

VILLAGE OF ROYAL PALM BEACH

AGENDA ITEM SUMMARY:

DISCUSSION AND CONSIDERATION OF WHETHER TO REVISE THE VILLAGE’S CODE OF ORDINANCES TO ALLOW LARGE FAMILY CHILD CARE HOMES WITHIN THE VILLAGE’S RESIDENTIAL ZONING DISTRICTS WHERE THE VILLAGE CODE CURRENTLY ONLY ALLOWS FAMILY CHILD CARE HOMES WITH A MAXIMUM OF SIX (6) CHILDREN.

AGENDA ITEM:

At the December 7, 2023 Village Council meeting, public comment was made by a resident related to the Village’s restriction on the number of children currently allowed within Family Child Care Homes within the Village and potential inconsistency with Palm Beach County regulations which were purported to allow more children. A discussion ensued and the Village Council directed Staff to bring forth, at the next Village Council meeting on January 18, 2024, additional information regarding Family Child Care Homes and Large Family Child Care Homes and how they are regulated by the County and other municipalities.

The Florida Department of Health (Department) regulates licensed Family Day Care Homes and licensed Large Family Child Care Homes in 62 of Florida’s 67 counties. Five (5) counties have decided either by statute or by adoption of a local ordinance or resolution to designate a local licensing authority to regulate child care providers in their counties. Palm Beach County is one of these five counties. The Florida Department of Health in Palm Beach County is the County department tasked with the regulation and licensing of Family Day Care Homes and Large Family Child Care Homes. Local licensing agencies may use the same or different procedures to implement local licensing standards, which must have been determined by the state to meet or exceed the state’s minimum licensing standards. Please refer to **Attachment A** for Florida Department of Health Palm Beach County’s Rules and Regulations Governing Family Child Care Homes & Large Family Child Homes dated September 30, 2016.

Family Child Care Homes and Large Family Child Care Homes have generally the same definition. The main distinction is that the maximum capacity for a Family Child Care Home is six (6) children while Large Family Child Care Homes may care for up to twelve (12) children. To qualify and become licensed as a Large Family Child Care facility, a

provider must successfully operate for at least two (2) years as a Family Child Care Home at the location where they wish to operate as a Large Family Child Care Homes.¹

In addition to the requirements for a Family Child Care Home, the Large Child Care Homes must meet additional licensing and regulation requirements as follows:

- **General Requirements:**

- A Large Family Child Care Home must first have operated as a licensed Family day care home for two (2) consecutive years, with an operator who has had a child development associate credential or its equivalent, verified on the Department's training transcript, for one (1) year. The two (2) consecutive years of operation as a licensed Family Day Care Home must have been within five (5) years of the date of application to operate a Large Family Child Care Home.
- A copy of the annual license shall be posted in a conspicuous location within the Large Family Child Care Home.
- When one staff member takes some children on a field trip and one staff member remains on the premises with the remainder of the children in care, the operator or employee transporting children is totally responsible for the care and supervision of those children and shall follow the transportation guidelines which include:
 - Conduct a physical inspection and visual sweep of the vehicle to ensure that no child is left in the vehicle upon transport.
 - Sign, date and record the transportation log immediately, verifying that all children were accounted for, and that the log is complete.

- **Staffing Requirements:**

- The license shall be in the name of the operator who must be at least 21 years of age and responsible for the overall operation of the home.

- **Background Screening:**

- 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 licensing and screening purposes.
- Background screening fingerprint submission must comply with s. 435.12, F.S.
- Documentation/clearance for the initial screening must be included in the Department's licensing file. Screening information for the employee must be documented on CF- FSP Form 5131, Background Screening and Personnel File Requirements, which is incorporated by reference in 65C-22.001(8)(b), F.A.C.
- The Large Family Child Care Home operator must conduct employment history checks for home employees, including documented attempts to contact each employer that employed the individual within the preceding five (5) years and

¹ Village Staff confirmed with Palm Beach County Staff that the intent of the two-year operation with a lesser number of children is to allow assimilation into the single-family neighborhood with a less intense use and impact, then after the two consecutive years, determine whether the demand for service has increased.

- documentation of the findings. Documentation must include the applicant's job title and description of his/her regular duties, confirmation of employment dates, and level of job performance. The employer/owner/operator must make at least three (3) attempts to obtain employment history information. Failed attempts to obtain employment history must be documented in the personnel file and include date, time, and the reason the information was not obtained.
- CF Form 1649A, Child Care Attestation of Good Moral Character, which is incorporated by reference in 65C-22.001(8)(a), F.A.C., must be completed at the time of initial screening or upon change in employers, or in accordance with the local licensing agency compliance and must be maintained in the Department's licensing file.
 - **Staff Training:**
 - Possess an active Staff Credential Verification Confirmation, documented on the Training Transcript for at least one (1) year prior to licensure.
 - Within 90 days of employment in a Large Family Child Care Home, employees must:
 - begin the Department's 30 clock hour training and successfully complete it within twelve (12) months.
 - Within twelve (12) months of the date of employment, complete a single course of training in early literacy and language development of children ages birth through five (5) years old that is a minimum of five clock hours;
 - Complete the annual in-service training requirements in subsection 65C-20.009(4), F.A.C.
 - Employees continuously employed or hired prior to the last month of the provider's licensure year who do not complete the required annual in-service training during any given year must complete the remaining in-service training hours within 30 days of the noncompliance finding by the licensing authority.
 - Within six (6) months of licensure, large family child care home operators must successfully complete 10-clock-hours of specialized training from the department's Part II training courses as evidenced by successful completion of a competency examination with a weighted score of 70 or better. These courses include in part:
 - Special Needs Appropriate Practices (10 hours), or
 - Infant and Toddler Appropriate Practices (5 hours)
 - Preschool Appropriate Practices (5 hours)
 - School- Age Appropriate Practices (5 hours)
 - **Supervision:**
 - In a Large Family Child Care Home, direct supervision must be maintained at all times during the hours of operation.
 - In addition to the number of staff required to meet staff-to-child ratios, if there are more than six (6) preschoolers participating on field trips away from the Large Family Child Care Home, there must be one (1) additional adult present

per each six (6) preschoolers, or any fraction thereof, to provide direct supervision to the children. If some children remain in the home, the adult supervision staff-to-child ratios as required in Section 402.302(8), F.S., shall apply and must be maintained. In addition, one (1) staff member on the field trip and one (1) staff member remaining on the premises with children must have a valid and current certificate(s) of course completion for infant and child cardiopulmonary resuscitation (CPR) procedures and first aid training. At no time shall the total number of children exceed the capacity as defined in Section 402.302(8), F.S.

- **Health and Safety:**

- In addition to meeting the requirements above, a Large Family Child Care Home must have 35 square feet of usable indoor floor space per child that does not include bedrooms unless it can be demonstrated that these bedrooms are used as multipurpose activity rooms.
- All Large Family Child Care Homes must have a minimum of 270 square feet of usable outdoor play area located on their property and which is used for the children attending or residing at the Large Family Child Care Home during operating hours.
 - The area beneath and immediately adjacent to play equipment or structure on which a child would land when falling or exiting the equipment must be maintained free from objects, obstructions, or encroachment by other structures, and be covered with protective surfacing to absorb the impact of a fall, and minimize the likelihood of a life-threatening head injury. Concrete, asphalt, packed earth, and grass are not acceptable as protective surfacing.
- Large Family Child Care Homes shall conform to state standards adopted by the State Fire Marshal, Chapter 69A-36, F.A.C., Uniform Fire Safety Standards for Child Care Facilities. A copy of the current and approved annual fire inspection report completed by a certified fire inspector must be on file with the licensing authority.
- The operator shall prepare an emergency evacuation plan including a diagram of safe routes by which the operator, employee and children may exit each area of the home in the event of fire or other emergency requiring evacuation. This plan shall be posted and shared with the employees, custodial parents, and/or legal guardians.

With regard to local regulation, Attorney General Opinion (AGO) 2003-34 addressed the question of whether Sections 166.0445 and 402.301-402.319, F.S., preempt local regulation of family day care facilities. The AG held that Sections 166.0445 and 402.301-402.319, F.S. do not preempt local regulation of family day care facilities. Per the AGO, “based on the clear expression of the Legislature in the Florida Child Care Licensing Act, it is my opinion that sections 402.301–402.319, Florida Statutes, are minimum standards that do not preempt more stringent local regulation of the matters addressed therein.” The AG opined that “[a] review of this statutory scheme demonstrates that the Legislature

considered these standards to be minimum requirements and recognized the authority of local governments to legislate in this area.

The only preemption that exists relative to these facilities in Section 166.0445, F.S. what states that “[t]he operation of a residence as a family day care home, as defined by law, registered or licensed with the Department of Children and Families shall constitute a valid residential use for purposes of any local zoning regulations, and no such regulation shall require the owner or operator of such family day care home to obtain any special exemption or use permit or waiver, or to pay any special fee in excess of \$50, to operate in an area zoned for residential use.”

Given the ability of local governments to regulate these facilities, Village Staff initiated a survey of local municipalities through the Intergovernmental Plan Amendment Review Committee (IPARC) and through direct contact to different Planning and Zoning Departments within Palm Beach County. Village Staff posed the following question: “Good Afternoon. I am doing some research for my Council and I have a question for you. How do you regulate Family Daycare Facilities in _____ . Family Daycare Facilities are the daycares that are allowed in Single family and Multifamily Zoning Districts and operates out of a house or apartment. In the Village of Royal Palm Beach we allow a maximum of 6 children. How many children are allowed in these types of facilities in your residential zoning districts? Thank you in advance.” The responses received by Village Staff are as follows:

- City of West Palm Beach - Consistent with County and State requirements, West Palm Beach has two types of accessory day care home facilities: 1) family child care home, which is limited to no more than six children, and 2) large family child care home, which is limited to no more than 12 children.
- Boca Raton - The City of Boca Raton allows up to 5 children including members of the immediate family under 12 years of age for a family day care facility as a permitted use in single-family zoning districts. However, we actually refer to the use as “baby-sitting services” in our City Code but then further in the Code section we indicate that the person furnishing such services shall also obtain a current, valid permit from the County for the operation of a family day care facility, a valid certificate of use, and payment of a business tax as a children's nursing home.
- Palm Beach County - Good morning Bradford, It's been a few years, but I believe that the state revised legislation a few years back further defining “family day care” and “large family day care” including max number of children allowed depending on age. See Ch. 402 F.S., Statutes & Constitution :View Statutes : Online Sunshine (state.fl.us). There was also language requiring a family day care to be treated as a residential use per local zoning codes (see Ch. 166.0445, Statutes & Constitution :View Statutes : Online Sunshine (state.fl.us)).
- Riviera Beach - In terms of allowable number of children, Riviera Beach is consistent with the State regulations on this use as well.
- Greenacres - Happy new year and thank you for your inquiry and the compliment on our website. Regarding your question about the regulation of Family Daycare Facilities permitted within the City of Greenacres, these are addressed under

Section 16-753 of our Municode. As per Sec. 16-753(3), Family day care facilities are considered a permitted home occupation, provided that no more than 5 children are allowed on the premises at any time, inclusive of all children residing in the home. They must have all licenses and/or approvals as required by federal, state, and/or local laws and ordinances.

- Jupiter - Staff was unable to get an email response from Jupiter, but their Code allows up to five (5) children per Family Child Care Facility.

Village Staff does not support revision to the Village Code to allow Large Family Child Care Homes within the Village's residential areas. A review of both types of Child Care Homes within Palm Beach resulted in less than 5% of them being Large Family Child Care homes. Large Family Child Care homes is not the norm in Palm Beach County. Staff feels as though Large Family Child Care Homes are more closely related to a commercial use and past priorities have been to prevent commercial encroachment into the Village's residential areas. Staff also believes that allowing only the Family Child Care Homes with six (6) or fewer children is consistent with many of the other municipalities within Palm Beach County.

Attachment A

PALM BEACH COUNTY

RULES & REGULATIONS

GOVERNING

**FAMILY CHILD CARE HOMES
&
LARGE FAMILY CHILD CARE HOMES**



Revised: September 30, 2016

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CHAPTER 2

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

ARTICLE I - SHORT TITLE AND APPLICABILITY

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

ARTICLE II - AUTHORITY

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

ARTICLE III - DEFINITIONS

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

1. *Adult*—means a person eighteen (18) years of age or older.
2. *Authorized adult or authorized substitute* – means the operator, employee, or substitute who has been duly approved and or granted a license to operate the family child care home and has met the minimum requirements, including but not limited to completion of background screening, First Aid and CPR certifications, training, and health examination.
3. *Cardiopulmonary resuscitation*—means current certification in infant and child cardiopulmonary resuscitation (“CPR”), an emergency procedure for sustaining breathing and heartbeat until professional help arrives.
4. *Caregiver* – means the operator, employee, or substitute who is responsible for the care of children in the family child care home.
5. *Child*—means a person less than thirteen (13) years of age who is related to the operator of a facility regulated hereunder and all other persons under eighteen (18) years of age.
6. *Child care*—means the care, protection and supervision of children for a period less than twenty-four (24) hours a day on a regular basis which supplements parental

care, enrichment and health supervision for children in accordance with individual needs, and for which compensation is received in the form of a payment, fee, grant, services, or goods in kind. In addition, residences which are held out to the public to be establishments which regularly provide child custodial care shall be deemed family child care facilities regardless of whether compensation is received, and be subject to the requirements herein.

7. *Child Care Advisory Council*—means an entity appointed by the Board of County Commissioners of Palm Beach County, sitting as the Child Care Facilities Board, to serve on behalf of the Board of County Commissioners as to the issuance and revocation of licenses, and to advise the Board as to the Rules and Regulations necessary to protect the health and safety of children in family child care homes. The term “Council” may be used interchangeably with “Child Care Advisory Council”. The Palm Beach County Health Department shall serve as staff to the Council.
8. *Child Care Facilities Board*—means the Board of County Commissioners of Palm Beach County sitting as the local licensing agency to license family child care homes in Palm Beach County. The term “Board” may be used interchangeably with “Child Care Facilities Board”.
9. Child Development Associate (CDA) – means a national credential, recognized throughout the United States and the world, issued by the Council for Early Childhood Professional Recognition in Washington, DC.
10. Child enrichment service provider – means an individual who provides enrichment activities, such as language training, music instruction, educational instruction, and other experiences, to specific children during a specific time that is not part of the regular program in a family child care home.
11. Children with Special Needs—Children with or without identified disability, health, or mental health conditions requiring early intervention, special education services, or other specialized services, supports, or monitoring.
12. *Conspicuously posted or displayed* – means clearly visible, immediately apparent upon entering the room. Lettering on such materials produced by the facility shall be bold-faced, easily readable, and no smaller than one (1) inch in height.
13. Continuing Education Unit (CEU) – means a standard unit of measure of coursework used for training and credential purposes.
14. *Custodial care*—means child care as previously defined herein, for the purposes of these Rules.
15. *Department*—means the Florida Department of Health in Palm Beach County, and has the same meaning as the terms “Palm Beach County Health Department” “County Health Department” or “Health Department.”
16. Director – The on-site administrator or individual who has primary responsibility for the day-to-day operation, supervision, and administration of a child care facility.
17. *Disinfection* – The destruction or elimination of most or all disease-causing microorganisms.
18. Drop-in child care -- Child care provided in a child care facility located in a shopping mall or business establishment, where a child is in care for no more than a four (4)

hour period, and where the parent or person leaving the child at the drop-in care facility remains on the premises of the shopping mall or business establishment at all times while the child is in care. Drop-in child care is prohibited in family child care homes.

19. Employee – A person working in a family child care home who has satisfied all personnel screening and training requirements. A fully trained and screened employee may work as a designated substitute or assist the operator in caring for children while the operator is present. An employee that is not fully trained cannot provide direct care or supervision of children, and may be employed only to assist the provider with household chores such as housekeeping.
20. *Family child care home*—means an occupied residence in which custodial care is rendered to one to six children, inclusive, and for which compensation is received in the form of a payment, fee, grant, goods, or services in kind 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 provides child custodial care. A family child care home also includes the parking lot or area, curtilage, yards, landscaped areas, playgrounds, accessory buildings, and all indoor and outdoor areas of the premises. The term also refers to the family child care operation associated with the building or shelter subject to the exemptions set forth in Chapter 2010-249, Special Acts, Laws of Florida, as amended. For the purposes of this definition, the children in care shall be from one or more families unrelated to the provider. Where care is provided only to children related to the provider, specifically by blood, marriage, adoption or foster care, then the term family child care home shall not apply. The terms “family day care home”, “family child care home”, or “home” may be used interchangeably with “family day care facilities”, as defined by the above referenced Special Act.
21. *Family member*—means a person in the family child care home who is related to the operator. This person may not reside in the family child care home but may be a frequent visitor to the home while children are in care.
22. *Fictitious name documentation*—means (a) a copy of the applicant’s, or license holder’s current fictitious name registration, issued by the Division of Corporations of the Florida Department of State, or (b) a written statement by the applicant, or license holder setting forth the reason why compliance with the Fictitious Name Act (section 865.09, Florida Statutes, as amended or replaced) is not required.
23. *Field trip*—means any excursion off of the premises of a family child care home, in which the child(ren) remain in the custodial care of the operator or substitute of the family child care home. This term excludes transportation services provided to pick up children for custodial care and to relinquish custody of children after providing such care.
24. *First-aid training* means current certification in a course of instructions designed to provide fundamental principles, knowledge and skills in first aid and accident prevention, equivalent to the Red Cross Standard First-Aid Course. Such course shall be a “hands-on course” with real time classroom instruction.
25. Florida Child Care Professional Credential (FCCPC) – A credential pursuant to Section 402.305(3)(b), F.S., that certifies successful completion of a DCF-approved training program, that consists of a minimum of 120 hours of early childhood

instruction, 480 contact hours with children ages birth through eight years, and at least two methods of formal assessment that offers two areas of certification. “Birth Through Five” (formerly the DCF-approved CDA Equivalency training programs) and “School-Age” (formerly the Florida School-Age Certification). Credentials must be documented on CF-FSP Form 5270, April 2006, Florida Child Care Professional Credential Certificate. A copy of CF-FSP 5270 may be obtained from the Florida Department of Children and Families’ website at www.myflorida.com/childcare. Active credentials are valid for five years from the date of issuance. A list of approved and recognized FCCPC programs may be obtained from the Department of Children and Families’ website at www.myflorida.com/childcare

26. Florida Department of Education Child Care Apprenticeship Certificate (CCAC) – A DCF approved child care credential that consists of a minimum of 120 hours of early childhood instruction and 480 contact hours with children ages birth through eight (8) years and meets or exceeds the requirements outlined in s. 402.305(3)(c), F.S. A list of approved and recognized DOE programs may be obtained on the Department of Children and Families’ website at www.myflorida.com/childcare.
27. Florida Department of Education Early Childhood Professional Certificate (ECPC)” - A DCF- approved child care credential that consists of a minimum of 120 hours of early childhood instruction and 480 contact hours with children ages birth through eight (8) years and meets or exceeds the requirements outlined in s. 402.305(3)(c), F.S. A list of approved and recognized DOE programs may be obtained on the Department of Children and Families’ website at www.myflorida.com/childcare
28. Florida Department of Education School-Age Professional Certificate (SAPC)” - A DCF-approved child care credential that consists of a minimum of 120 hours of early childhood instruction and 480 contact hours with school-age children and meets or exceeds the requirements outlined in s. 402.305(3)(c), F.S. A list of approved and recognized DOE programs may be obtained on the Department of Children and Families’ website at www.myflorida.com/childcare.
29. *Health Department*—means the division of Florida Department of Health in Palm Beach County which is responsible for carrying out the administrative and financial duties of the Board and for inspecting family child care homes in Palm Beach County to ensure compliance with these Rules and Regulations, as well as with applicable state laws and regulations. The Health Department may also be referred to herein as the Department.
30. *Health Resource Professional* – means any of the following Florida licensed health care professionals with appropriate pediatric experience: licensed practical nurse, physician’s assistant, advanced registered nurse practitioner (ARNP), registered nurse, family practitioner, pediatric physician.
31. *Home* – *The term “home” unqualified applies to a family child care home or a large family child care home.*
32. *Household member*—means a person residing in the family child care home.
33. *Inactive provider* – A family child care provider that holds a current license, and does not currently offer or provide child care services.
34. *Infant*—means a child less than twenty-four (24) months of age.

35. *Isolation area* – means a room or area, adequately ventilated and heated, provided for the temporary isolation of children with communicable diseases or who are displaying signs of illness and are waiting to be picked up by the parent.
36. *Juvenile*—means a person between twelve (12) and seventeen (17) years of age.
37. *Large family child care home* means an occupied residence in which child care is regularly provided for children from at least two unrelated families, which 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 two 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 child 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. Household children under 13 years of age, when on the premises of the large family child care home or on a field trip with children enrolled in child care, shall be included in the overall capacity of the licensed home. A large family child care home shall be allowed to provide care for one of the following groups of children, which shall include household children under 13 years of age:
- (a) A maximum of 8 children from birth to 24 months of age.
 - (b) A maximum of 12 children, with no more than 4 children under 24 months of age.
38. *License* – means a written operating permit issued to the owner of a family child care home by the Department pursuant to Chapter 59-1698, Special Acts, Laws of Florida as amended. This permit verifies that the family child care home or large family child care home complied with minimum health and safety standards as set forth in these rules, and is permitted to operate in Palm Beach County subject to conditions documented on the permit.
39. *Licensed capacity*—means the maximum number of children and/or infants that may be cared for at any one time whether on or off the home’s premises. Licensed capacity shall be based on the minimum requirements of these Rules.
40. *Napping* – means a short period of rest during daylight or early evening hours.
41. *Nighttime care* – means child care provided during the evening hours and may encompass the hours of 6:00 PM to 7:00 AM to accommodate parents who work evenings and late-night shifts. This term has the same meaning as “evening care” under section 402.302(7), Florida Statutes.
42. *Operator*—means any onsite person ultimately responsible for the overall operation of the home. The operator must be at least twenty-one (21) years of age, and a full time resident of the family child care home.
43. *Overnight Care*: means nighttime care provided past 12:00 AM.
44. *Owner*—means the person(s) who is licensed to operate the child care facility. This responsibility shall not be delegated or assigned.
45. *Parent*—means a person with legal custody of a child in care in a family child care home, such as a mother, father, or legal guardian.

46. *Personnel*—means the operator, substitutes, employees of a family child care home, family members, and household members.
47. Prolonged Child Care – Child care provided for 24 hours or longer under special circumstances, and requires prior approval by the Department. This term has the same meaning as provided in Section 402.317, Florida Statutes.
48. *Sanitize* –The application of an appropriate germicidal solution or agent to reduce the number of disease-causing or other undesirable microbes by at least 99.9% on nonliving surfaces or objects with which children have regular or frequent contact.
49. *Screening*—means the act of assessing the background of family child care personnel, and includes, but is not limited to, employment history checks, local criminal records checks statewide criminal records checks through the Department of Law Enforcement, and federal criminal records checks through the Federal Bureau of Investigation. Overnight visitors that are in the home for more than four (4) weeks per year are required to be screened and cleared. At a minimum, screening must be conducted in accordance with section 402.302(3), Florida Statutes and 402.305(2)(a), Florida Statutes, as amended or replaced.
50. Screening Clearance – means documentation from the Florida Department of Children and Families, Florida Department of Health, or other appropriate State or local agencies verifying that upon completion of screening nothing has been found to disqualify a person from working with children.
51. Screen Time – The time children spend in computer use and viewing media such as television, video, and DVD.
52. *Sleeping* – Rest during the normal night time sleep cycle.
53. *Snack* – means a commercially pre-packaged non-potentially hazardous ready-to-eat-food item that is wrapped for individual consumption. This also includes fresh, whole, uncut, ready-to-eat non-potentially hazardous fruits and vegetables.
54. *Standard precautions*—means guidelines developed by the Centers for Disease Control and Prevention (CDC) for reducing the risk of spreading infectious diseases, assuming that every individual might be infected with germs in all situations where contact with blood or body fluids is possible. Standard precautions include proper handwashing, use of latex gloves, environmental cleaning and sanitizing, and proper disposal of soiled materials.
55. *Substitute*—means a competent adult who is to be available as a substitute for the operator on a temporary or emergency basis. The substitute must meet screening and training requirements as set forth in these regulations.
56. *Training Coordinating Agencies*—means authorized contracted providers, designated by the Department of Children & Families, and responsible for the coordination of child care personnel training at the district/regional level.
57. Training Transcript ---means the electronic documentation of statutorily mandated training and staff credential qualifications for child care personnel. Training transcripts may be obtained from the Department of Children and Families website at www.myflorida.com/childcare.

58. Usable space—Those areas available for indoor play, classrooms, work area, napping space, or sleeping space. Usable space does not include areas occupied by hallways, stairways, toilet facilities, bath facilities, kitchens, offices, storage areas, permanent fixtures, non-movable furniture, and other areas not used in normal day to day operations. Shelves or storage for toys and other materials shall be considered usable space if accessible to children.

59. *Violation* – means noncompliance with any provision of these Rules or of §§. 402.301 - 402.319, Florida Statutes, as amended or replaced.

60. *Violation Classes*:

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.

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 child care 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 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. 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 child care 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 to recommend Rules and Regulations necessary to protect the health and safety of persons in family child care homes. The Department shall serve as staff to the Child Care Advisory Council.

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).
 - 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 & Families (Seat 7).
- (ii) Council members appointed by the Board of County Commissioners serve three-year terms, with a limit of three (3) consecutive terms. With the exception of the Department of Children & Families' representative, no member of the Council may serve more than three consecutive three year terms. Members' terms shall begin on October 1st and end on September 30th. For purposes of implementing these term limit provisions, Seats 1 and 2 will expire September 30, 2016; Seats 3 and 4 will expire September 30, 2017; and Seats 5 and 6 will expire September 30, 2018. Thereafter, members shall be appointed or reappointed for three year terms. Any vacancy occurring during a term shall be filled for the unexpired portion of the term and shall not count towards the member's term limits. Council members must reside in the County at the time of appointment and while serving on the Council.
- (iii) The Council shall be subject to the uniform policies and procedures established by the Board of County Commissioners as currently set forth in Resolution R-2013-0193, as may be further amended by action of the Board of County Commissioners.
- (iv) A quorum must be present for all Council meetings. A majority of the members appointed shall constitute a quorum. All Council meetings shall be governed by Robert's Rules of Order.
- (v) Council members shall be governed by the applicable provisions of the state Ethics Code and the applicable provisions of the Palm Beach County Code of Ethics.
- (vi) Council members shall be automatically removed for lack of attendance. Lack of attendance is defined as a failure to attend three (3) consecutive meetings or a failure to attend more than one-half of the meetings scheduled during a calendar year. Participation for less than three-fourths of a meeting shall be the same as failure to attend a meeting. Members removed pursuant to this paragraph shall not continue to serve on the Council, and such removal shall create a vacancy, unless otherwise provided by statute or other binding rule. Special meetings shall not be counted towards the attendance requirements.
- (vii) 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.

(b) Officers:

At an annual organizational meeting, the Council shall elect a Chair and Vice-Chair from among the members. The term of Chair and Vice-Chair shall be one year. The Chair shall be in charge of all procedures before the Council and shall take such action as shall be necessary to preserve the order and integrity of all proceedings before the Council. In the absence of the Chair, the Vice-Chair shall act as Chair and shall have all the powers of the Chair.

(c) Rules of Procedure:

- (i) Quorum: The presence of a majority of the members of the Council shall constitute a quorum necessary to take action and transact business. All actions shall require a simple majority of the quorum present and voting at the meeting. In the event of a tie vote, the motion shall fail. No member shall abstain from voting unless the member has a voting conflict pursuant to State of Florida law.
- (ii) All meetings shall be conducted in keeping with the Robert's Rules of 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. 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 child care and large family child care homes as required by these Rules and Regulations.
4. Application for a family child care 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 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) 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) 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. A list 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.
 - iii. Three (3) letters of character references for the operator and each substitute(s), respectively. At least two (2) of the references must not be relatives of the person on whose behalf the letter of reference is submitted. References should provide information about the qualifications, character, and dependability of the person, and the general suitability of the person to care for children. Each reference must include the full name, phone number, and complete address of the referencer.
- e) Evidence of satisfactory licensing inspections within thirty (30) days preceding the date of licensure.
- f) Certification by a physician or a qualified health practitioner under direct supervision of the physician, that the applicant/*operator*, employees, and substitute(s) are physically qualified to care for children. The medical certification shall include evidence of freedom from tuberculosis, as indicated by an approved tuberculosis risk assessment and/or an approved skin test or chest X-ray administered within the preceding six (6) months.
- g) A site plan of the entire property and its surrounding areas, indicating:
 - 1. Any water hazards (i.e., swimming pools, spas, canals, lakes, ponds, etc.) adjacent to, or on the property;
 - 2. Streets adjacent to the property, and access to the home from the street(s).
 - 3. The fenced play area; and
 - 4. The house and other structures on the property.

For large family child care homes, a copy of the set of plans approved by the local zoning and building department is required.

- i Evidence the applicant and substitute(s) holds a current certification in First Aid and infant and child CPR.
 - j Evidence that the applicant and substitute(s) have satisfactorily completed a Child Care Water Safety Course or the current equivalent if there is a swimming pool (other than a spa) on the premises.
 - k Fictitious name documentation, if applicable.
 - l Evidence that the operator, employees, and substitute(s) have completed required family child care training and credentialing, and approved training in early literacy and language development as set forth in Article VI herein.
 - m Evidence that the operator has completed the family child care pre-licensing training program conducted by the Department.
 - n A statement attesting to the number of hours the substitute(s) will work at the facility. This statement shall be submitted on a form provided by the Department.
 - o Evidence of the approval of the local building, zoning, and fire departments, when applicable.
 - p A satisfactory fire inspection report completed within the last three (3) months.
 - q Proof of residence at the location to be licensed. The proposed operator or applicant's current Florida driver's license or State of Florida Identification, and two (2) utility bills dated within six (6) weeks of date of submission of the original application, shall serve as proof of residence.
 - r 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). If the property is leased, the applicant shall provide the property owner's written verification of authority to operate a family child care home on said property.
 - s) Proof of compliance with applicable drinking water rules and regulations if the home is served by an onsite drinking water well, in accordance with Chapters 62-550, 62-555, and 64E-8, Florida Administrative Code, as amended or replaced, and Palm Beach County Environmental Control Rule I, as amended or replaced.
 - t) Proof of compliance with onsite sewage treatment and disposal rules and regulations if the home is served by a septic tank system, in accordance with 64E-6, Florida Administrative Code, as amended or replaced, and Palm Beach County Environmental Control Rule II, as amended or replaced.
6. The Department shall, issue a license subject to Council approval, or renew a license upon determining that minimum standards are met, and the applicant otherwise meets the requirements for licensure set forth herein.

7. A license shall not be issued or renewed unless all required screening applications and related documents have been submitted and all pertinent persons so screened have been cleared or otherwise found not to be disqualified from working with children.
8. All licenses shall expire at the end of the month, one (1) year from the date of issuance unless revoked or surrendered.
 - a. All applications for annual license renewal must be completed and filed with the Department no later than ninety days before the current expiration date. Applications not timely filed constitute a violation of these rules, and may cause delay in licensure beyond the date of expiration and subject the licensee to penalties for violation of Article IV.A.1 and Article IV.B.13. of these Rules. The following documents must accompany the renewal application:
 - i. Completed, notarized application, which includes a listing of all household and family members, substitutes, and employees;
 - ii. Signed consent forms for a local criminal record check for applicant, substitute(s), family members, and household 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;
 - iii. Corporate information and/or fictitious name information, if applicable;
 - iv. A completed, notarized Affidavit of Good Moral Character for operator, employees, household members eighteen (18) years of age or older, and substitute(s);
 - v. Any additional information required and requested to process screening application.
 - vi. Fees for screening applicant, substitute(s), employee, and family and household members, when applicable.
 - b. Any false statements, information, or material omissions contained in the renewal application or screening documents shall be grounds for revocation or denial of the license.
 - c. Family child care licenses 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.
9. Licenses shall not be transferable or assignable.
10. The license shall be issued in the name of the operator of the family child care home. The operator of a family child care home may not work outside of the home during the hours when the family child care home is operating. In the event of rental or leased property the operator shall be the individual who occupies the residence. The license shall be valid for no premises other than those for which it was

originally issued. The operator shall hold only one family child care home license and must be a full time resident of the family child care home.

11. A license for the operation of a family child care home shall not be issued or renewed if the licensee has an outstanding fine assessed pursuant to these Rules and Regulations which is in final order status. In the case of an application for change of ownership, name change, large family child care home, or nighttime care approval for a family child care home having an outstanding fine, the outstanding fine shall be paid before a license or approval is issued.
12. A family child care operator, making application for nighttime care approval shall submit a copy of a satisfactory fire inspection report completed by the Fire Authority Having Jurisdiction. Such fire inspection shall be completed within thirty (30) days of the application for nighttime care approval. The nighttime care application shall be made in writing on a form, provided by the Department.
13. Failure to submit a complete application for renewal of an annual license a family child care home or large family child care home at least 45 days prior to the expiration date of the current license constitutes a licensing violation. The department shall issue a Notice of Administrative Action imposing a fine of \$100.00 for the first occurrence, \$200.00 for the second occurrence, and \$300.00 for each subsequent occurrence within a five year period.

C. MINIMUM STANDARDS FOR THE ISSUANCE OF LICENSES

1. Standards established by these Rules and Regulations shall meet or exceed state family 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 family day care or large family 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 Palm Beach 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 ensure that accurate statistical data is available, the Department shall report annually to the Department of Children and Families the number of family 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.

D. LICENSED CAPACITY

A family child care 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 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 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. ADVERTISEMENTS

It is unlawful for a family child care home or large family child care home to advertise child care services without a valid license. Any person advertising a licensed family child care home by printed notice or broadcast must include in the advertisement the local agency license 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, computer modem, internet, and other advertising media. The requirement does not apply to classified ads for employment purposes.

H. FEE

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

1. *Family child care* home. The annual fee for operation of a family child care home shall be \$80.00
2. Large family child care home: The annual fee for operation of a large family child care home shall be \$150.00.
3. Administrative Fee: Family child care homes and large family child care homes obtaining a change in ownership, name change, or nighttime care approval shall be required to pay an administrative fee of thirty dollars (\$30.00), in addition to the applicable plan review fee and license 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 and licensing under Chapter 59-1698, Laws of Florida as amended.

I. INACTIVE PROVIDERS

1. Inactive providers still hold a valid family child care license and are required to maintain compliance with applicable family child care standards including, but not limited to:

- General requirements
 - Physical environment
 - Training
 - Health & Safety requirements
 - Record keeping
2. Family child care providers must provide written notification of their inactive status to the Department within one month of becoming inactive.
 3. An inactive family child care provider must provide notice to the Department of the intent to resume operation not less than five working days prior to resumption of operation of the family child care home.
 4. The inactive provider must facilitate access during reasonable hours of the 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 child Care Home:

- (1) Ownership and operation of a family child care home or a large family child care home, or employment by a family child care home may be excluded pursuant to section 402.3055(2), Florida Statutes, as may be amended or replaced.
- (2) Where the Department 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 child care home, the Department shall pursuant to Article VII.A.2. herein, make determination as to the exclusion from owning or operating a family child care 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 child care 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 child care home in any state or jurisdiction.
 - (c) Should the Council 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.

3. The Department shall provide personnel to act as Clerk to the Child Care Advisory Council for the purpose of the hearings and retention of the record.

- D. The Council shall issue its recommended order within fifteen (15) days of said hearing, stating that the license is issued, retained, revoked or denied as the case may be. Said order shall be sent to the applicant or licensee by Registered or Certified mail, Return Receipt requested. The Child Care Advisory Council's written order shall be considered final agency action.
- E. Within thirty (30) days after the Child Care Advisory Council issues its written order, any person whose substantial interests have been determined by the Council's decision shall have the right to seek review of said order by petitioning the Circuit Court in and for Palm Beach County by a *writ of certiorari*.

ARTICLE VI – PERSONNEL, STAFF QUALIFICATIONS & SUPERVISION

A. MINIMUM AGE REQUIREMENTS

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

B. TRAINING

1. Prior to licensure, all family child care home operators must successfully complete the following training requirements:

- a. Thirty (30) -clock-hour Department of Children and Families Family Child Care Home training, as evidenced by a valid Training Transcript that indicates certification in the training requirements. -
- b. 5-clock hour (or 0.5 CEU) Early Literacy and Language Development
- c. First Aid certification as evidenced by a valid card or certificate.
- d. Infant and Child CPR certification as evidenced by a valid card or certificate.

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

2. Family child care home substitutes who work forty (40) hours or more a month on average during a twelve (12) month period must have successfully completed the following training requirements:
 - a. The thirty (30) -clock-hour Department of Children and Families Family Child Care Home training, as evidenced by a valid Training Transcript that indicates the required certification.
 - b. 5-clock hour (or 0.5 CEU) Early Literacy and Language Development
 - c. Current certification in First Aid.
 - d. Current certification in Infant and Child CPR.
3. Family child care home substitutes who work **less** than forty (40) hours a month on average during a twelve (12) month period shall have completed the following training requirements:
 - a. Department of Children and Families 6-hour Family Child Care Rules and Regulations course **or** the three (3) -clock-hour Fundamentals of Child Care training. Family child care substitutes who have successfully completed the thirty (30) -clock-hour Family Child Care Home training will not be required to complete the 6-hour Family Child Care Rules and Regulations or the three (3) -clock-hour Fundamentals of Child Care training.
 - b. 5-clock hour (or 0.5 CEU) Early Literacy and Language Development.

- c. Current certification in First Aid.
- d. Current certification in Infant and Child CPR.

4. Training Documentation:

Training certificates are issued or training transcripts are updated upon the successful completion of training, as evidenced by the passage of a competency examination. The 30-clock-hour Family Child Care Home training will be documented on CF-FSP Form 5267, March 2009, and the Department of Children and Families' child care training transcript. A copy of the Department of Children and Families' current training transcripts for each operator, employee, and substitute must be kept on file in the family child care home.

- 5. Prior to licensure, the operator and substitute(s) must hold a current certification in First-Aid and in infant and child cardiopulmonary resuscitation (CPR). The First-Aid course may be the Red-Cross Standard First-Aid or its equivalent. The infant and child cardiopulmonary resuscitation course may be the course provided by the American Red Cross, the American Heart Association, or a pediatric cardiopulmonary resuscitation course equivalent. These courses must be completed prior to licensure. Certificates of course completion are valid based on the time frames established by each First-Aid and CPR training program, First-Aid not to exceed three (3) years, and CPR not to exceed two (2) years. On-line First Aid and CPR courses are not acceptable to meet this standard. First Aid and CPR training must be done by real time classroom instruction. The First-Aid training or CPR course cannot be substituted for any part of the Department of Children and Families' thirty (30) -clock hour family child care course. Certifications in CPR and First Aid shall be kept current by renewal prior to their effective expiration dates.
- 6. All family child care operators, adult family members and substitutes shall have a statement on file at the facility that they have read the Department of Children and Families' pamphlet "Child Abuse and Neglect in Florida, A Guide for Professionals", CF-PI 175-17 for guidelines on reporting and identifying child abuse and neglect, or participate in an equivalent child training course approved by the Department of Children and Families. The pamphlet: "Child Abuse and Neglect in Florida, A Guide for Professionals", and the form to be used, shall be provided by the Department for this purpose.
- 7. Immunization & Health Records Training
Facility operators shall complete the two (2) hour Immunization & Health Records training provided by the Department within six (6) months from the date of original licensure.
- 8. 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 child 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 child 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: <http://www.myflfamilies.com/service-programs/child-care/early-literacy>, or by contacting the Department.

9. 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 child care license shall satisfactorily complete a Child Care Water Safety Course or the current equivalent prior to the issuance of a license. Family child 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 child care home uses a swimming pool at the family child 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. Annual In-Service Training.

- a. All family child 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. 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 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;

- xiii. Working with children with disabilities in child care;
 - xiv. Safety in outdoor play;
 - xv. Literacy;
 - xvi. Guidance and Discipline;
 - xvii. Computer Technology;
 - xviii. Leadership development/program management and staff supervision;
 - xix. Age appropriate lesson planning;
 - xx. Homework assistance for school age care;
 - xxi. Developing special interest centers/spaces and environments; or
 - xxii. Other course areas relating to child care or child care management.
- b. Operators who did not complete the required annual in-service training during a given licensure year must complete the remaining in-service training hours within 30 days of the noncompliance finding by the Department. These hours cannot be used to meet the current year's in-service training requirements.
 - c. Documentation of the in-service training:
 - i. Documentation of the in-service training must be recorded on CF-FSP 5268A, In-service Training Record – Family Day Care Home, March 2009, which is incorporated herein by reference, or an equivalent form provided by the Department, and maintained at the family day child care home. CF-FSP Form 5268 may be obtained from the licensing authority or by going to the Department of Children and Families' website at: <http://www.myflfamilies.com/service-programs/child-care/forms-and-applications>
 - ii. A new in-service training record is required each fiscal year.
 - iii. In addition to maintaining the training record for the current fiscal year, the in-service training records for the previous two (2) fiscal years must also be maintained at the family day child care home for review by the licensing authority.
 - iv. College level courses that cover the topics above may also be counted to meet the annual in-service training requirement.

11. Training For Prospective and Current Operators

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

C. HEALTH EXAMINATIONS

- 1. At the time of licensure, the operator, employee, and substitute(s) shall have on file a medical certification that they are physically qualified to care for children.

This medical certification shall be completed within the preceding six (6) months by a person given authority by Florida Statutes to perform medical examinations. The medical certification shall include evidence of freedom from tuberculosis, as indicated by an approved TB risk assessment and/or an approved skin test or X-ray administered within the preceding six (6) months. The medical certification shall be provided upon initial licensure, and every two (2) years thereafter for the operator, employee, and substitutes.

2. The operator must provide medical certification of freedom from tuberculosis for all family and household members over the age of twelve (12) years. This certification shall be provided prior to initial licensure and every two (2) years 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 caregiver may not provide care for children for more than 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 child 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 child care home.

E. SUBSTITUTE/EMERGENCY ARRANGEMENTS

1. There shall be a written plan to provide at least one 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 child 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 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 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 child care 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 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 over a six-month period in any single family 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 child care provider with an operational family child care home, shall not serve as substitute for another family child 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. An inactive provider may serve as a substitute for only one child care facility or may serve as substitute for one (1) of up to two (2) other family child care operators, provided that each of these other family child care operators has at least one (1) other substitute that is not a licensed family child care provider. In the event that a licensed family child care provider intends to serve as a substitute at a child care facility or for another family child care home, the provider shall notify the Department of the following in writing:
 - a. The status of the licensed family child care home and date that the provider became inactive;
 - b. The names of the child care facility or family child care home(s) where the provider will be serving as a substitute;
 - c. The date that the provider’s family 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. Consideration of Applicant's History –

The Department shall include on the application for a family 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 child care 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 Department shall review the nature of the suspension, revocation, disciplinary action, or fine before granting the applicant a license to operate a family child care home. If the 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 licensed a license shall not be granted in accordance with the procedures set forth in Article V herein.

3. An employment history check must include the previous five years, which shall include the applicant's job title and a description of his/her regular duties, confirmation of employment dates, and level of job performance. Failed attempts to obtain the employment history must be documented in the personnel file, and include dates, times, and the reason the information was not obtained.

4. A Child Care Affidavit of Good Moral Character must be completed for all family child care personnel in accordance with the Department's screening procedures. The Affidavit of Good Moral Character form may be obtained from the Department.

a. All personnel must be of good moral character in order to operate a family child care home as determined through Level 2 screening and background checks conducted as provided in Chapter 435, F.S., as amended or replaced. All personnel of the facility must attest, under penalty of perjury they have complied

with the minimum standards of good moral character as contained in Section 435.04, F. S., as amended or replaced.

- b. An Affidavit of Good Moral Character shall be completed and notarized annually for the operator, household members eighteen (18) years of age or older, employees, and substitutes.
- c. Factors to be considered in determining good moral character shall include good moral character based upon screening. Such minimum standards for screening shall ensure that no child care personnel at a family child care home have been found guilty of, regardless of adjudication, or entered a plea of *nolo contendere* or guilty to any offense or felony prohibited under any of the disqualifying offenses listed in section 435.04, Florida Statutes, or on the current form containing the Affidavit of Good Moral Character.
 - i. For purposes of this subsection, a finding of delinquency, or a plea of *nolo contendere* or other pleas amounting to an admission of guilt to a petition alleging delinquency pursuant to Part II of Chapter 39 F.S., as amended or replaced, or similar statutes of other jurisdictions, for any of the foregoing acts, has the same effect as a finding of guilt, regardless of adjudication or disposition.
 - ii. 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 Section 39.01(2) and (37), as amended or replaced;
5. Evidence of screening clearance and compliance with this article shall be maintained at the facility and be available for inspection by the Department. The Department is authorized to prescribe the frequency and the forms for regularly submitting proof of compliance with this Article.
6. Falsification, forgery, misrepresentation, or significant omission of applicant information for background screening or results of background screening constitute grounds for denial or revocation of a license to operate a family child care home in Palm Beach County. Furthermore, on finding evidence that any child care personnel or owner of a family child care home, large family child care home, or child care facility has falsified, forged, misrepresented, or omitted significant information from any background screening documents, the Department shall refer such personnel or owner to the Child Care Advisory Council for a determination as to their exclusion from owning, operating, or being employed by a family child care home or child care facility in Palm Beach County, in keeping with section 402.3055(2), Florida Statutes.
7. At the time application is made for a license, all personnel of a family child care home shall submit to the Department all background screening documentation required for a Level 2 background screening including documents required pursuant to Article IV(B)(4) above.
8. The Department of Children and Families and the Department shall conduct the screening and background checks for operators, employees, substitutes, family and household members. The screening and background checks include:

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

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

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

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

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

2. Rescreening Required:

Every five (5) years, Level 2 re-screening is required for all adult personnel and household/family members, and a statewide criminal records check is required for all juvenile household/family members.

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

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.
- b. 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.

5. No person shall be an operator, substitute, or employee of a family child care home who:
 - a. Is a habitual or excessive user of alcohol.
 - b. Illegally uses narcotics or other impairing drugs.
 - c. Has a confirmed report of adult and/or child abuse, neglect or exploitation as defined in Chapter 39, F.S., as amended or replaced.
 - d. Has falsified license application information.
 - e. Has falsified screening application information or screening results documentation.

ARTICLE VIII - PHYSICAL FACILITY

A. GENERAL

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

6. All areas, surfaces or items accessible to children shall be free of toxic substances and hazardous materials including lead paint. This includes outer surfaces of buildings, fences or play equipment.
 - a. All cleaning supplies and other potentially poisonous or dangerous supplies shall be plainly labeled. Such products shall be stored in a key locked cupboard, box or cabinet, or be absolutely inaccessible to children in care, unless actively in use by the family child care provider or substitute.
 - b. Purses of family child care personnel shall be inaccessible to children.
 - c. Any product that bears a warning on the label KEEP OUT OF THE REACH OF CHILDREN, or words or symbols to that effect, shall be presumed to be potentially poisonous or dangerous.
 - d. There shall be a separate key-locked storage area or container for medicines.
7. Any containers of alcohol, including liquor and wines, shall be stored out of the reach of children. In addition to these items, knives and sharp tools shall be stored in locations inaccessible to the children in care, and shall be stored in a fashion that sharp edges are not readily accessible upon opening their storage areas.
8. Products that produce irritating odors or toxic fumes shall not be used while children are present. These include candles, plug-in and aerosol air fresheners, cleaning agents, and disinfectants.
9. Hygienic food handling procedures and a safe environment must be provided to ensure the health, safety, and comfort of the children.
10. Pursuant to Chapter 386, Florida Statutes, during the hours of operation, while children are in care, smoking is prohibited within the family child care home, and all outdoor play areas. Secondhand smoke can be especially harmful to children's health because their lungs still are developing. All family child care home operators shall inform parents/guardians if someone living in the home smokes tobacco or nicotine products. This notification to each parent/guardian is required to be in writing prior to enrollment of each child. Proof of the notification must be maintained with the enrollment records in each child's file. The caregiver must take all necessary precautions to prevent children from being exposed to secondhand smoke which can endanger their health.
11. The home must have proper ventilation and a safe and approved source of heat. An inside temperature of 72° to 82° Fahrenheit must be maintained at all times during operation of the facility. A reliable thermometer shall be provided in a major indoor area of the facility.
12. Space heaters, and non-vented open flame heaters are prohibited. Fire places shall be vented. Heaters and fireplaces shall be shielded so that they present no danger and a child cannot come in contact with the surface.
13. Family child care homes shall be located on well-drained sites, easily accessible by vehicles. They shall not be located where excessive noise, odors, dust, smoke, other air pollutants, or traffic may interfere with the children's comfort.

14. The family child care home is to be located either on the first (1st) floor at ground level only, or: on the first (1st) two (2) floors (ground level plus one {1}) if located in a single family dwelling unit.
15. All homes shall have at least one (1) exit, and a second (2nd) means of escape from each level. The second (2nd) means of escape shall consist of either a door leading outside at or to ground level, or an outside window which can be opened from the inside without the use of tools to provide a clean opening of not less than twenty inches (20") in width and twenty-four inches (24") in height with a minimum of 5.7 square feet in area. The bottom of the opening cannot be more than forty-four inches (44") above the floor of the room.
16. Infants and other preschool children shall be permitted on the first floor (ground level) only.
17. All buildings shall be rodent proof and all openings to the outer air shall be effectively screened. The building and premises shall be free of rodents and vermin. Should they occur at the facility, rodents and vermin shall be exterminated. Pest control shall not take place while the facility is occupied by children in care.
18. There must be at least one operable corded landline or Voice over Internet Protocol (VoIP) telephone in the home and, if conditions indicate, additional telephone or extensions to summon help in case of fire or other emergencies. The phone shall be operable even in the event of a power outage in the home.
 - a. Telephone systems that work only when a computer is turned on and internet connection is established are not acceptable to meet this requirement.
 - b. Coin operated and locked telephones shall be prohibited.
 - c. Telephones shall be located so as to be easily accessible from all parts of the building during the hours that family child care home operates.
 - d. Family child care homes that have a swimming pool or spa on the premises, shall also have a telephone located in the area of the pool or spa.
 - e. The family child care home operator shall advise the Department immediately in the event that there is a change to the facility phone number.
 - f. All emergency telephone numbers including, but not limited to, fire, police, poison control center, ambulance, Florida Abuse Registry, and the Department, and the address of and directions to the family child care home, shall be posted on or near all phones and shall be used to respond to emergencies to protect the health, safety, and well-being of any child in care.
 - g. To meet the immediate needs of the child, family child care home operators shall call 911 or other emergency numbers in the event of an emergency.

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 Answering Service After Hours/ Nighttime & Weekends	North & Central County Area: 561-837-5900 South County Area: 561-274-3187 Far West & Glades Area: 561-966-1633 561-881-1888
Palm Beach County Emergency Operations Center (EOC)	561-712-6400

19. Water Supply - There shall be an adequate supply of potable water, meeting the quality standards of 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 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. 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. 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 floor space. Facilities licensed prior to October 1, 1992, not meeting this requirement (of 35 square feet per child) as of October 1, 1992, shall be exempt from this requirement.

C. OUTDOOR SPACE

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

1. All family child care applicants shall submit site plans for review. Licensure shall be subject to plan approval.
2. The outdoor play space shall be fenced, a minimum of four (4) feet in height.
3. The play area shall have adequate sun, with provision for shade in warm weather.
4. Water Hazards:
 - a. Water hazards, including but not limited to lakes, ditches, ponds, brooks, canals, wading pools, except sit pools, shall be fenced (minimum height of four {4} feet) and key locked to keep the water hazards out of reach of children.
 - b. Removable pool fences, where provided, shall be installed by the manufacturer or licensed contractor. Sit pools used in accordance with these Regulations specified in Article VIII.C.5. shall not be classified as a water hazard.
 - c. The operation of a family child care home with a swimming pool, hot tub or spa is prohibited, if the following requirements are not met:
 - i. All in-ground swimming pools and above-ground swimming pools, shall have either a fence or barrier on all four sides, a minimum of four (4) feet in height, separating the ~~home~~ house or other structures from the swimming pool. The fence or barrier may not have any gaps or openings that could allow a young child to crawl under, squeeze through, or climb over the barrier.

- ii. All spas and hot tubs must meet the same barrier requirements for in-ground and above-ground swimming pools, or instead, spas and hot tubs may be covered with a safety cover, as defined in Section 515.25(1), F.S., as amended or replaced, that complies with ASTM F1346-91 (Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Hot Tubs, and Spas, as amended or replaced) at all times when children are in care.
 - iii. The exterior wall of the home, if it has ingress and egress, does not constitute a fence or barrier.
 - iv. All doors or gates in the fence or barrier shall be locked at all times when children are in care and when the pool is not being used by the children in care.
 - v. All doors or egresses from the house that provide access to pool or spa shall be equipped with an alarm device that sounds whenever the door or egress is opened. The alarm devices must be maintained in proper working condition at all times.
 - vi. In addition to the fence, or barrier, the family child care home operator shall ensure that all exterior doors leading to the pool, spa, or hot tub area remain locked at all times while children are in care. Barriers may be temporary in nature but must be sturdy and meet all the above requirements and be in place during all times when children are in care.
 - vii. The wall of an aboveground swimming pool may be used as its barrier; 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. 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. If the family child care home uses a swimming pool, it shall be maintained by using chlorine or other suitable chemicals.
- d. 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 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, or from the following link <http://www.flrules.org/Gateway/reference.asp?No=Ref-03038>. 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.

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

I. ACCESS

1. The Department has the right to access the entire family day child care home, including any and all locked rooms, any and all buildings on the premises, any and all outdoor areas whether fenced or not, all records required to be kept by these Rules and Regulations, and to inspect for compliance with these Rules and Regulations.
2. A family child care provider must provide the custodial parent access, in person and by telephone to the home during normal hours of operation or when the parent's child is in care.

3. Family child care homes located in gated communities with unmanned security posts shall provide an entry code to the Department to facilitate access for unannounced inspections and investigations. Provision of the access code shall be a condition of licensing.

J. FIRE SAFETY AND EMERGENCY PLANNING

1. All facilities shall meet or exceed all applicable State Fire Marshall Rules and Regulations as set forth in 69A-3.012, Florida Administrative Code, as amended or replaced, including at least one (1) operable fire extinguisher with a current certificate and one (1) smoke detector on each floor of the family child care home. There shall be a minimum of two (2) operable smoke detectors installed in homes with split floor plans.
2. Mobile homes as defined by Chapter 320, Florida Statutes, as amended or replaced, shall not be utilized for family child care homes. Exception: those mobile homes completely protected by an automatic fire suppression system installed in accordance with National Fire Protection Association (NFPA) 13D, as amended or replaced, and approved by the local Building and Fire authorities.
3. The building and property shall be free from fire hazards.
4. The facility shall develop an Emergency Preparedness Plan to include at minimum, procedures to be taken by the family child care home during a fire, lockdown, and inclement or violent weather.
 - a. The plan shall address the identification of violent weather, a procedure to quickly have the children return to the shelter of the building if the adverse weather occurs at the facility, and a procedure when the children are away from the family child care home on a field trip. Impending violent weather includes, but is not limited to, observable lightning, thunder, thunderstorms, hurricanes, hail and tornadoes.
 - b. The family child care home must have a plan to follow local weather forecasts and plan activities accordingly.
 - c. Each plan shall specifically include immediate removal of all children from outdoor play areas during rainfall or whenever lightning is visible on the horizon or thunder is audible.
 - d. Each plan shall include taking and recording attendance of children in the event of evacuation or relocation.
 - e. Each plan shall include responses to violent weather during field trips and transportation of children.
 - f. This plan shall be available on site for review by the Department.
5. After a fire or natural disaster, the operator or substitute(s) must notify the Department, within twenty-four (24) hours, in order to ensure that health standards are met for continued operation as a family child care home. In the event that the Department is not accessible by routine daytime access phone numbers, the operator shall contact the after hour Answering Service or the Palm Beach County Emergency Operations Center for further information.

6. In the event that a state of emergency is declared for Palm Beach County, the Department shall have the authority to enact appropriate interim policies and procedures to ensure the health, safety, and well-being of children in care.
7. In the event of extensive renovation or re-modeling of the family child care home, or the installation of burglar bars or security bars on doorways or windows of the family child care home, the family child care operator shall:
 - a. Provide the Department with copies of the approvals from the applicable building department prior to commencement of the construction project.
 - b. Request an inspection by the Fire Authority Having Jurisdiction and a copy of the satisfactory inspection report provided to the Department within five (5) days from the date of completion.
 - c. Submit a written plan outlining the following:
 - i. Projected timeline of the project;
 - ii. Whether construction activities will be done during times that children will be on the premises.
 - iii. The measures that will be taken to protect the health and safety of children;
 - iv. An understanding that if operation of the family child care home has to be suspended during the construction period, an inspection and approval by the Department is required before operation can be resumed.
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. 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 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

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

legal custodian, caregiver, or other person responsible for the child's welfare shall report such knowledge or suspicion to the Abuse Hotline, as well as the Department.

C. MEDICATION

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

1. A written authorization signed by a parent shall accompany any type of medication stating the time and amount of dosage and the name of the medication to be given to the child. The family child care home operator shall record the name of the child, medication date, time, method and amount of dosage given. The record shall be signed by the parent of the child, and initialed by the adult who gave the medication. Both the medical authorizations and the records of dispensing medication shall be maintained for one (1) year.
2. Prescription medication brought to the family child care home by the parent must be in the original container with the name of the physician, child, and shall be dispensed according to written directions on the prescription label.
3. Non-prescription medication brought to the family child care home by the parent must be in the original container with the name of the child and medication directions on the label and shall be dispensed according to the printed manufacturer's label. For the purposes of dispensing non-prescription medication that is not brought in by the parent, in the event of an emergency, non-prescription medication can only be dispensed if the home has written authorization from the parent to do so. Any medication dispensed under these conditions must be documented in the child's file and the parent must be notified on the day of occurrence. If the parent notifies the family child care home of any known allergies to medication, written documentation must be maintained in the child's file.
4. Topical non-medicated physical barriers - Physical barrier lotions, ointments and creams including but not limited to sunscreen, insect repellent, and diaper ointments are generally not medications. If the facility elects to allow use of these items, the facility must have a written policy governing their use. Parents must be made aware of such policy and have knowledge of its content. Such policy must include a requirement for written parental consent for application of non-medicated physical barriers. The policies, at a minimum, must ensure compliance with the provisions of these Rules and the standards contained herein.
5. Children's medications which have expired, or no longer being administered, shall be returned to the parent.

ARTICLE X - COMMUNICABLE DISEASE CONTROL

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

A. Handwashing

1. Handwashing is one of the most effective methods of preventing the transmission of communicable diseases, and is important in keeping children, caregivers, and household members healthy. Wearing gloves or using hand sanitizers is never a substitute for hand washing. Caregivers shall wash their hands as often as possible, including:
 - i. Upon arrival and before beginning work.
 - ii. After using the bathroom.
 - iii. After helping a child use the bathroom.
 - iv. After diaper changing.
 - v. Before handling food or food utensils.
 - vi. Before and after administering medication.
 - vii. After handling uncooked meats, or eggs.
 - viii. After handling unwashed fruits and vegetables.
 - ix. Before and after eating.
 - x. After any hand contact with bodily fluids including vomit, drool, blood, stool, or discharge from the eyes or nose.
 - xi. After handling any pets or animals.
 - xii. After cleaning activities.
 - xiii. After handling garbage and garbage containers.
 - xiv. After coming back from break.
 - xv. After removing gloves.

B. Isolation area.

1. The family child care home shall have a designated isolation room or area for a child who becomes ill. Any child who is suspected of having a communicable disease or who has a fever of 100 degrees Fahrenheit or higher, in conjunction with any of the signs and symptoms listed in paragraph "2" below, shall be placed in the isolation area.
2. Children in care shall be observed on a daily basis for signs of communicable disease. Signs and symptoms of a suspected communicable disease include the following:
 - i. severe coughing, causing the child to become red or blue in the face or to make a whooping sound,
 - ii. difficult or rapid breathing,

- iii. stiff neck,
 - iv. diarrhea (more than one abnormally loose stool within a twenty-four {24} -hour period),
 - v. temperature of one hundred degrees Fahrenheit (100°F) or higher taken when in combination with any other sign of illness,
 - vi. conjunctivitis (Pink Eye),
 - vii. untreated, infectious skin patch(es),
 - viii. unusually dark urine and/or gray or white stool and yellowish skin or eyes,
 - ix. vomiting,
 - x. pediculosis (head lice, nits),
 - xi. and any other unusual sign or symptom of illness.
3. The child's condition shall be reported to the parent or another authorized person, and shall be removed from the facility as soon as possible. Such children shall not return to the family child care home without medical authorization, or until all signs and symptoms are no longer present.
 4. A child who has head lice shall not be permitted to return until treatment has occurred and been verified. Verification of treatment may include a product box, box top, empty bottle, or signed statement by a parent or that treatment has occurred. The operator must also treat areas, equipment, toys, and furnishings, with which the child has been in contact.
 5. An operator, substitute, employee or household member who develops signs and symptoms of a communicable disease or who has a fever of 100 degrees Fahrenheit or higher, in conjunction with any of the signs and symptoms listed in paragraph B.2. above, shall leave the areas of the home occupied by the children and shall not return without medical authorization, or until the signs and symptoms are no longer present. If it is the operator who is ill, the authorized substitute(s) must assume the operator's responsibilities, while children are in care.
 6. The isolation room or area must be conveniently located near to hand washing and toilet facilities, and must be in an easily observable location. Such an area or room must be provided with a cot, bed, mat, or chair, with surfaces consisting of materials that can be easily cleaned and sanitized.
 7. Linens must be changed and washed, and disposable items shall be changed and discarded after each use. Until cleaned or disposed of, used linens and disposables shall be kept in a closed container out of the reach of children.

C. Communicable Disease Outbreaks.

1. Notification: Operators shall immediately notify the Department of any suspected outbreak of notifiable disease or other disease condition as per Chapter 64D-3, Florida Administrative Code, as amended or replaced. A

suspected outbreak occurs when two (2) or more children or employees have the onset of a similar sign or symptoms (such as diarrhea, rash, etc.) within a seventy-two (72) hour period or when one (1) or more cases of a serious communicable disease, which includes, but is not limited to, hepatitis, measles, meningitis, diphtheria, German measles (rubella), whooping cough, tuberculosis, chicken pox, mumps, Salmonella, Shigella, Campylobacter, or Giardia intestinal infection is diagnosed or suspected in a child or employee.

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

D. Appropriate Sanitizers

1. The Department recommends the use of chlorine bleach, appropriately diluted as an effective sanitizing agent. This solution shall be made by adding one tablespoon of bleach to a quart of water, or one quarter cup of bleach to a gallon of water. This solution shall be made fresh daily, with unused portions disposed of at the end of each day. This recommended bleach solution assumes use of bleach containing 5.25 percent sodium hypochlorite. Bleach with higher or lower concentrations of sodium hypochlorite will require different proportions of bleach and water to produce an effective sanitizing solution.
2. 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.

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 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/>
- B. Using the 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. 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. 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. Meal schedules may vary based on the duration of time the child is in care, but shall be at a minimum as follows:
 - i. Children in care for eight (8) and fewer hours shall be offered at least one (1) meal and two (2) snacks, or two (2) meals and one (1) snack;
 - ii. Children in care for more than eight (8) hours shall be offered at least two (2) meals and two (2) snacks, or three (3) snacks and one (1) meal;
 - iii. Children shall be offered food at intervals at least two (2) hours apart and not more than three (3) hours apart unless the child is asleep.
 - iv. All facilities shall assure that each child is provided with a mid-morning and mid-afternoon snack in addition to the number of meals necessary to meet the child's nutritional needs as stated in Article XII (A) above. Such snacks shall be served regardless of whether they are eligible for reimbursement under the Federal Food Program.
 - v. Mid-morning snacks may be deleted if breakfast is served, provided that the routine mid-morning snack period is two (2) hours or less away from the time that breakfast is served. Young infants may require to be fed at shorter intervals than every two (2) hours to meet their nutritional needs, and shall be fed accordingly.
 - vi. During feeding times infants shall be individually fed or supervised appropriately for their ages and developmental abilities, and offered foods appropriate for their age.

- vii. Infants shall be held for bottle feedings until they are developmentally ready to sit in a high chair with good head control. Children shall not be left in high chairs or other types of feeding chairs outside of feeding times. The use of safety straps to prevent falls is required whenever children are placed in high chairs.
 - viii. There shall be no propped bottles. If a child cannot hold the bottle, then a staff person or volunteer must hold the bottle during feeding. There shall be no automatic feeding devices unless medically prescribed and documented in the child's file.
 - ix. Breast milk and formula must be handled in a sanitary manner at all times and according to manufacturer's instructions and instructions by parent. The provider must ensure all formulas and food brought from home are labeled with the child's first and last name. The provider is responsible for the label; therefore if the label is not completed by the parent, the facility staff must complete the label upon receipt of the formula and food. Breast milk or infant formula provided for a specific infant by a parent or guardian shall not be fed to other children. Prepared bottles shall be placed immediately in the refrigerator and used within 48 hours.
 - x. In the event that the wrong breast milk or infant formula is provided to an infant in care, the provider must immediately inform the child's parent or legal guardian of the incident as well as the parent or legal guardian of the infant that the formula/breast milk was intended.
- F. Formula and beverage shall be prepared, individually labeled, and capped by the parent. The family child care home shall refrigerate and handle the formula and or beverage in a sanitary manner.
- G. Microwave ovens shall not be used for directly warming bottles. Microwave ovens may be used to warm water in a separate container. The bottle may then be placed in the heated water to obtain a safe and desired temperature, provided the container of water is no more than one hundred and twenty degrees Fahrenheit (120° F). Alternatively, bottles and infant foods may be warmed under running warm tap water.
- H. If a slow-cooking device, such as a crock pot is used for warming infant formula, human milk, or infant food, it shall contain water that does not exceed one hundred and twenty degrees Fahrenheit (120° F), and shall be emptied, sanitized, and refilled with fresh water at least daily. After warming, bottles and heated foods shall be mixed gently and the temperature of the contents tested before feeding to prevent injury to children. A caregiver shall not hold an infant while removing a bottle or infant food from the container of warm water or while preparing a bottle or stirring infant food that has been warmed. All cooking/warming devices shall be inaccessible to children.
- I. Special diets shall be provided when ordered by the physician. Arrangements shall be made between the operator and parent for a child's modified diet when prescribed by a physician. The physician's order and a copy of the diet and sample meal plan for the special diet shall be in the child's record. If the parent notifies the family child care home of any known food allergies, written documentation must be maintained in the child's file for as long as such child is in care.

- J. Cereal shall not be mixed with formula in infant bottles unless directed by a physician.
The physician's order shall be kept in the child's file.

ARTICLE XII – DAILY PROGRAM AND CHILD DISCIPLINE

A. Daily program.

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

B. Discipline

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

ARTICLE XIII - CARE FOR CHILDREN DURING NIGHTTIME HOURS

- A. These minimum standards for family child care homes and large family child care homes set forth herein shall continue to apply to family child care homes and large family child care homes which offer care during night-time hours (6 P.M. to 7 A.M.) with the additional application of the following standards as set forth in this section.
1. In keeping with operational restrictions in Article VI(D)(1) of these rules, each caregiver in a family child care home providing nighttime care shall not provide care continuously for more than 16 consecutive hours per 24-hour period.
 2. The operator shall notify the Department in writing of his/her plan of care, and shall have the written approval of the Child Care Advisory Council prior to advertising or providing nighttime care on a regular basis. The plan of care must detail the scope of the nighttime care to be provided, the number and type of caregivers, and the shifts each caregiver will work.
 3. There shall be provided a suitable space for sleeping or napping, with one (1) child per bed or cot, with his or her own linens covering the bedding. Bed linen must be changed between each use.
 4. Children two (2) years of age or older may sleep on beds used by the family if individual linens are provided for each child, and such beds are not in use by family members while children are in care. Children under two (2) years of age will be provided with a crib.
 5. There shall be not less than two (2) feet between beds or cots. In rooms used for the care of children remaining overnight, there shall be two hundred and fifty (250) cubic feet for each bed or crib, and at least five hundred (500) cubic feet of air space per child. There shall be sanitary storage space for cots and equipment if a separate sleeping room is not provided.
 6. Children who have not been served an evening meal before arrival, must be served an evening meal that is consistent with these Rules. Children who stay beyond 6 A.M. must be provided a morning meal consistent with these Rules.
 7. When children remain overnight, playpens, air mattresses, foam mattresses, and mats are not acceptable and the operator must prepare a written plan outlining the sleeping arrangements of the children in care to be provided to the Department upon request. If the children are sleeping overnight, the operator must ensure accepted bedtime routines, such as brushing teeth and face and hand washing. Toothbrushes, towels and wash-cloths shall not be shared, and shall be stored so that each child's personal hygiene items are not in contact with those of another child.
 8. Children of the opposite sex, any one of which is over the age of six (6) years, shall not be quartered in the same room without constant adult supervision.
 9. Nighttime care approval may be revoked or denied in accordance with the procedures set forth in Article V of these Rules if repeated violations of these requirements are documented or if children in care are harmed or found to have been in a position that could have resulted in serious harm.

10. The family child care provider may use an electronic device to monitor sleeping children only, subject to specific written parental consent. If permitted, the operator shall provide reliable electronic monitors at appropriate locations so that sounds from the monitor can be clearly heard by the caregiver. When monitors are being used, the caregiver must observe sleeping children at appropriate intervals to ensure that they are safe and comfortable.
11. Exit doors for family child care homes or large family child care homes shall be equipped with child-safe locks and working alarms that will alert the provider when the door is opened.

B. Prolonged Child Care

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

ARTICLE XIV – TRANSPORTATION

- A. When a family child care home or large family child care home provides regular transportation for children, the Department must be advised in writing.
- B. The driver shall have a current valid Florida driver's license.
- C. When a family child care operator is transporting children, each child must be in an individual factory installed seat belt or federally approved child safety restraint.
- D. The maximum seating capacity of the vehicle is based on the manufacturer's designated seating capacity specifications or the number of factory-installed seat belts. This seating capacity shall not be exceeded.
- E. Family child care operators must obtain advance written parental authorization granting permission to transport children in care.
- F. Pursuant to Chapter 386, Florida Statutes, while children are in care, smoking is prohibited in vehicles when transporting children. Secondhand smoke poses a serious threat to children.
- G. A log shall be maintained for all children being transported in the vehicle. The log shall include each child's name, date, time of departure and time of arrival, signature of the driver and verification of the fact that all children have left the vehicle and are accounted for. This log shall be maintained for a minimum of twelve (12) months. Upon arrival at the destination and return to the family child care home, the driver of the vehicle shall:
 - (1) Mark each child off the log as the child departs the vehicle,
 - (2) Conduct a physical inspection and visual sweep of the vehicle to ensure that no child is left in the vehicle, and
 - (3) Sign and date the log immediately verifying that all children were all accounted for and that the visual sweep was conducted.
- H. Upon arrival at the destination and return to the family child care home, the driver of the vehicle shall:
 - (1) Conduct a physical inspection and visual sweep of the vehicle to ensure that no child is left in the vehicle, and
 - (2) Sign and date the log immediately verifying that all children were accounted for and driver's log is complete.
- I. Child Safety Alarm Device

All vehicles used by or on behalf of the large family child care home for the transportation of children and that are designed to transport six (6) or more passengers must be equipped with a child safety alarm device that prompts the driver to inspect the vehicle for children upon vehicle shut off. The device must be properly maintained in working order at all times.

ARTICLE XV: ADMISSION AND RECORD KEEPING

A. HEALTH EXAMINATION AND IMMUNIZATION

1. Student Health Examination

- a) Upon admission, each child must have on file a current, complete, and properly executed Student Health Examination Form, DH Form 3040. The general health examination certificate shall be completed by a person given authority by Florida Statutes to perform health examinations. The examination shall have been performed within six (6) months prior to initial enrollment in a family child care home or child care facility.
- b) The certificate shall attest that the child is in good health or that any known medical condition or health problem is under treatment.
- c) The certificate is valid for two (2) years from the date the physical examination was performed.
- d) The facility shall refuse admittance or temporarily exclude any child who is not in compliance with these provisions.

2. Immunization Certificate:

- a) Upon admission, each child must have ~~on file~~ a DH Form 680, *Florida Certificate of Immunization*, DH Form 680 on file documenting age-appropriate immunizations of the following vaccines:
 - Pneumococcal conjugate vaccine (PCV)
 - Diphtheria-tetanus-pertussis (DTap) vaccine
 - Polio vaccine (IPV)
 - Measles-mumps-rubella (MMR) vaccine
 - Varicella vaccine (chickenpox)
 - Haemophilus influenza type b (Hib) vaccine
- b) Immunizations appropriate to the child's age shall be up-to-date or in the process of being updated, as set forth in Article XV.A.3.b.1. of these Rules. The operator shall refuse admittance or temporarily exclude any child who is not in compliance with these provisions.
- c) The manner and frequency of administration of the immunizations shall conform to recognized standards of medical practice of the State of Florida and are referenced on DH Form 680.
- d) Immunization records will be documented on forms approved and provided to physicians by the Department. Immunization certification or medical exemption shall be entered on DH Form 680 parts A or B and/or C, and religious exemption shall be entered on DH Form 681.
- e) Immunization records must be kept current. Family child care home operators shall notify the child's parents approximately one (1) month prior to the expiration date of the Temporary Medical Exemption, DH Form 680 part B.

- f) A valid Certificate of Immunization, DH Form 680 part A, shall be properly dated and signed by a physician or their authorized agent. A child in attendance with a medical exemption must present or have on file the Medical Exemption, DH Form 680, part B or DH Form 680, part C. DH Form 680, part B may be signed by a physician or their designee. DH Form 680, part C, must be properly dated and signed by a physician licensed under provisions of Chapters 458, 459, or 460, F.S., as amended or replaced.
- g) Notification to the affected parties of any changes to the DH Form 680 as a result of changes to the recognized standards of medical practice will be provided by the Department's Immunization Program and will become effective six (6) months following the notification to all child care facilities.

3. Exemptions:

- a) Health Examination: For religious purposes only, any child shall be exempt from medical or physical examination upon written and signed request of the parent of such child; however, the laws, Rules and Regulations relating to contagious or communicable diseases and sanitary matters shall not be violated.
- b) Immunization: A child's application for admittance to the family child care home shall include immunization(s) according to recognized medical standards or include documentation of temporary medical, permanent medical or religious exemption.
 - (1) Temporary Medical Exemption, DH Form 680 part B, is used for a child who is not fully immunized but is in the process of completing the required immunizations and cannot receive any additional vaccine at that time.
 - (2) Permanent Medical Exemption, DH Form 680 part C, is used for a child who is not fully immunized but for medical reasons cannot receive one (1) or more of the required vaccines.
 - (3) Religious Exemption, DH Form 681, is issued by the Department when the parent of the child objects in writing that the administration of immunization agents conflicts with his religious tenets or practices.
- c) When a family child care home serves school-aged children, the school requirements for health examination and immunization shall apply and records of such need not be on file at the family child care 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 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.
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 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:
 - (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

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 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 person with a current Certified Lifeguard Certificate or its equivalent, is available for the swimming activities. Family 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 the most serious in nature and pose an imminent threat to a child. Such threats include abuse or neglect, which could or do result in death or serious harm to the health, safety, or wellbeing of a child.
- B. **Class II Violations:** An incident of noncompliance with a Class II standard as described in the Family Child Care or Large Family Child Care Standards Classification Summary. Class II violations are less serious than Class I violations, and could be anticipated to pose a threat to the health, safety, or wellbeing of a child, although the threat may not be imminent.
- C. **Class III Violations:** An incident of noncompliance with a Class III standard as described in the Family Child Care or Large Family Child Care Standards Classification Summary. Class III violations are less serious in nature than Class II violations, and may pose a low potential for harm to children.
- D. **Technical Support Violation:** An incident of noncompliance with Class II or Class III standards for which a fine is not recommended in keeping with the Department's Progressive Enforcement Matrix, as may be amended from time to time. This includes the first occurrence of noncompliance with an individual Class II standard, or the first or second occurrence of noncompliance with an individual Class III standard.
- E. **Other:** Violations not included above or classified as a Class I, II, or III violation but for which fines may be issued depending on severity or recurrence.
- F. In addition to the provisions previously set forth herein, it is a violation of these Rules to:
 - 1. Fail, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose in any application for voluntary or paid employment, licensure or certification regulated herein, all information required or a material fact used in making a determination as to such person's qualifications to be family child care personnel, in a child care facility, or other child care program.
 - 2. Operate or attempt to operate a family child care home under a license or certificate that is revoked, or terminated.
 - 3. Misrepresent, by act or omission, a family child care home to be duly licensed pursuant to this rule without being so licensed.
 - 4. Make any other misrepresentation, by act or omission, regarding the licensure or operation of a family child care home to a parent who has a child placed in the facility or is inquiring as to placing a child in the facility, or to a representative of the licensing authority, or to a representative of a law

enforcement agency, including, but not limited to, any misrepresentation as to:

- (a) The number of children at the family child care home;
- (b) The part of the family child care home designated for child care;
- (c) The qualifications or credentials of family child care personnel;
- (d) Whether a family child care home complies with the screening requirements of 402.305, Florida Statutes, as amended or replaced, and these Rules herein; or
- (e) Whether family child care personnel have the training as required by 402.305, Florida Statutes, as amended or replaced, and these Rules herein.

ARTICLE XVIII- ENFORCEMENT

A. Disciplinary Sanctions

1. Enforcement of disciplinary sanctions shall be applied progressively for each standard violation. In addition, owners/operators will be offered technical assistance in conjunction with disciplinary sanction. The Department shall take into consideration the actions taken by the home to correct the violation when determining the appropriate disciplinary sanction.
2. Each standard violation has an assigned classification based on the nature or severity of the violation(s) as identified within the Department's Family Child Care and Large Family Child Care Standard Classification Summary, which may be revised from time to time.
3. A violation of a Class II standard that results in death or serious harm to a child shall escalate to a Class I violation.
4. Disciplinary sanctions for licensing violations that occur within a two-year period shall be progressively enforced in keeping with the Department's progressive enforcement matrix which may be revised from time to time. Disciplinary sanctions include fines, probationary license, and denial or revocation of license.

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

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

- D. Members of the Child Care Facilities Board and its representatives may enter and inspect family child care homes and large family child 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 provision of Chapter 59-1698, Special Acts, Laws of Florida, as amended, or of any rule and regulation issued hereunder. The right of entry and inspection shall also extend to any premises which the Department has reason to believe are being operated or maintained as a family child care home without a license, but no such entry or inspection of any premises shall be made without the permission of the person in charge thereof unless a warrant is first obtained from the circuit court authorizing same. Any application for a license or renewal made pursuant to these Rules, or any advertisement to the public of family 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 child care 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 child care personnel makes any misrepresentation in violation of Article XVII. F. above to a parent who has placed a child in the family child care 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 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.
3. “Operator” means the occupant and licensee of the large family child care home who is at least 21 years of age and responsible for the overall operation of the home.
4. “Substitute” means a competent adult, at least 18 years of age, who is available to substitute for the operator or employee on a temporary or emergency basis.

C. Large Family Child Care Home Application and License.

1. Application for a license or for renewal of a license to operate a large family child care home must be made on a form prescribed by the Department. Application for a License to Operate a Large Family Child Care Home, which is incorporated by reference. The application form may be obtained from the Department. A license to operate a large family child care home may be used to operate a family child care home when the number of children in care meets the definition of a family child care home. A license to operate a family child care home cannot be used to operate a large family child care home.
2. A completed application for renewal of an annual license must be submitted to the licensing authority at least 45 days prior to the expiration date of the current

license to ensure that a lapse of licensure does not occur. Failure to submit a renewal application at least 45 days prior to the expiration date of the current license constitutes a licensing violation as defined in Article IV.B.12. of these Rules and Regulations.

3. The application for licensure or re-licensure is not considered complete until the licensing authority receives proof of background screening clearance for the operator of the large family child care home, substitutes, and on all other personnel and household members who are subject to background screening pursuant to Section 402.3131(2), F.S., as amended. If the designated substitute changes during the licensure year, prior to taking care of children, the new designated substitute for the operator must comply with background screening and training requirements and the licensing authority must receive proof of background screening clearances.
4. The Department may issue a provisional license allowing a home to operate for a designated period of time while working to correct one or more licensing standard(s) not met, provided the owner is making adequate provisions to ensure the health and safety of the children in care. A provisional license shall not be issued as an initial license, and is not a disciplinary sanction.
5. CF-FSP Form 5337, March 2009, Child Abuse & Neglect Reporting Requirements, must be signed annually by the operator, employee and substitute(s).
6. The large family child care home license shall be issued in the name of the operator, who must be at least 21 years of age and a resident of the large family child care home. In the event of rental or leased property, the operator shall be the individual who occupies the residence.
7. A copy of the annual license shall be posted in a conspicuous location within the large family child care home.

D. Large Family Child Care Home Personnel.

1. All large family child care personnel must be screened and cleared, and meet applicable training requirements before employment to work in a large family child care home while children are present.
2. Initial Screening. Screening information for the employee must be documented on Form 5131, Background Screening and Personnel File Requirements, which is incorporated by reference. A copy of CF-FSP 5131 may be obtained from the department's website at www.pbchd.com.
3. Re-screening. Re-screening information for the employee must be documented on CF-FSP Form 5131.
4. Large Family Child Care Home Staff Training.
 - a. Definitions.
 - i. "Active" is the status of a candidate's awarded credential or certification which demonstrates that the credential requirements have been successfully met.

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

- (a) To apply for a staff credential verification, a candidate must complete CF-FSP Form 5211, March 2009, Florida Child Care Staff Credential Verification Application, which is incorporated by reference, and may be obtained from the department's website at www.myflorida.com/childcare. Operator must meet one of the following credentials below for a minimum of one year prior to initial Large Family Child Care Home Licensure:
 - (I) An active National Early Childhood Credential (NECC); or
 - (II) An active Birth Through Five Child Care Credential awarded as a Florida Child Care Professional Credential (FCCPC), a Florida Department of Education Child Care Apprenticeship Certificate (CCAC), or Early Childhood Professional Certificate (ECPC); or
 - (III) An active School-Age Child Care Credential awarded as a Florida Child Care Professional Credential (FCCPC) or School-Age Professional Certificate (SAPC); or
 - (IV) Formal Educational Qualifications.
 - (b) An Employment History Recognition Exemption will not be accepted to meet the minimum staff credential requirements for Large Family Child Care Homes.
 - (c) An Employment History Recognition Exemption and a School-Age FCCPC will not be accepted to meet the minimum staff credential requirements for Voluntary Pre-Kindergarten (VPK).
 - (d) Florida law requires that VPK instructional personnel possess an appropriate credential. If the Department identifies that a designated VPK teacher does not have an active credential, the department will notify the local Early Learning Coalition or its designated representative.
- ii. Within six (6) months of licensure, successfully complete 10-clock-hours of specialized training from the department's Part II training courses as evidenced by successful completion of a competency examination with a weighted score of 70 or better.
- (a) These courses include:
 - I. Infant and Toddler Appropriate Practices (10 hours),
 - II. Preschool Appropriate Practices (10 hours),
 - III. School-Age Appropriate Practices (10 hours),
 - IV. Special Needs Appropriate Practices (10 hours),
 - V. Early Literacy for Children Ages Birth Through Three (5 hours online),
 - VI. Basic Guidance and Discipline (5 hours online),

- VII. Emergent Literacy for Voluntary Pre-Kindergarten (VPK) Instructors (5 hours online), or
- VIII. Early Childhood Computer Learning Centers (5 hours online).
 - (a) Child care operators have one opportunity, if they choose, to exempt from one or more of the department's training courses prior to attending training by successful completion of corresponding competency examinations. If the Part II training course is only available online, exemption examinations are not available.
 - (b) The Department of Children and Families or its designated representative shall exempt individuals from one or more of the department's training courses with a:
 - (I) Bachelor's degree or higher in Early Childhood Education or Preschool Education from the Infant and Toddler Appropriate Practices course and Preschool Appropriate Practices course.
 - (II) Bachelor's degree or higher in Elementary Education from the School-Age Appropriate Practices course.
 - (III) Bachelor's degree or higher in Exceptional Student Education from the Special Needs Appropriate Practices course.
- iii. Maintain an active staff credential, documented on the individual's Training Transcript. Inactive staff credentials may not be used to operate a large family child care home.
 - (a) A National Early Childhood Credential must be renewed through the agency that awarded the original credential. Once renewed, for licensing purposes, individuals must complete a CF-FSP Form 5211, Florida Child Care Staff Credential Verification Application to have the individual's Training Transcript updated with renewed credential information.
 - (b) To renew an active Birth Through Five or School-Age Child Care Credential, every five years a candidate must complete the renewal section of the CF-FSP Form 5211; if all criteria are met, the individual's Training Transcript will be updated with renewed credential information. Renewal applications may be submitted by the candidate no earlier than one year prior to the end of the active period of the Birth Through Five or School-Age Child Care Credential. An individual with an inactive Birth Through Five or School-Age Child Care Credential may submit a renewal application, but while inactive, the credential shall

not be used to operate a large family child care home. The application will be reviewed, and if approved, a certificate will be issued with a renewal date of five years from the date the renewal requirements are met.

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

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

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

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

a. One of the department's online literacy courses available on the department's website at www.myflorida.com/childcare; or

b. One of the department's approved literacy training courses. A list of these courses may be obtained from the department's website at www.myflorida.com/childcare (no additional courses will be approved by the department); or

c. One college level early literacy course (for credit or non-credit) if taken within the last five years.

d. Large Family Child Care Home Substitutes. Substitutes are persons designated by the operator to care for children in the absence of the operator or an employee. Substitutes must be at least 18 years of age. Substitutes for the operator and an employee who works more than 40 hours per month on average must meet the training requirements in paragraph 65C-20.009(3)(a), F.A.C. Substitutes for the employee who work less than 40

hours per month on average must meet the training requirements in paragraph 65C-20.009(3)(b), F.A.C.

- e. Large Family Child Care Home Annual In-Service Training. All large family child care home operators and employees must complete the annual in-service training requirements in subsection 65C-20.009(4), F.A.C.
 - I. Large family child care home employees may apply the mandated 30-clock-hour Family Child Care Home training to meet the annual in-service training requirement during the first year of employment.
- f. All employees continuously employed or hired prior to the last month of the provider's licensure year must complete the annual in-service training requirement. This includes any changes in employment from one program to another.
- g. Employees continuously employed or hired prior to the last month of the provider's licensure year who do not complete the required annual in-service training during any given year must complete the remaining in-service training hours within 30 days of the noncompliance finding by the licensing authority. These hours cannot be used to meet the current year's in-service training requirements.

E. Large Family Child Care Home Supervision.

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

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

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

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

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

H. Large Family Child Care Home General Requirements.

1. Fire Safety. Large family child care homes shall conform to state standards adopted by the State Fire Marshal, Chapter 69A-36, F.A.C., Uniform Fire Safety Standards for Child Care Facilities and shall be inspected annually. A copy of the current and approved annual fire inspection report by a certified fire inspector must be on file with the licensing authority.
2. Indoor Floor Space and Indoor Equipment.
 - a. A large family child care home must have 35 square feet of usable indoor floor space per child that does not include bedrooms unless it can be demonstrated that these bedrooms are used as multipurpose activity rooms.

- b. Usable indoor floor space refers to that space available for indoor play and activities. Usable indoor floor space is calculated by measuring at floor level from interior walls and by deleting space for stairways, toilets and bath facilities, permanent fixtures and non-movable furniture. Kitchens, offices, laundry rooms, storage areas, hallways, and other areas not used in normal day-to-day operations are not included when calculating usable indoor floor space.
 - c. Shelves or storage for toys and other materials shall be considered as usable indoor floor space if accessible to children.
 - d. Where infants are in care, they shall have open indoor floor space outside of cribs and playpens.
 - e. Large family child care homes shall make available toys, equipment, and furnishings suitable to each child's age and development, and of a quantity suitable for each child to be involved in activities.
 - f. Toys, equipment, and furnishings must be safe and maintained in a sanitary condition, and shall be cleaned and sanitized or disinfected immediately if exposed to bodily fluids, such as saliva.
3. Outdoor Play Area and Outdoor Equipment.
- a. At all large family child care homes, the outdoor play area shall maintain safe and adequate fencing or walls, a minimum of four feet in height. Fencing, including gates, must be continuous and shall not have gaps that would allow children to exit the outdoor play area. The base of the fence must remain at ground level, free from erosion or buildup, to prevent inside or outside access by children or animals.
 - b. All large family child care homes must have a minimum of 270 square feet of usable outdoor play area located on their property and which is used for the children attending or residing at the large family child care home, during operating hours. Infants in care shall be provided opportunities for outdoor time each day that weather permits.
 - c. The area beneath and immediately adjacent to play equipment or structure on which a child would land when falling or exiting the equipment must be maintained free from objects, obstructions, or encroachment by other structures, and be covered with protective surfacing to absorb the impact of a fall, and minimize the likelihood of a life-threatening head injury. Concrete, asphalt, packed earth, and grass are not acceptable as protective surfacing.
4. Emergency Procedures and Notification. The operator shall prepare an emergency evacuation plan including a diagram of safe routes by which the operator, employee and children may exit each area of the home in the event of fire or other emergency requiring evacuation. This plan shall be posted and shared with the employees, custodial parents, and/or legal guardians.