

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: October 6, 2020       Consent       Regular  
    Ordinance       Public Hearing

Department:      FLORIDA DEPARTMENT OF HEALTH PALM BEACH COUNTY

Submitted By:      FLORIDA DEPARTMENT OF HEALTH PALM BEACH COUNTY  
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: Providing an amendment to Article IV of the Palm Beach County Rules and Regulations Governing Family Child Care Homes and Large Family Child Care Homes; 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 is comprised of seven members who serve at the pleasure of the Board of County Commissioners. Members must consist of two members who represent and operate private child care facilities in Palm Beach County, one of whom operates a family child care home or large family child care home (Seats 1 and 2); one member who represents and operates a parochial child care facility in Palm Beach County (Seat 3); one consumer protection enforcement official (Seat 4); one member for fire protection, engineering or technology (Seat 5); one member who, at the time of appointment, was the parent of a child attending a child care facility in Palm Beach County (Seat 6); and one representative from the Florida Department of Children and Families (Seat 7). This Resolution clarifies that members filling Seats 4 and 5 may be County Employees. (HH)

**Background and Policy Issues:** Chapter 2010-249, Laws of Florida, and Article IV.B.2, Palm Beach County Rules and Regulations Governing Family Child Care Homes and Large Family Child Care Homes, set forth the organization of the Child Care Advisory Council. The Florida Department of Health, Palm Beach County, serves as staff to the Council. The Palm Beach County Rules and Regulations Governing Family Child Care Homes and Large Family Child Care Homes are being amended to conform to R-2013-0193, which requires that County employee eligibility be specifically set forth in the document creating the board.

**Attachments:**      1. Resolution R-2020-\_\_\_\_\_ Additions  
   2. Resolution R-2020-\_\_\_\_\_ Clean

Recommended by:       9-24-2020  
   Department Director      Date

Approved By:       10/2/20  
   Assistant County Administrator      Date

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2018	2019	2020	2021	2022
Capital Expenditures					
Operating Costs					
External Revenues					
Program Income(County)					
In-Kind Match(County)					
NET FISCAL IMPACT	-0-	-0-	-0-	-0-	-0-
#ADDITIONAL FTE					
POSITIONS (CUMULATIVE					

Is Item Included in Current Budget?      Yes      No  
 Does this item include the use of federal funds?      Yes      No

**Budget Account No:**

Fund      Agency      Organization      Object

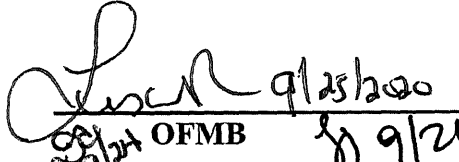
**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

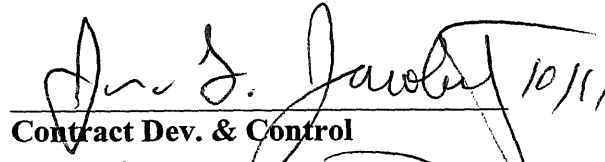
No Fiscal Impact

**C. Departmental Fiscal Review:**

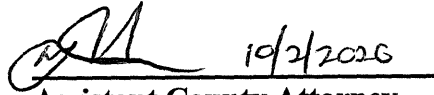
**III. REVIEW COMMENTS:**

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


  
 OFMB      9/24

 10/11/2020  
 Contract Dev. & Control  
 10-1-2020

**B. Legal Sufficiency**

  
 Assistant County Attorney

**C. Other Department Review**

  
 Department Director

**(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)**

**RESOLUTION NO. R-2020-**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, SITTING AS THE CHILD CARE FACILITIES BOARD: PROVIDING AN AMENDMENT TO ARTICLE IV OF THE PALM BEACH COUNTY RULES AND REGULATIONS GOVERNING FAMILY CHILD CARE HOMES AND LARGE FAMILY CHILD CARE HOMES; 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 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**, it is necessary to amend the existing Palm Beach County Rules and Regulations Governing Family Child Care Homes and Large Family Child Care Homes to clarify that Child Care Advisory Council Members filling seats 4 and 5 may be County Employees.

**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. Article IV of The Palm Beach County Rules and Regulations Governing Family Child Care Homes and Large Family Child Care Homes is hereby amended to read as follows:**

**CHAPTER 2**

**PALM BEACH COUNTY RULES & REGULATIONS GOVERNING FAMILY CHILD CARE HOMES AND LARGE FAMILY CHILD CARE HOMES**

\* \* \* \*

**Article IV. LICENSURE PROCEDURES AND REQUIREMENTS**

\* \* \* \*

**B. LICENSURE PROCEDURES**

\* \* \* \*

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 County 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. This member may be a County Employee (Seat 4).

(d) One member for fire protection, engineering, or technology. This member may be a County Employee (Seat 5).

(e) One member who at the time of appointment was a parent of a child in a facility regulated hereunder (Seat 6).

(f) One member who represents the Department of Children and Families (Seat 7).

**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.

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

- Commissioner Dave Kerner, Mayor -
- Commissioner Robert S. Weinroth, Vice Mayor -
- Commissioner Hal R. Valeche -
- Commissioner Gregg K. Weiss -
- Commissioner Mary Lou Berger -
- Commissioner Melissa McKinlay -
- Commissioner Mack Bernard -

The Mayor thereupon declared the Resolution duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

PALM BEACH COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS  
SHARON R. BOCK, CLERK & COMPTROLLER

By: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

By: \_\_\_\_\_  
County Attorney

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BOARD OF COUNTY COMMISSIONERS  
SHARON R. BOCK, CLERK & COMPTROLLER

By: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

By:   
for County Attorney