 2889 child care home shall be at least 18 years of age and must satisfy the  
 2890 following training requirements:
- 2891 I. Within 90 days of employment in a Florida large family child care  
 2892 home, begin the department's 30-clock-hour Family Child Care Home  
 2893 training. The training shall be successfully completed within 12  
 2894 months from the date on which the training began, as evidenced by  
 2895 the successful completion of a competency examination offered by  
 2896 the department or its designated representative with a weighted score  
 2897 of 70 or better. Training completion may not exceed 15 months from  
 2898 the date of employment in a Florida large family child care home.  
 2899 Documentation of course completion may either be a single Family  
 2900 Child Care Home (30 Hr) certificate or certificates for the five (5)  
 2901 individual training courses which total 30-clock-hours of training:  
 2902 Family Child Care Home Rules and Regulations; Health, Safety and  
 2903 Nutrition; Identifying and Reporting Child Abuse and Neglect; Child  
 2904 Growth and Development; and Behavioral Observation and  
 2905 Screening.
- 2906 II. Within 12 months of date of employment in the Florida large family  
 2907 child care home, complete a single course of training in early literacy  
 2908 and language development of children ages birth through five years  
 2909 that is a minimum of five-(5)-clock-hours or .5 CEUs. Proof of  
 2910 completion will be documented on the certificate of course  
 2911 completion, classroom transcript, or diploma. In order to meet this  
 2912 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](http://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](http://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 l. 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.



- 2969 **F. Large Family Child Care Home Transportation. In addition to the**  
 2970 **transportation requirements identified in subsection 65C-20.010(8), F.A.C., a**  
 2971 **large family child care home must comply with the following:**
- 2972 1. Driver's Log. A log shall be maintained for all children being transported in  
 2973 the vehicle. The log shall be retained for a minimum of six months. The log  
 2974 shall include each child's name, date, time of departure and time of arrival,  
 2975 signature of driver and signature of second staff member to verify driver's  
 2976 log and that all children have left the vehicle.
  - 2977 2. Upon arrival at the destination, a second adult shall:
    - 2978 a. Conduct a physical inspection and visual sweep of the vehicle to ensure  
 2979 that no child is left in the vehicle; and
    - 2980 b. Sign, date and record the driver's log immediately, verifying that all  
 2981 children were accounted for and that the log is complete.
  - 2982 3. When one staff member takes some children on a field trip and one staff  
 2983 member remains on the premises with the remainder of the children in  
 2984 care, the operator or employee transporting children is totally responsible  
 2985 for the care and supervision of those children and shall follow the  
 2986 transportation guidelines in Articles XIV and XVI of these rules.
- 2987 **G. Large Family Child Care Home Planned and Unplanned Activities.**
- 2988 I. Each age group or class must have a written and followed plan of scheduled  
 2989 activities posted in a conspicuous location accessible to the custodial parents  
 2990 or legal guardian. The written plan must meet the needs of the children being  
 2991 served and include scheduled activities that:
    - 2992 a. Promote emotional, social, intellectual and physical growth;
    - 2993 b. Include quiet and active play, both indoors and outdoors; and
    - 2994 c. Include meals, snacks, and nap times, if appropriate for the age and  
 2995 the times the children are in care.
  - 2996 II. Providers are encouraged to advise parents or legal guardians of their child's  
 2997 activities on a daily basis and to participate in the program's activities.
- 2998 **H. Large Family Child Care Home General Requirements.**
- 2999 1. Fire Safety. Large family child care homes shall conform to state standards  
 3000 adopted by the State Fire Marshal, Chapter 69A-36, F.A.C., Uniform Fire  
 3001 Safety Standards for Child Care Facilities and shall be inspected annually. A  
 3002 copy of the current and approved annual fire inspection report by a certified  
 3003 fire inspector must be on file with the licensing authority.
  - 3004 2. Indoor Floor Space and Indoor Equipment.
    - 3005 a. A large family child care home must have 35 square feet of usable  
 3006 indoor floor space per child that does not include bedrooms unless it can  
 3007 be demonstrated that these bedrooms are used as multipurpose activity  
 3008 rooms.
    - 3009 b. Usable indoor floor space refers to that space available for indoor play  
 3010 and activities. Usable indoor floor space is calculated by measuring at  
 3011 floor level from interior walls and by deleting space for stairways, toilets  
 3012 and bath facilities, permanent fixtures and non-movable furniture.  
 3013 Kitchens, offices, laundry rooms, storage areas, hallways, and other  
 3014 areas not used in normal day-to-day operations are not included when  
 3015 calculating usable indoor floor space.
    - 3016 c. Shelves or storage for toys and other materials shall be considered as  
 3017 usable indoor floor space if accessible to children.
    - 3018 d. Where infants are in care, they shall have open indoor floor space  
 3019 outside of cribs and playpens.
    - 3020 e. Large family child care homes shall make available toys, equipment,  
 3021 and furnishings suitable to each child's age and development, and of a  
 3022 quantity suitable for each child to be involved in activities.

- 3023 f. Toys, equipment, and furnishings must be safe and maintained in a  
3024 sanitary condition, and shall be cleaned and sanitized or disinfected  
3025 immediately if exposed to bodily fluids, such as saliva.
- 3026 3. Outdoor Play Area and Outdoor Equipment.
- 3027 a. At all large family child care homes, the outdoor play area shall maintain  
3028 safe and adequate fencing or walls, a minimum of four feet in height.  
3029 Fencing, including gates, must be continuous and shall not have gaps  
3030 that would allow children to exit the outdoor play area. The base of the  
3031 fence must remain at ground level, free from erosion or buildup, to  
3032 prevent inside or outside access by children or animals.
- 3033 b. All large family child care homes must have a minimum of 270 square  
3034 feet of usable outdoor play area located on their property and which is  
3035 used for the children attending or residing at the large family child care  
3036 home, during operating hours. Infants in care shall be provided  
3037 opportunities for outdoor time each day that weather permits.
- 3038 c. The area beneath and immediately adjacent to play equipment or  
3039 structure on which a child would land when falling or exiting the  
3040 equipment must be maintained free from objects, obstructions, or  
3041 encroachment by other structures, and be covered with protective  
3042 surfacing to absorb the impact of a fall, and minimize the likelihood of a  
3043 life-threatening head injury. Concrete, asphalt, packed earth, and grass  
3044 are not acceptable as protective surfacing.
- 3045 4. Emergency Procedures and Notification. The operator shall prepare an  
3046 emergency evacuation plan including a diagram of safe routes by which the  
3047 operator, employee and children may exit each area of the home in the  
3048 event of fire or other emergency requiring evacuation. This plan shall be  
3049 posted and shared with the employees, custodial parents, and/or legal  
3050 guardians.