

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

**BOARD APPOINTMENT SUMMARY**

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Meeting Date: **January 12, 2020**  
 Department: **Florida Department of Health, Palm Beach County**  
 Submitted by: **Division of Environmental Public Health**  
 Advisory Board Name: **Child Care Advisory Council**

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**I. EXECUTIVE BRIEF**

**Motion and Title: staff recommends motion to approve:** appointment of (1) member to the Child Care Advisory Council (CCAC) to fill the position representing the Florida Department of Children and Families. The position was vacated by Sandra Medlicott.

SEAT #	NOMINEE:	REQUIREMENT:	Term	NOMINATED BY:
7	Mark Holsapfel	Represents Florida Department of Children and Families	01/08/2020 to 01/07/2023	Robert S. Weinroth Maria Sachs Gregg K. Weiss

**Summary:** The CCAC 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 day care home or large family child care home; one member who represents and operates a parochial child care facility in Palm Beach County; one consumer protection enforcement official; one member for fire protection, engineering or technology; and one member who, at the time of appointment, was the parent of a child attending a child care facility in Palm Beach County; and one representative from the Florida Department of Children and Families.

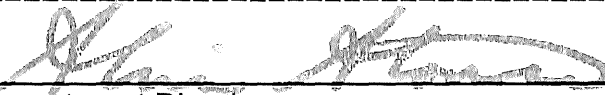
The applicant for appointment to Seat 7, Mark Holsapfel, works for the Florida Department of Children and Families and is a Caucasian male. The diversity count for the six seats currently filled is one African-American male (21.3%), one African-American female (21.3%), and four Caucasian females (57.4%). The gender ratio (female: male) is 5:1 Countywide (HH)

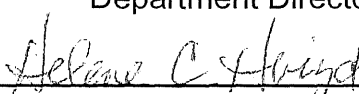
**Background and Justification:** Chapter 59-1698, Laws of Florida, as amended by Chapter 77-620 and Chapter 2010-249, Laws of Florida, provide for the organization of the Child Care Advisory Council. These Special Acts and Palm Beach County Code, Appendix D, Chapter 1, Article IV.A.2.(b) set forth the required composition of the CCAC. The Florida Department of Health, Palm Beach County serves as staff to the Council.

**Attachments:**

1. Board/Committee Application
2. Resume or Bio of Nominee
3. Current membership list from directory
4. Palm Beach County Code
5. Copy of Memo to BCC (including returned applications with nomination approval signature)

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**Recommended by:**  1/6/2021  
 Department Director Date

**Legal Sufficiency:**  1-6-21  
 Assistant County Attorney Date

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

The information provided on this form will be used in considering your nomination. Please **COMPLETE SECTION II IN FULL**. Answer "none" or "not applicable" where appropriate. Please attach a biography or résumé to this form.

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

Board Name: CHILD CARE ADVISORY COUNCIL Advisory  Not Advisory

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

Term of Appointment: N/A Years. From: \_\_\_\_\_ To: \_\_\_\_\_

Seat Requirement: Represents the Department of Children & Families. Seat #: 7

\*Reappointment or  New Appointment

or  to complete the term of Sandra Medlicott Due to:  resignation  other

Completion of term to expire on: Not Applicable

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

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

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

Name: Holsapfel Mark  
Last First Middle

Occupation/Affiliation: \_\_\_\_\_  
Owner  Employee  Officer

Business Name: Florida Department of Children and Families

Business Address: 111 South Sapodilla Avenue, Rm 317-J

City & State: West Palm Beach, Florida Zip Code: 33401

Residence Address: 110 NW 70<sup>th</sup> Street

City & State: Boca Raton, FL Zip Code: 33487

Home Phone: ( ) Business Phone: ( 954 ) 818-5759 Ext. \_\_\_\_\_

Cell Phone: (561) 809-3269 Fax: ( )

Email Address: mark.holsapfel@myflfamilies.com

Mailing Address Preference:  Business  Residence

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

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

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

**Section II Continued:**

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

<u>Contract/Transaction No.</u>	<u>Department/Division</u>	<u>Description of Services</u>	<u>Term</u>
IC019	Child Care Licensing	Child Care Licensing	3 year
(Attach Additional Sheet(s), if necessary) OR			
NONE	<input type="checkbox"/>	NOT APPLICABLE/ (Governmental Entity)	<input checked="" type="checkbox"/>

**ETHICS TRAINING:** All board members are required to read and complete training on Article XIII, the Palm Beach County Code of Ethics, and read the State Guide to the Sunshine Amendment, **Article XIII**, and the training requirement can be found on the web at: <http://www.palmbeachcountyethics.com/training.htm>. Ethics training is on-going, and pursuant to PPM CW-P-79 is required before appointment, and upon reappointment.

By signing below I acknowledge that I have read, understand, and agree to abide by Article XIII, the Palm Beach County Code of Ethics, and I have received the required Ethics training (in the manner checked below):

- X By watching the training program on the Web, DVD or VHS on 7/24/2020  
 By attending a live presentation given on \_\_\_\_\_, 20\_\_\_\_

**AND**

By signing below I acknowledge that I have read, understand and agree to abide by the Guide to the Sunshine Amendment & State of Florida Code of Ethics:

\*Applicant's Signature: Mark Holsapfel Printed Name: Mark Holsapfel Date: 7/24/2020

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Return this FORM to:  
 Courtney Shippey, Florida Department of Health in Palm Beach County  
 800 Clematis Street, West Palm Beach, FL 33401

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

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

Commissioner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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Revised 02/01/2016

**PALM BEACH COUNTY  
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At Large Appointment or  District Appointment /District #: \_\_\_\_\_

Term of Appointment: N/A Years. From: \_\_\_\_\_ To: \_\_\_\_\_

Seat Requirement: Represents the Department of Children & Families. Seat #: 7

\*Reappointment or  New Appointment

or  to complete the term of Sandra Medicott Due to:  resignation  other

Completion of term to expire on: Not Applicable

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

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Email Address: mark.holsapfel@myflfamilies.com

Mailing Address Preference:  Business  Residence

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

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

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Commissioner's Signature: [Signature]

Date: 12/8/20

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Revised 02/01/2016

## Mark Holsapfel

Office Cell: (954) 818-5759

111 S Sapodilla Ave, Suite 317-E  
West Palm Beach, FL 33401  
mark.holsapfel@myffamilies.com

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### Areas of Experience

- Contracted Client Services • Quality Assurance/Quality Improvement • Child Care Licensing and Training • Agency for Persons with Disabilities • Children's Medical/Mental Health • Child Protective Investigations • Florida Safe Families Network
- Education/School Board Issues • Child Welfare Legal Services • Juvenile Justice • Mentoring/Training • Background Screening

### Experience

*Florida Department of Children & Families*

*1995-present*

#### **Contracts Manager, Southeast Region**

4/2020-Present

- Supervisor of Region community-based care agency contract managers
- Contract manager for multiple Region child welfare contracts

#### **Region Program Manager, Southeast Region**

2012-2020

- Part of several ITN negotiation teams to select Lead Agencies in the Southeast Region since 2003. This has included routine and emergency procurements. The last CBC ITN was Circuit 17 for the 2019-2020 fiscal year.
- Regular participation as a contract rater in the RFP rating process for Children's Service Council of Broward and the Broward County's Human Services Department to select prevention services providers.
- As supervisor of the Region's Licensing Manager and Quality Assurance Manager I am aware of the changes in these divisions over the past few years and the effects it has on the Department as a whole. For instance, the end of the IV-E waiver and the shift back to traditional IV-E funding. Also, the changes required by the Families First Prevention Safety Act.
- Liaison/Champion to the School Board of Broward County and Department of Juvenile Justice, Broward County and the Seminole Tribe. Represent the Department at local and statewide meeting on a variety of matters. Annually participate in the renegotiation of multiple interagency agreements with these and other agencies. Represent the Department in meeting with other stakeholders, including the Children's Service Councils of Broward and Palm Beach, faith-based providers such as 4Kids and Calvary Chapel, etc.
- Participate in multiple stakeholder and community meetings in the Region such as Everybody's a Teacher, Community Alliance meetings, etc. Some meetings include national organizations such as Casey Foundation and Paul Vincent.
- Attend Lead Agency performance review meetings and other meetings involving community-based care. Support the Lead Agencies with technical assistance.
- Member of the Circuit 17 Circuit Advisory Board
- Region point of contact for the Statewide Interagency Agreement, Agency for Persons with Disabilities and Skilled Nursing Facility Client.

- Point of contact for the repatriation of unaccompanied minors. Liaison with Region and Central Office personnel on human trafficking and missing children issues on a regular basis.

**FAMILY SERVICES SPECIALIST, Fort Lauderdale, FL**

2006-2012

- Liaison/Champion to the School Board of Broward County and Department of Juvenile Justice, Broward County and the Seminole Tribe. Represent the Department at local and statewide meeting on a variety of matters. Annually participate in the renegotiation of interagency agreements with these and other agencies. Represented the Department in meeting with other stakeholders such as the Children's Service Councils of Broward and Palm Beach, faith-based providers such as 4Kids and Calvary Chapel, etc.
- Participated as an evaluator in the statewide DCF/Sheriff's Office CPIS PEER (QA Review) process since 2004
- Regular participation as a contract rater in the RFP rating process for Children's Service Council of Broward and the Broward County's Human Services Department contracted services division.
- Supported Department Child Protective Investigators with technical support and/or training.
- Data analysis duties including monitoring performance measures established for Protective Investigators and community partners and preparation of monthly reports with results and analysis. Ad hoc data reports for administration or community partners as requested.
- Responsible for training Department group or community group in the Florida Safe Families Network system or any other Department related issue.
- Technical support to Administration and the Lead Agencies in all areas, including adoption, independent living, etc.

**GOVERNMENT ANALYST I, Fort Lauderdale, FL**

2004-2006

- As part of the contract management team my contracts included the Lead Agency ChildNet, Broward Sheriff's Office Grant, Office of Attorney General, Broward County child care licensing, child care training, Broward Homebound (in-home services for disabled adults), SOS Children's Village, and the Coordinating Council of Broward for the Broward County Needs Assessment Project
- Annual participation as an evaluator in the statewide DCF/Sheriff's Office CPIS PEER (QA Review) process since 2004.
- Regular participation as a contract rater in the RFP rating process for Children's Service Council of Broward and the Broward County's Human Services Department contracted services division.
- Member of the CPI/Hotline PaRTs Team to review current performance and recommend changes that have an impact locally and statewide. Complete Page 2's for performance measures as indicated and follow-up as needed. Other data analysis duties.
- District liaison to the School Board of Broward County and the Department of Education.
- Liaison to other community agencies such as the Broward Early Learning Coalition.

**FAMILY SERVICES SPECIALIST, Fort Lauderdale, FL**

2002-2004

- Worked with major stakeholders as a member of Contracted Client Services Team and while implementing the new Rilya Wilson Law.
- As DJJ Liaison, attended court, DJJ staffings and meetings as part of an effort to reduce the number of lock outs from the Detention Center.
- Worked with community and major stakeholders to resolve mental health issues, including as a member of the Family Service Planning Team (FSPT).

**FAMILY SERVICES COUNSELOR SUPERVISOR**, Plantation, FL

2000-2002

- Supervisor for the placement unit in District Ten (Broward County). This was a 24/7 unit. Placement referrals were received from BSO CPIS and Department case managers.

**ACTING FAMILY SERVICES COUNSELOR SUPERVISOR**, Hollywood, FL 1999-2000

- Supervisor for the Backlog FPSS Report Closure Unit responsible for reviewing and completing all open Department investigations following Broward Sheriff's Office assumption of child protection duties in Broward County.

**CHILD PROTECTIVE INVESTIGATOR**, Pompano Beach, FL

1995-1999

- Professional investigative caseworker for reports of children alleged to have been abused, neglected or exploited.

### **Certification and Education**

State of Florida Certified Contract Manager

DCF Certified Contract Manager

Green Belt Six Sigma Certification

Bachelor's Degree, University of Miami, Coral Gables, FL 1984

### **Skills and Abilities**

- Southeast Region DCF Leader Development Program
- Family Centered Practice Train the Trainer Certification
- DCF Office of Family Safety Quality Assurance Review Training
- Florida Safe Families Network Train the Trainer
- Select training courses of the Quality Quest/Sterling Process
- Process Mapping/Visio
- Quality Improvement & Control Story Process Training
- Negotiation in Florida Training by Division of State Purchasing
- Wraparound 101 (Family Team Conferencing)
- FCIC Certification
- Contract Performance Measurement Training
- Quality Case Management
- Data Analysis
- Supervisory Effectiveness Training
- Sexual Abuse Specialty Training
- Mentoring Training



**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
CHILD CARE ADVISORY COUNCIL**

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**I. AUTHORITY :**

Chapter 59-1698, Special Acts Laws of Florida, as amended by Chapters 77-620 and 2010-249, Special Act Laws of Florida; as amended by ORD. 2016-1421, adopted September 27, 2016.

**II. APPOINTING BODY :**

Board of County Commissioners

**III. COMPOSITION, QUALIFICATIONS, TERMS & REMOVAL :**

This Council shall be comprised of seven members consisting of: two members who represent and operate as a private enterprise a facility regulated under the Act, one of whom operates a family child care home or a large family child care home; one member who represents and operates a parochial facility regulated under the Act; one member who represents a consumer protection enforcement official; one member for fire protection, engineering, or technology; one member, who at the time of appointment is a parent of a child in a facility regulated under the Act; and one member who represents the Department of Children & Families. Council members appointed by the Board of County Commissioners serve three-year terms, with a limit of three consecutive terms with the exception of the Department of Children & Families' representative. Members' terms shall begin October 1 and end on September 30. Any vacancy occurring during a term shall be filled for the unexpired portion of the term and shall not count toward the member's term limits. Council members must reside in the County at the time of appointment and while serving on the Council.

**EXTENDED COMPOSITION :**

**IV. MEETINGS :**

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

**V. FUNCTIONS :**

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

**VI. LIAISON INFORMATION :**

<u>LIAISON DEPARTMENT</u>	<u>CONTACT PERSON</u>	<u>ADDRESS</u>
Florida Dept. of Health - Palm Beach Count	Courtney Shippey MPA REHP	800 Clematis St Fl 4 Palm Beach County Health West Palm Beach FL 33401 Phone # 561-837-5971

\* indicates a member having an action pending



CHILD CARE ADVISORY COUNCIL

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

1	Ruta Varnavicius brightchildacademy@hotmail.com  301 Palmetto St West Palm Beach FL 33405	Member	CA	F	561-685-9847	Private Child Care Facility Representative	05/15/2018		09/30/2021
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NOMINATED BY :

2	Mary L Morris mslm57@msn.com  504 Clear Lake Ave West Palm Beach FL 33401	Member	AA	F	561-832-0472	Private Child Care Facility Representative	11/20/2012	10/01/2019	09/30/2022
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NOMINATED BY :

3	Sandra Wilensky psdirector@templebethtorah.com Temple Beth Torah of Palm Beach County, Inc. 900 Big Blue Tr Wellington FL 33414	Member	CA	F	561-793-2649	Represents/Operates Parochial Facility	04/16/2019	10/01/2020	09/30/2023
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NOMINATED BY :

4	Terry D. Newton tnewton@pbcgov.org Palm Beach County/Consumer Affairs Division 50 S Military Tr West Palm Beach FL 33415	Member	AA	M	561-712-6600	Consumer Protection Enforcement Official	11/22/2016	10/01/2020	09/30/2023
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NOMINATED BY :

\* indicates a member having an action pending

**Appointed By : At-Large/Palm Beach County Board of County Commissioners**

5	Elyse W. Brown ewbrown@pbcgov.org Palm Beach County/Fire Rescue 405 Pike Rd West Palm Beach FL 33411	Member	CA	F	--	Fire Protection, Engineer or Technology Rep	02/01/2014	09/30/2021
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**NOMINATED BY :**

6	Kendra Barnes kend77@aol.com  4409 Applecrest Dr Palm Beach Gardens FL 33410	Member	CA	F	561-691-1891	Parent of a Child in Day Care	12/27/2006	09/30/2021
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**NOMINATED BY :**

7	Sandra Medicott sandra.medlicott@myflfamilies.com Florida Department of Children & Families 111 S Sapodilla Ave West Palm Beach FL 33401	Member	CA	F	561-227-6838	Florida Department of Children & Families Rep.	01/08/2020	01/07/2023
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**NOMINATED BY :**

\* indicates a member having an action pending





**CHAPTER 59-1698, SPECIAL ACTS, LAWS OF  
FLORIDA, AS AMENDED BY CHAPTER 2010-249,  
SPECIAL ACTS, LAWS OF FLORIDA**



**PALM BEACH COUNTY  
HEALTH DEPARTMENT**

This copy has been modified for easy reading. For an official copy, refer to the Florida Laws. You can access the Florida Laws at <http://laws.flrules.org/>

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

1. Children: persons related to the operator of a facility regulated under this act under 13 years of age, and all other persons under 18 years of age.
2. Family Day Care Home: An occupied residence in which custodial care is rendered to one to six children, inclusive, and for which the owner or operator receives a payment, fee, or grant for any of the children receiving care, whether or not operating for profit, subject to the exemptions contained in Section 9
3. Large Family Child Care Home - An occupied residence in which custodial care is regularly provided for children, and for which the owner or operator receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit, and which has at least two full-time child care personnel on the premises during the hours of operation. One of the full-time child care personnel must be the owner or occupant of the residence. A large family child care home must first have operated as a licensed family day care home for 2 years, with an operator who has had a child development associate credential or its equivalent for 1 year, before seeking licensure as a large family child care home. A large family child care home shall be allowed to provide care for one of the following groups of children, which shall include those children under 13 years of age who are related to the caregiver:
  - a. A maximum of eight children from birth to 24 months of age.
  - b. A maximum of 12 children with no more than four children under 24 months of age.
4. Child Care Facility: Any building or shelter in which custodial care is rendered to six or more children, and for which the owner or operator receives a payment, fee, or grant for any of the children, and which receives a payment, fee, or grant for any of the children receiving care, whether or not operating for profit, or which is held out to the public to be an establishment which regularly provides child custodial services.

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

It shall be unlawful for any person, firm or corporation to establish, maintain or operate in Palm Beach County, Florida, a child care facility, large family child care home, or family day care home without first obtaining a permit therefor from a board, to be designated as the Child Care Facilities Board, and without permanently posting such permit in the child care facility, large family child care home, or family day care home. Such Child Care Facilities shall be composed of the Board of County Commissioners of Palm Beach County, hereafter referred to as the Board. The Chairman of the Board of the County Commissioners of Palm Beach County shall be

chairman of the Child Care Facilities Board and the Board shall meet at least once every 3 months at a time and place designated by the Board.

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

Section 4. **ISSUANCE OF LICENSE:**

1. The Director of the Palm Beach County Health Department shall be charged with the administrative and financial responsibility of carrying out the duties of the Board, and the Director or his or her representative shall inspect child care facilities, large family child care homes, and family day care homes as required by the Board. Said Board when satisfied that minimum standards are met, shall issue a license in writing on a form prescribed by the Board. Such license shall be valid for a period of 1 year unless revoked. It shall not be transferable or assignable.
2. The Board may issue a provisional license for child care facilities, large family child care homes, or family day care homes. A provisional license shall not be issued for a period that exceeds 6 months and may only be renewed by the Board one time for a period not to exceed 6 months.
3. A provisional license shall not be issued unless the child care facility, large family child care home, or family day care home is in compliance with the requirements for screening of child care personnel and the requirements for ensuring the health and safety of the children in care.

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

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

1. The Board shall make, adopt, amend and repeal such rules and regulations as are necessary to protect the health and safety of persons in child care facilities, large family child care homes, or family day care homes; prescribing standards for living quarters, including provisions pertaining to sanitary conditions, light, air, safety, protection from fire hazards, equipment, operation, qualifications and number of staff, and such other matters as may be appropriate to protect the life and health of the occupants thereof. Standards established by rules and

regulations of the Board shall meet or exceed state minimum standards, to wit: standards established by the Department of Children and Family Services pursuant to chapter 402, Florida Statutes.

2. The Board may make, adopt, amend, and repeal such rules and regulations as are necessary:
  - a. To require facilities regulated hereunder to secure liability insurance and set minimum limits and standards for carriers: and,
  - b. To establish fees for inspection and licensing under this Act.

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

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

1. The Board shall appoint a Child Care Advisory Council which shall be appointed by the Board of County Commissioners no later than 60 days after the effective date of this Act. Members of the Council shall serve at the pleasure of the Board of County Commissioners. The Council shall be composed of seven members consisting of the following:
  - a. Two members who represent and operate as a private enterprise a facility regulated hereunder one of whom operates a family day care home or large family child care home.
  - b. One member who represents and operates a parochial facility regulated hereunder.
  - c. One member who represents a consumer protection enforcement official.
  - d. One member for fire protection, engineering, or technology.
  - e. One member who at the time of appointment was a parent of a child in a facility regulated hereunder.
  - f. One member who represents the Department of Children and Family Services.
2. The Council shall advise the Board and make recommendations as to the

issuance and revocation of license and as to rules and regulations necessary to protect the health and safety of persons in child care facilities, large family child care homes or family day care homes.

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

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

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

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

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

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

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

**APPROVED BY THE GOVERNOR MAY 26, 2010.**

**FILED IN OFFICE SECRETARY OF STATE MAY 26, 2010.**

#### ARTICLE IV. - LICENSURE PROCEDURE

##### A. *License or certificate required.*

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

- (a) **Certificate of Compliance Facilities:** Bona fide religiously affiliated child care programs, which comply with these minimum standards of health, safety and well-being, as specified herein, after demonstrating to the department and the child care advisory council that said standards have been met, and after payment of applicable fees, may be given a certificate of compliance in lieu of a license.

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

- (b) **Certificate of substantial compliance facilities:** Nonpublic schools in which certain programs are deemed by the department as child care are subject to the provisions of these rules. Nonpublic school programs for children who are at least three (3) years of age, but under five (5) years of age need not be licensed provided:

- a) The programs in the nonpublic schools are operated and staffed directly by the nonpublic schools;
    - b) A majority of the children enrolled in the nonpublic schools are five (5) years of age or older;
    - c) There is compliance with the screening requirements for personnel pursuant to these rules; and
    - d) The program substantially complies with these minimum child care standards.

After demonstrating to the department that substantial compliance has been met, and after payment of applicable fees, such programs may be given a certificate of substantial compliance in lieu of a license, subject to council approval.

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

2. The child care advisory council.

- (a) The board of county commissioners of the county, acting in the capacity as the child care facilities board is the local licensing agency to license child care facilities in the 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, certificates of compliance, and certificates of substantial compliance. The department shall serve as staff to the child care advisory council.
  - (b) **Appointment and termination.**
    - (i) In accordance with Chapter 59-1698, Special Acts, Laws of Florida, as amended, the 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 (7) members consisting of the following: Two (2) members who represent and operate as a private enterprise a facility regulated hereunder; one (1) of whom operates a family day care home or a large family child care home. One (1) member who represents and operates a parochial facility regulated hereunder. One (1) member who represents a consumer protection enforcement official. One (1) member for fire protection, engineering, or technology. One (1) member who at the time of appointment was a parent of a child in a facility regulated hereunder. One (1) member who represents the department of children and families.

- (ii) The council shall make a recommendation to the child care facilities board for removal of members for lack of attendance. Lack of attendance is defined as a failure to attend three (3) consecutive meetings or a failure to attend at least two-thirds (  $2/3$  ) of the meetings scheduled during a calendar year. An exception may be made for extenuating circumstances involving serious illness. However, the exception would only allow for absence from four (4) consecutive meetings. Participation for less than three-fourths (  $3/4$  ) of a meeting shall be the same as a failure to attend a meeting. Special meetings shall not be counted towards the attendance requirements.
  - (iii) In the event that any council member is no longer a qualified elector, or the member is convicted of a felony or an offense involving moral turpitude while in office, the child care facilities board shall terminate the appointment of the member.
- (c) Officers: At an annual organizational meeting, the council shall elect a chair and vice-chair from among the members. The term of chair and vice-chair shall be one (1) year. The chair shall be in charge of all procedures before the council and shall take such action as shall be necessary to preserve the order and integrity of all proceedings before the council. In the absence of the chair, the vice-chair shall act as chair and shall have all the powers of the chair.
- (d) Rules of procedure:
- (i) Quorums: The presence of a majority of the members of the council shall constitute a quorum necessary to take action and transact business. All actions shall require a simple majority of the quorum present and voting at the meeting. In the event of a tie vote, the motion shall fail. No member shall abstain from voting unless the member has a voting conflict pursuant to state law.
  - (ii) Robert's Rules of Order: All meetings shall be governed by Robert's Rules of Order.
- (e) Meetings:
- (i) The location of all meetings shall be in the county.
  - (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. The director of the department or his/her representative is charged with the administration and financial responsibility of carrying out the duties of the board, including, but not limited to, issuing licenses or certificates after approval and inspecting child care facilities, as required by these rules and regulations.



4. License application. Application for a child care facility license, certificate of compliance, or certificate of substantial compliance shall be made in writing on a form, and containing such information, as prescribed by the department. The application for licensure is not complete until all required information and supportive documentation are submitted to the department.

All applications for new facilities, change of ownership, addition of service, change in use or increase in capacity of facilities must be submitted to the department for review prior to licensure or issuance of applicable certificate. Applications, with the required substantiating documentation, must be submitted to the department at least three (3) weeks prior to the scheduled monthly meeting of the county child care advisory council. An application for change of ownership means an application for licensure or certificate on a currently approved facility from any person or persons, including corporations and other distinct entities, other than the current license holder or certificate holder.

Applications for certificate of substantial compliance shall likewise be submitted to the department with substantiating documentation for review and approval prior to the department's issuance of said certificate. In lieu of an application form, applicants for certificate of substantial compliance shall submit a completed non-public school and preschool program information form.

In the case of corporate ownership, a change of ownership shall include each time the stock ownership is changed so as to effectively put the child care facility under new management or control, as evidenced by a change in corporate officers, corporate directors and/or facility directors. A change of ownership does not occur within the meaning of this rule if the existing corporate entity, with or without the execution of a name change amendment, makes no changes which effectively place the child care facility under new management or control, as set forth above, and the child care facility has no record of adjudicated class 1 violations, and is not currently under a corrective action plan.

The following documentation must accompany the completed applications or completed non-public school and preschool program information forms (substantial compliance application forms):

- a) A satisfactory facility inspection report documenting that the facility is in compliance with all applicable child care licensing standards.
- b) A letter from a physician stating that the applicant is physically qualified to care for children and free of tuberculosis as indicated by an approved TB risk assessment and/or skin test or chest X-ray administered within the preceding six (6) months.
- c) Proof of ownership of the real property. A copy of the recorded property deed or a current tax bill will serve as proof of ownership and a lease agreement or management agreement (if applicable).
- d) A copy of the certificate of liability insurance. The certificate holder is to be the department.
- e) A copy of the certificate of insurance evidencing the required coverage for worker's compensation, or a notarized affidavit attesting that worker's compensation insurance is not applicable. The certificate holder is to be the department.
- f) Notarized statements attesting to good moral character of the owner and, if not the same person, of the operator.
- g) Proof of Level 2 screening clearance.
- h) Evidence of completion by the owner and operator of the pre-licensing workshop conducted by the department.
- i) Five-year employment history and listing the name, address and phone number of the three (3) persons submitting character references.

- j) Three (3) letters of character references, two (2) must be unrelated to the applicant.
- k) Two (2) sets each of facility floor plans and site plans that have been reviewed and approved by the department.

All new establishments shall submit two (2) sets of current permitted construction plans of the total facility indicating exits, windows and essential equipment with the application to operate a child care facility. Two (2) sets of the site plan must be submitted showing location of the building thereon, and accurately depicting all relevant site features. The site plan must be the most current site plan approved by the local zoning authority.

Before any alterations or modifications to an existing facility may be made, plans must be submitted to the department showing the existing configuration and proposed changes. Scale on all drawings shall not be less than one-eighth ( 1/8 ) inch = one (1) foot. The plans must contain front, side and rear elevations. All plans must be of professional quality. For change of ownership of existing facilities, two (2) sets each of a current floor plan and site plan must be submitted with the application.

Any existing facility providing a new or relocated service including a change of ownership, must comply with the Palm Beach County Rules and Regulations Governing Child Care Facilities in effect at the time the proposal is submitted to the licensing agency.

- l) A satisfactory fire inspection report for the proposed child care facility.
  - m) If applicable, a current corporate status sheet issued by the department of state.
  - n) Fictitious name documentation.
  - o) Verification of current director credential for facility operator/director for applicants for child care facility license or certificate of compliance.
  - p) Verification of approval from applicable building, fire, and zoning departments as evidenced by respective sign-offs on the application form.
  - q) Proof of compliance with mandatory radon testing and reporting requirements.
5. Any material false statements contained in said application or non-public school preschool information form shall be grounds for denial or revocation of the license, certificate of compliance, or certificate of substantial compliance.
6. The application or non-public school preschool information form must be completed and signed by the owner, prospective owner, or designated representative of the owner or prospective owner if the owner is a partnership, association or corporation. Within thirty (30) days after receipt of the application, the department or council shall examine the application, notify the applicant of any apparent errors or omissions, and request any additional information needed to complete the application. The term "applicant" shall mean the individual applicant if the applicant is an individual, or the designated representative if the applicant is a partnership, association, or corporation.

If the applicant is a partnership, the application shall contain the name and address of every partner thereof. If the applicant is a corporation, firm, or association, the application shall contain its name and address, and the names and addresses of the members of the board of directors, officers, and its registered agent.

The application and supporting documentation must be complete, truthful and correct. Falsification or significant omission of applicant information is grounds for denial to operate a child care facility and for the imposition of penalties as stated in Florida Statutes, § 402.319, as amended or replaced.

Whenever a licensed facility or a certificate of compliance facility is sold or the ownership is changed, the new or prospective owner or designated representative of the prospective owner,

shall make application to the board via the child care advisory council through the department for a new license or applicable certificate, pursuant to Article IV(A)(4) herein, at least forty-five (45) days prior to the date of requested approval. A new owner must receive a license or certificate prior to the time a new owner assumes responsibility for the facility. The board, via the council, shall grant or deny the reapplication for licensure or certificate of compliance within forty-five (45) days from the date upon which the applicant submits a complete application or receipt of timely requested additional information or correction of errors or omissions. Failure to obtain a new license is subject to penalties in accordance with Florida Statutes, § 402.312, as amended or replaced, and Sections 10 and 11, Chapter 2010-249, Special Acts, Laws of Florida, as amended or replaced. The present license or certificate holder will continue to be held responsible for the facility until the board, via the department, has issued the new license or certificate of compliance.

Whenever a certificate of substantial compliance facility is sold or the ownership is changed, the new or prospective owner or designated representative of the prospective owner shall make application through the department for a new certificate of substantial compliance, pursuant to Article IV(A)(4) herein, at least forty-five (45) days prior to the date of requested approval. A new owner must receive a certificate prior to the time a new owner assumes responsibility for the facility. The department shall grant or deny the reapplication for certificate of substantial compliance within forty-five (45) days from the date upon which the applicant submits a complete application or receipt of timely requested additional information or correction of errors or omissions. Failure to obtain a new certificate shall be deemed failure to substantially comply with these rules and is subject to Sections 10 and 11, Chapter 2010-249, Special Acts, Laws of Florida and Article XXI herein. The present certificate holder will continue to be held responsible for the facility until the department has issued the new certificate of substantial compliance.

Whenever the operator of a facility changes, the department must be notified in writing prior to or at the time of the change.

In addition, no less than one (1) week prior to a transfer of ownership of a child care facility, certificate of compliance facility, substantial compliance facility or child care facility for mildly ill children, the parent or legal guardian of each child shall be notified in writing by the facility owner of the impending transfer. Such notice may be in the form of information incorporated into an existing newsletter, or individual letters or fliers, or be posted conspicuously at the facility.

7. After having determined that minimum standards are met and the applicant otherwise meets the requirements for licensure or issuance of an applicable certificate, the council shall approve the application and direct the department to issue a license or certificate upon payment of any required fees. In order to assure that the minimum requirements of these rules are met, the council may impose appropriate conditions on the grant of the license or certificate of compliance which conditions shall not be inconsistent with the provisions of these rules and regulations. Should the council determine, or lack sufficient information to determine, that minimum standards have not been met, the council shall refer the application to the department to address concerns or deficiencies. Should compliance not be met within thirty (30) days, the department shall issue a written denial of the application, pursuant to Article V of these rules.
8. License renewal. Unless revoked or surrendered, all licenses or certificates of compliance or certificates of substantial compliance shall expire December 31st of each year. All applications for renewal for the following calendar year must be completed and filed with the department no later than November 1st of the current year. Applications not timely filed may cause delay in licensure or issuance of certificate beyond the date of expiration and subject the licensee or certificate holder to penalties for violation of Article IV(A)(1) of these rules. The application for licensure is not complete until all required information and supportive documentation are submitted to the department.
9. The following documents must accompany the renewal application form:
  - a. Completed release of information for local screening of applicant, owner, and operator.

- b. Fees for local screening of applicant, owner, and operator.
  - c. An affidavit attesting that all child care personnel have been screened. Names of all employees must be included on the child care facility current personnel list affidavit. This document must show the date local screening was conducted and clearance to continue working in the child care facility was verified for each current employee and volunteer. To satisfy this requirement, the annual local screening (local arrest history check) by the county sheriff's office must be conducted after July 31 of the current year.
  - d. A copy of the satisfactory current annual fire inspection report;
  - e. A copy of the certificate of insurance for the child care facility.
  - f. If the applicant is a corporation, a current corporate status sheet issued by the department of state.
  - g. Revised fictitious name documentation reflecting any additions or changes.
  - h. Proof of ownership of the real property, demonstrating whether there has been any change in status or revision or renewal of any lease or management agreement currently on file with the department or a signed statement from the owner attesting that there has been no material change in the ownership, lease or management agreement since the issuance of the last license.
  - i. Verification of a current director credential for the facility operator/director for applicants for a child care facility license or certificate of compliance.
10. Any false statements, information, or material omissions contained in the renewal application may be grounds for denial or revocation. All licenses or applicable certificates shall be issued only upon submission of completed renewal application documentation, payment of required fees, and completion of current satisfactory inspection of the facility by the department.
  11. Failure to submit a complete application for a license to operate a child care facility for renewal of an annual license at least forty-five (45) days prior to the expiration date of the current license constitutes a licensing violation. The department shall issue an notice of administrative action imposing a fine of one hundred dollars (\$100.00) for the first occurrence, two hundred dollars (\$200.00) for the second occurrence, and three hundred dollars (\$300.00) for each subsequent occurrence within a five-year period.
  12. A license or applicable certificate may not be transferred or assigned and shall be void when ownership or possession of the child care operation changes. A license or applicable certificate shall be valid for no premises other than those for which it was originally issued.

The license or applicable certificate shall remain the property of the child care facilities board and shall be returned to the department if void before the expiration date printed thereon. Upon approval of change of ownership, the previously approved license or certificate shall be deemed null and void, subject to payment of applicable fees and the satisfaction, by the applicant, of any conditions set forth by the child care advisory council in accordance with Article IV(A)(7) herein.
  13. Upon issuance, said license or certificate shall be displayed in a conspicuous place inside the child care facility. The face of the license or certificate shall require the license or certificate holder to comply with these rules. The licensed or allowable capacity of the childcare facility shall be designated on the face of the license or certificate as well as the maximum number of infants that may be cared for at any time. At no time shall a child care facility exceed the capacity approved by the licensing agency. No error or miscalculation leading to an overestimation of the approved capacity shall be deemed to create any right in the continuation of the overestimated number. The department may amend the designated capacity on a license or certificate to correct any errors or reflect any changes it discovers.
  14. A license, certificate of compliance or certificate of substantial compliance shall not be issued or renewed nor shall a change of ownership be approved if the applicant, licensee or certificate holder has an outstanding unpaid fine assessed for violation of these rules and regulations. In

the case of an application for change of ownership for an existing child care facility having an outstanding fine, the outstanding fine shall be paid before a license or certificate is issued. For the purposes of these rules, outstanding fines refers to civil penalties assessed by the Environmental Control Hearing Board, pursuant to Chapter 77-616, Laws of Florida, as amended or replaced, and in accordance with Article XXI of these rules.

15. A child care facility license or certificate shall be issued in the name of the owner, partnership, association, or corporation.
16. If for any reason the child care facility is operating without the required annual license or certificate, the owner or operator shall post notice in a conspicuous place in the facility informing customers and visitors that the facility is operating without the required license/certificate. The notice shall be posted on the day the facility starts operating without the regular annual license/certificate, and shall not be removed until the facility receives and posts the required annual license/certificate. A regular license/certificate does not include provisional or probationary licenses.
17. All prospective owners or operators of a child care facility shall attend a pre-licensing workshop conducted by the department prior to the application being presented to the child care advisory council for approval. A new operator or director, who assumes responsibility for a facility that is already licensed or certified, shall attend this workshop within six (6) months of being named director of the child care facility. Other directors and credentialed staff members also may attend the licensing workshop for required in-service training hours, or as part of a corrective action for non-compliance.

The pre-licensing workshop will cover subjects critical to the effective operation of the facility such as background screening, personnel training, records management, license renewal, transportation requirements, food service requirements, and general safety requirements.

**B. *Minimum standards for the issuance of licenses and certificates.***

1. Standards established by these rules and regulations shall meet or exceed state child care standards set forth in Chapter 402, Florida Statutes, as amended, or replaced, and Florida Administrative Code provisions established pursuant to Florida Statutes, § 402.305, as amended or replaced, which standards are expressly incorporated herein by reference. In the event of a conflict between these rules and state child care standards, the more stringent shall apply.
2. No rules and regulations of the board shall be adopted or become effective until after a public hearing has been held by the board pursuant to notice published in a newspaper of general circulation in the county at least ten (10) days prior to the hearing.
3. When approved by the board and filed with the clerk of the board of county commissioners, such rules and regulations have the force and effect of law.
4. To insure that accurate statistical data is available, the department shall report annually to the department of children and families the number of family day and child care facilities under the jurisdiction of the child care facilities board, the number and age range of children served, and the number of revocations and denials of licenses during the previous year.
5. Insurance requirements.
  - a) At time of licensure or certification, and before providing any child care services, the owner or operator of a child care facility shall have obtained a comprehensive general liability policy in the minimum amount of no less than one hundred thousand dollars (\$100,000.00) as a continued single limit for bodily injury and property damage. The facility must provide the department with a certificate of insurance evidencing the required coverage. The facility shall be required to give the local licensing agency thirty (30) days notice prior to cancellation of the policy.

- b) The facility shall continuously maintain no less than the minimum required insurance. Failure to maintain the minimum dollar amount of the insurance required herein shall be a violation of these rules subject to such penalties as are provided by law, resolution or ordinance for the violation of these rules. In addition, failure to maintain the minimum dollar amount of insurance shall constitute a basis for revocation of license subject to the procedures set forth in Article V of these rules.
- c) All child care facilities shall comply with the Florida Worker's Compensation Laws. The facility must provide the department with a certificate of insurance evidencing the required coverage, or a notarized statement attesting that worker's compensation insurance is not applicable. The facility shall be required to give the local licensing agency thirty (30) days notice prior to cancellation of the policy.

C. *Provisional license.*

- 1) The department may issue a provisional license or certificate for a child care facility to applicants requesting an initial license or certificate, or renewal of an existing license or certificate, 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 or certificate allowing a facility to operate for a designated period of time while working to comply with one (1) or more licensing standards, provided the owner 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 operator or owner makes adequate provisions for the health and safety of the children. A provisional license or certificate shall not be issued unless the child care facility is in compliance with the requirements for screening of child care personnel, substitutes, or volunteers.
- 4) A provisional license or certificate shall not be issued for a period that exceeds six (6) months; however, under unusual circumstances beyond the control of the applicant, it may be renewed one (1) time for a period that may not exceed six (6) months.
- 5) The department may issue a provisional license for a period not to exceed six (6) months for a facility without a credentialed director.
- 6) A provisional license or certificate may be suspended or revoked if periodic inspections or review by the department indicates that insufficient progress has been made toward compliance.

D. *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 (incorporated by reference). A probationary license or certificate shall not be issued as an initial license or certificate for a new facility.
- 2. A probationary status license or certificate 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 (6) 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 monthly inspections by the department find that the provider is not in compliance with the terms of the corrective action plan, or that the provider is not making sufficient progress toward compliance with the 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 or certificate may be granted only by the child care advisory council on the recommendation of the department, to satisfy the remedy prescribed in the department's child care licensing enforcement procedures, or as an alternative to revocation of a license or certificate or denial of an application for renewal of an annual license or certificate.

E. *Advertisements.*

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

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

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

For licenses/certificates issued:	License/certificate fee required:
Jan. 1 through Mar. 31	100% of required annual fee
Apr. 1 through Jun. 30	75% of required annual fee
Jul. 1 through Sept. 30	50% of required annual fee
Oct. 1 through Dec. 31	25% of required annual fee

3. *Change of ownership fee.* Child care facilities obtaining a change in ownership shall be required to pay an administrative fee of fifty dollars (\$50.00), in addition to the applicable license or certificate fee.
4. *Authority to collect fees.* The department is authorized to collect the fees imposed herein and apply said fees to cover its costs associated with inspection, certification, and licensing under Chapter 59-1698, Special Acts, Laws of Florida, as amended.

(Res. No. R-2011-1230, § 1(App. 1), 8-16-11)