

**PALM BEACH COUNTY**

**RULES  
&  
REGULATIONS**

**GOVERNING**

**CHILD CARE FACILITIES**

**Including, but not limited to: child care centers, pre-elementary school programs, before-and after-school care, school-age child care, drop-in child care, indoor recreational facilities, and specialized child care for mildly ill.**



*REVISED: August 16, 2011*



**Palm Beach County Rules and Regulations Governing Child Care Facilities**  
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**PALM BEACH COUNTY RULES & REGULATIONS GOVERNING CHILD CARE  
FACILITIES**

**Chapter 1 CHILD CARE FACILITIES**

**ARTICLE I. SHORT TITLE AND APPLICABILITY**

- A. These rules and regulations shall be known as the “Palm Beach County Rules and Regulations Governing Child Care Facilities”.
- 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 child care in Palm Beach County.
- D. These rules and regulations shall apply to all child care facilities 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, Special Acts, 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* -- A person eighteen (18) years of age or older.
- 2. *Before-school and after-school sites* -- Programs, no matter their location, providing child care for children who are five years old and above, when they are enrolled in and attending a kindergarten program or grades one (1) and above, during the school district’s calendar year. This is limited to programs providing care before and after the school day only, teacher planning days, holidays, and intercessions that occur during the school district’s official calendar year.
- 3. *Cardiopulmonary resuscitation* -- Current certification in infant and child cardiopulmonary resuscitation (“CPR”), an emergency procedure for sustaining breathing and heartbeat until professional help arrives.

4. *CDA Equivalency or State approved CDA Equivalency* -- A training program that has been approved by the Department of Children & Families as meeting or exceeding the criteria established for an equivalency program.
5. *Certificate of compliance* -- A document issued in lieu of a license to a bona fide religiously affiliated child care programs that complies with the minimum standards of health and safety set forth in these rules, and which apply for such certificate. Unless specifically indicated in these rules, all rules and regulations applicable to licensed child care facilities apply equally to certificate of compliance facilities.
6. *Certificate of substantial compliance* -- A document in the form of a certificate, issued in lieu of a license to a non-public school for a program for children who are at least three (3) years of age, but under (5) five years of age that need not be licensed provided: (i) the programs in the non-public schools are operated and staffed directly by the non-public schools; (ii) a majority of the children enrolled in the schools are five (5) years of age or older; (iii) there is compliance with the screening requirements for personnel pursuant to these rules; and (iv) the program substantially complies with the minimum child care standards promulgated by these rules. All rules and regulations applicable to licensed facilities apply equally to certificate of substantial compliance facilities, unless specifically exempted herein.
7. *Child* -- A person less than thirteen (13) years of age who is related to the operator of a facility regulated hereunder, and all other persons less than eighteen (18) years of age.
8. *Child care* -- 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, facilities which are held out to be establishments which regularly provide child custodial care shall be deemed child care facilities regardless of whether compensation is received, and be subject to the requirements herein.
9. *Child Care Advisory Council* -- 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 or certificates, and to advise the Board as to the rules and regulations necessary to protect the health and safety of children in child care facilities. The term “Council” may be used interchangeably with “Child Care Advisory Council.” The Department shall serve as staff to the Council.
10. *Child care facility* -- Any building or shelter in which custodial care is rendered to six (6) or more children, 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 regularly provides child custodial care. The term also refers to the child care operation associated with the building or shelter, and for the purposes of these rules also includes specialized child care facilities for the mildly ill. Establishments which obtain a certificate of compliance, or certificate of substantial

compliance, are also considered child care facilities for the purposes of this rule. For the purposes of these rules, the term “facility” also means child care facility.

A. The following are not included within the meaning of child care facility:

- i. Public schools and non-public schools and their integral programs, except as provided herein.
- ii. Summer twenty four (24)-hour camps having children in full-time residence. Summer twenty four (24)-hour camp means recreational, educational and other enrichment programs operated during summer vacations for children who are five (5) years of age or older on or before September 1<sup>st</sup> of the calendar year. Such programs are not exclusively educational, pursuant to section 409.175 (2)(m), Florida Statutes, as amended or replaced.
- iii. Summer day camps as defined in section 409.175 (2)(1) Florida Statutes, as amended or replaced. Summer day camp means recreational, educational and other enrichment programs operated during summer vacations for children who are five (5) years of age or older on or before September 1<sup>st</sup> of the calendar year.
- iv. Bible schools normally conducted during vacation periods.
- v. Operators of transient establishments licensed under Chapter 509, Florida Statutes, as amended or replaced, that provide child care services solely for the guests of their public lodging establishment, provided all child care personnel of the establishment are screened according to the Level 2 screening requirements of Chapter 435, Florida Statutes, as amended or replaced.
- vi. Hospitals maintaining current Joint Commission for the Accreditation of Health Care Organizations (JCAHO) accreditation, operating hospital based child care for mildly ill children.

B. For public and non-public schools, the following shall apply:

- i. Public schools:
  - a. The following programs for children shall not be deemed to be child care and shall not be subject to the provisions of these rules (except for screening of personnel).
    1. Programs for children in five-year-old kindergarten and grades one (1) or above.
    2. Programs for children who are at least three (3) years of age, but who are under five (5) years of age, provided the programs are operated and staffed directly by

the schools and provided the programs meet age-appropriate standards as adopted by the State Board of Education.

3. Programs for children under three (3) years of age who are eligible for participation under the existing or successor provision of Public Law 94-142 {The Individuals with Disabilities Education Act (IDEA)} or Public Law 99-457 {Education of the Handicapped Act (EHA)}, provided they are operated and staffed directly by schools and meet age-appropriate standards as adopted by the State Board of Education.
- b. The following programs for children shall be considered child care and shall be subject to the provisions of these rules:
    1. Programs for children who are under five (5) years of age where the programs are not operated and staffed directly by the schools.
    2. Programs for children under three (3) years of age who are not eligible for participation in the programs under existing or successor provisions of Public Law 94-142 or Public Law 99-457.
- ii. Non-public schools:
    - a. Programs for children under three (3) years of age shall be considered child care and subject to the provisions of these rules.
    - b. A non-public school may designate certain programs as child care in which case the program will be subject to the provisions of these rules. As such, these programs shall operate subsequent to obtaining a child care license or applicable certificate pursuant to Article IV.A. of these rules.
    - c. Programs for children in five (5)-year-old kindergarten, or grade one (1), or above, are exempt from the provisions of these rules.
    - d. Programs for children who are at least three (3) years of age, but under (5) five years of age need not be licensed provided:
      1. the programs in the schools are operated and staffed directly by the schools;
      2. a majority of the children enrolled in the schools are five (5) years of age or older;
      3. there is compliance with the screening requirements for personnel pursuant to these rules; and
      4. the program substantially complies with the minimum child care standards set forth by these rules.

After demonstrating to the Palm Beach County Health Department that said standards have been met, submission of documentation pursuant to Article IV (A) herein, and payment of applicable fees, such programs may be given a certificate of substantial compliance in lieu of a license.

Facilities which request a certificate of substantial compliance shall, prior to receiving the initial certificate of substantial compliance and prior to annual renewal, submit documentation pursuant to Article IV of these rules.

Before- and after-school program's enrollment will not be counted in determining the majority of the children in non-public schools.

- e. Before- and after-school programs:
  - 1. All child care facilities providing before- and after-school programs or sites, as defined in Article III (B) herein, shall be licensed or have a certificate of compliance.
  - 2. Exceptions:
    - a. Before- and after-school programs or sites operated and staffed directly by public and non-public schools and serving only children enrolled in their regular school program are not subject to these rules.
    - b. An after-school program serving school age children is not required to be licensed as a child care facility if the program meets one of the following criteria:
      - 1. Program provides activities that are strictly instructional or tutorial/academic in nature. These programs cannot extend beyond the instructional and tutorial/academic activities of that program and cannot serve or prepare meals. The program may choose to provide drinks, snacks, and vending machine items that do not require refrigeration or preparation. Some examples of these programs include, but are not limited to, computer class; ballet; karate; gymnastics; baseball, and other sports; or
      - 2. Program meets all of the following criteria:
        - a. Serves children in the 6<sup>th</sup> grade level or above; and
        - b. Operates for a period not to exceed a total of four hours in any one day; however, the program may extend to providing services before school, on teacher planning days, holidays, and intercessions that occur during the school district's official calendar year; and
        - c. Allows children to enter and leave the program at any time, without adult supervision; and
        - d. Does not provide any transportation, directly or through a contract or agreement with an outside entity, for the purpose of field trips, during the hours of operation; and

- e. Does not serve or prepare any meals or snacks. The program may choose to provide drinks, snacks, and vending machine items that do not require preparation or refrigeration.
13. Child Development Associate (CDA) - A national credential, recognized throughout the United States and the world, issued by the Council for Early Childhood Professional Recognition in Washington, DC.
  14. *Child Care Facilities Board* -- The Board of County Commissioners of Palm Beach County sitting as the local licensing agency to license child care facilities in Palm Beach County. The term “Board” may be used interchangeably with “Child Care Facilities Board”.
  15. *Child Care for Mildly Ill Children* – The care of children with short term illness or symptoms of illness or disability, provided either as an exclusive service in a center specialized for this purpose, or as a component of other child care services offered in a distinct part of a regularly licensed child care facility, for a period of less than 24 hours per day.
  16. *Child enrichment service provider* - 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 child care facility.
  17. *Commingle* -- Placing or allowing children less than twenty-four (24) months of age (infants) to share the same area or space with children two (2) years of age or older.
  18. *Conspicuously posted* –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.
  19. *Contagious disease* – A type of infectious disease caused by receiving living germs directly from the person afflicted with the disease, or by contact with a secretion of the afflicted person, or by some object handled or used by an afflicted person.
  20. Continuing Education Unit (CEU) – A standard unit of measure of coursework used for training and credential purposes.
  21. *Custodial care* -- Child care as previously defined herein, for the purposes of these rules.
  22. *Department* -- The Palm Beach County Health Department.
  23. *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. The term is used synonymously with “operator.”
  24. *Director Credential* -- A Florida Department of Children and Families (DCF) -approved comprehensive credential that consists of educational and experiential requirements as referenced in Rule 65C-22.003(8), F.A.C., as amended or replaced.

25. *Disinfection* – The destruction or elimination of most or all disease-causing microorganisms.
26. *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 arrangements shall be licensed and shall meet all the requirements for child care facilities unless specifically exempted herein. Drop-in child care shall not refer to similar child care arrangements in health clubs/spas/gyms, bowling alleys, athletic training/instructional facilities, or to short term care in a licensed child care facility. A determination as to status as a drop-in child care facility will be made by the Department on a case by case basis.
27. *Fictitious name documentation* – (1) A copy of the applicant’s, license holder’s, or certificate holder’s current fictitious name registration, issued by the Division of Corporations of the Florida Department of State; or (2) a written statement by the applicant, certificate holder, 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.
28. *Field trip* -- Any excursions from the premises of a child care facility, excluding regular transportation to and from the facility for child pick up and delivery.
29. *First-aid training* -- refers to a current certification card in a course of instruction 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.
30. *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](http://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](http://www.myflorida.com/childcare)
31. *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](http://www.myflorida.com/childcare).

32. *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](http://www.myflorida.com/childcare)
33. *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](http://www.myflorida.com/childcare)
34. *Group* – A facility-designated unit of children usually organized by age-group that are under the care and supervision of the same designated staff member(s), and are engaged in the same program of activities at the same time in the same room or common area.
35. *Handicapped child* -- A child with deafness, hearing impairment, blindness, visual impairment, musculoskeletal handicap, speech impairment, health or developmental impairment, mental retardation, serious emotional disturbance, specific learning disability, who by reason thereof requires special services.
36. *Health Department* -- The Palm Beach County Health Department of the Florida Department of Health, which is responsible for carrying out the administrative and financial duties of the Board and for inspecting child care facilities in Palm Beach County to insure compliance with these rules and regulations as well as with applicable state laws. For the purposes of these rules, the Palm Beach County Health Department may also be referred to herein as the Department.
37. *Health Provider Consultant* – A Florida licensed pediatric physician; a Florida licensed family practitioner; a physician's assistant with appropriate pediatric experience; an advanced registered nurse practitioner (ARNP) with appropriate pediatric experience; or a registered nurse with experience in pediatric nursing, who supervises or provides direction to the licensed health caregiver, and is available for consultation.
38. *High School Diploma, GED and/or College Degree* - A diploma or degree obtained from an 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 an individual 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.

39. *Indoor recreational facility* -- An indoor commercial facility which is established for the primary purpose of entertaining children in a planned fitness environment through equipment, games, and activities in conjunction with or without food service, and which provides child care for a particular child no more than four (4) hours on any one day. An indoor recreational facility must be licensed as a child care facility pursuant to these rules, but is exempt from the minimum outdoor-square-footage-per-child requirement specified in Article X(B) of these rules, if the indoor recreational facility has, at a minimum, 3,000 square feet of usable indoor floor space designated for indoor play or fitness activities.
40. *Infant* -- A child less than twenty-four (24) months of age.
41. *Isolation area* –
  - a. In a facility not providing specialized child care for the mildly ill, this shall be 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 or guardian. This room or area is to be conveniently located near hand washing and toilet facilities and must be in an easily observable location. Such an area or room must be provided with a cot, mat, or bed consisting of materials that can be sanitized easily.
  - b. In a facility providing specialized child care for the mildly ill, this shall be a room or a series of rooms within the child care facility for mildly ill children, which provides separate airflow, and physical separation, from the rest of the facility. The isolation area must include a separate toilet, hand washing facility and diaper changing area. This area shall only be utilized when caring for children with contagious diseases.
42. *License* – A written operating permit issued to the owner of a care child care facility by the department pursuant to Chapter 59-1698, Special Acts, Laws of Florida as amended. This permit verifies that the child care facility 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. Regardless of the issue date, a license expires December 31 of each year. A certificate of compliance or a certificate of substantial compliance may be issued in lieu of a license for designated types of child care facilities.
43. *Licensed capacity* -- The maximum number of children or infants that may be cared for by a facility at any one time whether on or off facility premises. This includes children away from the facility on field trips. Licensed capacity shall be based on the minimum requirements of these rules including indoor usable space measurements, outdoor play area measurements, as well as the number of toilets, lavatories, and water fountains. For the purposes of this rule, licensed capacity is the equivalent of the approved capacity in facilities receiving certificates in lieu of a license.

44. *Licensed Health Caregiver* – At a minimum a licensed practical nurse who has knowledge and experience in the routine medical needs of mildly ill children, is trained to perform the written physical assessment, and is under the direction of a health provider consultant
45. *Medication* -- A drug or other substance used as a remedy for, or prevention of illness:
- a. Recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, official National Formulary, or any supplement thereto;
  - b. Intended for use in the diagnosis, cure, mitigation, treatment, therapy, or prevention of disease in man or other animals;
  - c. Intended to affect the structure of any function of the body of man or other animals;
  - d. Intended for use as a component of any article specified in paragraph (a), paragraph (b), or paragraph (c), but does not include devices, their components, parts, or accessories; or
  - e. Does not include topical non-medicated physical barriers as defined in Article XIII (D).
46. *Mildly Ill children* – Children exhibiting illnesses or symptoms of illnesses which have caused or would cause them to be excluded from regular child care settings, as defined in Article XIV (A) herein, and who need special attention and supervision, and meet the admission criteria for mildly ill programs as described in Article XV (F) of these rules.
47. *Nighttime care* – Child care provided during the evening hours and may encompass the hours of 6:00 PM to 6:00 AM to accommodate parents who work evenings and late-night shifts. This term has the same meaning as “evening care” under 402.302, Florida Statutes
48. *Operator/director* -- Any onsite administrator or individual of a child care facility who has the primary responsibility for the day-to-day operation, supervision and administration of the child care facility.
49. *Owner* -- The person(s) or entity who bear(s) legal ownership of the child care facility operation or business and has ultimate responsibility for the overall operation, administration and compliance with rules and regulations governing child care facilities. This responsibility shall not be delegated or assigned.
50. *Parent* -- A person with legal custody of a child in care such as a mother, father, or legal guardian.
51. *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.

52. *Screening* -- The act of assessing the background of child care personnel and includes, but is not limited to, employment history checks, local criminal records checks through local law enforcement agencies, fingerprinting for all purposes and checks in this subsection, statewide criminal records checks through the Department of Law Enforcement, and federal criminal records checks through the Federal Bureau of Investigation; except that screening for volunteers included under the definition of personnel includes only local criminal records checks through local law enforcement agencies for current residence and residence immediately prior to employment as a volunteer, if different, and statewide criminal records correspondence checks through the Department of Law Enforcement.
53. *School-aged child care* --Child care provided for school aged children, that is, children five (5) years of age and older, and provided in a manner and setting not exempted elsewhere in these rules.
54. *Snack* --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.
55. *Specialized Child Care Facilities for the Care of Mildly Ill Children* -- Any child care facility, which provides child care for more than five mildly ill children unrelated to the operator and, which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit, for a period of less than 24 hours per day. Specialized child care facilities may provide care for mildly ill children in a facility specialized for this purpose, or as a component of other child care services offered in a distinct and separate part of a regularly licensed child care facility.
56. *Staff/personnel* -- All owners, operators, employees, substitutes, and volunteers working in a child care facility. The term does not include persons who work in a child care facility after hours when children are not present or parents of children in Head Start. For purposes of screening, the term includes any member, over the age of twelve (12) years, of a child care facility operator's family, or person, over the age of twelve (12) years, residing with a child care facility operator if the child care facility is located in or adjacent to the home of the operator or if the family member of, or person residing with, the child care facility operator has any direct contact with the children in the facility during its hours of operation. Members of the operator's family or persons residing with the operator who are between the ages of twelve (12) years and eighteen (18) years shall not be required to be fingerprinted but shall be screened for delinquency records. A volunteer who assists on an intermittent basis for less than 10 hours per month is not included in the term "personnel" for the purposes of screening and training, if a person who meets the screening requirement of section. 402.305(2), Florida Statutes, is always present and has the volunteer in his or her line of sight. Students who observe and participate in a child care facility as a part of their required coursework shall not be considered child care personnel, provided such observation and participation are on an intermittent basis and the students are under direct and constant supervision of child care personnel.

57. *Students* -- Students who observe and participate in child care as part of their required course work. These students at all times shall be under direct and constant supervision of child care personnel. Students shall not be considered staff.
58. *Substantial compliance* -- That level of adherence to child care rules and regulations which is sufficient to safeguard the health, safety and well-being of all children under care. Substantial compliance is greater than minimal adherence, but not to the level of absolute adherence. Where a violation or variation is identified as the type which impacts, or can be reasonably expected within ninety (90) days to impact, the health, safety or well-being of a child, there is no substantial compliance.
59. *Substitute* -- Any fully screened and trained adult engaged to provide care for children in the absence of regular staff persons. This does not include volunteers.
60. *Training Coordinating Agencies* -- Authorized contract providers, designated by the Department of Children & Families, and responsible for the coordination of child care personnel training at the district/regional level.
61. *National Early Childhood Credential (NECC)* - An early childhood credential, pursuant to s. 402.305(3)(c), F.S, approved by the DCF and recognized by licensing authorities in at least five (5) states that incorporates 120 hours of early childhood instruction, 480 contact hours with children ages birth through eight (8) years and includes at least two (2) 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 on the Department of Children and Families' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).
62. *Training Transcript* -- The electronic documentation of Florida statutorily mandated training and staff credential qualifications for child care personnel. Training transcripts may be downloaded on the Department of Children and Families' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).
63. *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.
64. *Violation* -- Noncompliance with any provision of these rules or applicable provisions of §§. 402.301 - 402.319, Florida Statutes, as amended or replaced.
65. *Volunteer* -- A person who assists staff in the care, protection, and supervision of children who has not met all minimum training and other requirements imposed on child care personnel by these rules and regulations. Unless otherwise specifically provided herein, a volunteer will not be considered staff for purposes of supervision and staff ratio requirements.

66. *Weekend child care* -- Child care provided on weekends, and may encompass the hours between 6 p.m. on Friday and 6 a.m. on Monday.

## ARTICLE IV. LICENSURE PROCEDURE

### A. License or certificate required.

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

- (a) Certificate of Compliance Facilities:

Bona fide religiously affiliated child care programs, which comply with these minimum standards of health, safety and well-being, as specified herein, after demonstrating to the Department and the Child Care Advisory Council that said standards have been met, and after payment of applicable fees, may be given a certificate of compliance in lieu of a license. Institutions qualifying for certificates of compliance must submit a statement of purpose and intent. It is understood that freedom of religion as expressed in the Florida and Federal constitutions shall remain inviolate. Moreover, institutions receiving certificates of compliance do so with the willingness to abide by rules relating solely to the health, safety and well-being of the children. Acceptance of a certificate of compliance shall in no way constitute a waiver of any institution's right to legally challenge any rule or regulation embodied herein.

- (b) Certificate of Substantial Compliance Facilities:

Non-public schools in which certain programs are deemed by the Department as child care are subject to the provisions of these rules. Non-public school programs for children who are at least three (3) years of age, but under (5) five years of age need not be licensed provided: a) the programs in the non-public schools are operated and staffed directly by the non-public schools; b) a majority of the children enrolled in the non-public schools are five (5) years of age or older; c) there is compliance with the screening requirements for personnel pursuant to these rules; and d) the program substantially complies with these minimum child care standards. After demonstrating to the Department that substantial compliance has been met, and after payment of applicable fees, such programs may be given a certificate of substantial compliance in lieu of a license, subject to Council approval.

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

2. THE CHILD CARE ADVISORY COUNCIL

- (a) The Board of County Commissioners of Palm Beach County, Florida, acting in the capacity as the Child Care Facilities Board is the local licensing agency to license child care facilities in Palm Beach County. The Board has designated the Child Care Advisory Council to act on the Board's behalf for the purpose of issuance and revocation of licenses, certificates of compliance, and certificates of substantial

compliance. The Department shall serve as staff to the Child Care Advisory Council.

(b) Appointment and Termination

- (i) In accordance with Chapter 59-1698, Special Acts, Laws of Florida, as amended, the 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: Two members who represent and operate as a private enterprise a facility regulated hereunder; one of whom operates a family day care home or a large family child care home. One member who represents and operates a parochial facility regulated hereunder. One member who represents a consumer protection enforcement official. One member for fire protection, engineering, or technology. One member who at the time of appointment was a parent of a child in a facility regulated hereunder. One member who represents the Department of Children & Families.
- (ii) The Council shall make a recommendation to the Child Care Facilities Board for removal of members for lack of attendance. Lack of attendance is defined as a failure to attend three consecutive meetings or a failure to attend at least two-thirds of the meetings scheduled during a calendar year. An exception may be made for extenuating circumstances involving serious illness. However, the exception would only allow for absence from four consecutive meetings. Participation for less than three-fourths of a meeting shall be the same as a failure to attend a meeting. Special meetings shall not be counted towards the attendance requirements.
- (iii) In the event that any council member is no longer a qualified elector, or the member is convicted of a felony or an offense involving moral turpitude while in office, the Child Care Facilities Board shall terminate the appointment of the member.

(c) Officers:

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

(d) Rules of Procedure:

(i) Quorums:

The presence of a majority of the members of the Council shall constitute a

quorum necessary to take action and transact business. All actions shall require a simple majority of the quorum present and voting at the meeting. In the event of a tie vote, the motion shall fail. No member shall abstain from voting unless the member has a voting conflict pursuant to State of Florida law.

- (ii) Robert's Rules of Order:  
All meetings shall be governed by Robert's Rules of Order.

(e) Meetings

- (i) The location of all meetings shall be in 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 director of the Department or his/her representative is charged with the administration and financial responsibility of carrying out the duties of the Board, including, but not limited to, issuing licenses or certificates after approval and inspecting child care facilities, as required by these rules and regulations.
4. License Application  
Application for a child care facility license, certificate of compliance, or certificate of substantial compliance shall be made in writing on a form, and containing such information, as prescribed by the Department. The application for licensure is not complete until all required information and supportive documentation are submitted to the department.

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

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

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

The following documentation must accompany the completed applications or completed non-public school & preschool program information forms (Substantial Compliance Application Forms):

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

- i) Five-year employment history and listing the name, address and phone number of the three (3) persons submitting character references.
- j) Three (3) letters of character references, two (2) must be ~~non~~-unrelated to the applicant.
- k) Two sets each of facility floor plans and site plans that have been reviewed and approved by the Department.

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

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

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

- l) A satisfactory fire inspection report for the proposed child care facility.
- m) If applicable, a current corporate status sheet issued by the Florida Department of State.
- n) Fictitious name documentation.
- o) Verification of current Director Credential for facility operator/director for applicants for child care facility license or certificate of compliance.
- p) Verification of approval from applicable Building, Fire, and Zoning Departments as evidenced by respective sign-offs on the application form.
- q) Proof of compliance with mandatory radon testing and reporting requirements.

5. Any material false statements contained in said application or non-public school preschool information form shall be grounds for denial or revocation of the license, certificate of

compliance, or certificate of substantial compliance.

6. The application or non-public school preschool information form must be completed and signed by the owner, prospective owner, or designated representative of the owner or prospective owner if the owner is a partnership, association or corporation. Within thirty (30) days after receipt of the application, the Department or Council shall examine the application, notify the applicant of any apparent errors or omissions, and request any additional information needed to complete the application. The term “applicant” shall mean the individual applicant if the applicant is an individual, or the designated representative if the applicant is a partnership, association, or corporation.

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

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

Whenever a licensed facility or a certificate of compliance facility is sold or the ownership is changed, the new or prospective owner or designated representative of the prospective owner, shall make application to the Board via the Child Care Advisory Council through the Department for a new license or applicable certificate, pursuant to Article IV (A) (5) herein, at least forty-five (45) days prior to the date of requested approval. A new owner must receive a license or certificate prior to the time a new owner assumes responsibility for the facility. The Board, via the Council, shall grant or deny the reapplication for licensure or certificate of compliance within forty-five (45) days from the date upon which the applicant submits a complete application or receipt of timely requested additional information or correction of errors or omissions. Failure to obtain a new license is subject to penalties in accordance with Florida Statutes, § 402.312, as amended or replaced, and Sections 10 and 11, Chapter 2010-249, Special Acts, Laws of Florida, as amended or replaced. The present license or certificate holder will continue to be held responsible for the facility until the Board, via the Department, has issued the new license or certificate of compliance.

Whenever a certificate of substantial compliance facility is sold or the ownership is changed, the new or prospective owner or designated representative of the prospective owner shall make application through the Department for a new certificate of substantial compliance, pursuant to Article IV (A) (5) herein, at least forty-five (45) days prior to the date of requested approval. A new owner must receive a certificate prior to the time a new owner assumes responsibility for the facility. The Department shall grant or deny the reapplication for certificate of substantial compliance within forty-five (45) days from the date upon which the applicant submits a complete application or receipt of timely requested additional information or correction of errors or omissions. Failure to obtain a new certificate shall be deemed failure to substantially comply with these rules and is subject to Sections 10 and 11, Chapter 2010-249, Special Acts,

Laws of Florida and Article XXI herein. The present certificate holder will continue to be held responsible for the facility until the Department has issued the new certificate of substantial compliance. Whenever the operator of a facility changes, the Department must be notified in writing prior to or at the time of the change.

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

7. After having determined that minimum standards are met and the applicant otherwise meets the requirements for licensure or issuance of an applicable certificate, the Council shall approve the application and direct the Department to issue a license or certificate upon payment of any required fees. In order to assure that the minimum requirements of these rules are met, the Council may impose appropriate conditions on the grant of the license or certificate of compliance which conditions shall not be inconsistent with the provisions of these rules and regulations. Should the Council determine, or lack sufficient information to determine, that minimum standards have not been met, the Council shall refer the application to the Department to address concerns or deficiencies. Should compliance not be met within 30 days, the Department shall issue a written denial of the application, pursuant to Article V of these rules.

8. License Renewal

Unless revoked or surrendered, all licenses or certificates of compliance or certificates of substantial compliance shall expire December 31<sup>st</sup> of each year. All applications for renewal for the following calendar year must be completed and filed with the Department no later than November 1<sup>st</sup> of the current year. Applications not timely filed may cause delay in licensure or issuance of certificate beyond the date of expiration and subject the licensee or certificate holder to penalties for violation of Article IV(A)(1) of these rules. The application for licensure is not complete until all required information and supportive documentation are submitted to the department.

9. The following documents must accompany the renewal application form:

- a. Completed Release of Information for local screening of ~~for~~ applicant, owner, and operator.
- b. Fees for local screening of applicant, owner, and operator.
- c. An affidavit attesting that all child care personnel have been screened. Names of all employees must be included on the Child Care Facility Current Personnel List Affidavit. This document must show the date local screening was conducted and clearance to continue working in the child care facility was verified for each current employee and volunteer. To satisfy this requirement, the annual local screening (local arrest history

check) by Palm Beach County Sheriff's Office must be conducted after July 31 of the current year.

- d. A copy of the satisfactory current annual fire inspection report;
  - e. A copy of the Certificate of Insurance for the child care facility.
  - f. If the applicant is a corporation, a current corporate status sheet issued by the Florida Department of State.
  - g. Revised fictitious name documentation reflecting any additions or changes.
  - h. Proof of ownership of the real property, demonstrating whether there has been any change in status or revision or renewal of any lease or management agreement currently on file with the Department or a signed statement from the owner attesting that there has been no material change in the ownership, lease or management agreement since the issuance of the last license.
  - i. Verification of a current Director Credential for the facility operator/director for applicants for a child care facility license or certificate of compliance.
10. Any false statements, information, or material omissions contained in the renewal application may be grounds for denial or revocation. All licenses or applicable certificates shall be issued only upon submission of completed renewal application documentation, payment of required fees, and completion of current satisfactory inspection of the facility by the Department.
11. Failure to submit a complete Application for a License to Operate a Child Care Facility for renewal of an annual license at least 45 days prior to the expiration date of the current license constitutes a licensing violation. The department shall issue an Notice of Administrative Action imposing a fine of \$100.00 for the first occurrence, \$200.00 for the second occurrence, and \$300.00 for each subsequent occurrence within a five year period.
12. A license or applicable certificate may not be transferred or assigned and shall be void when ownership or possession of the child care operation changes. A license or applicable certificate shall be valid for no premises other than those for which it was originally issued. The license or applicable certificate shall remain the property of the Child Care Facilities Board and shall be returned to the Department if void before the expiration date printed thereon. Upon approval of change of ownership, the previously approved license or certificate shall be deemed null and void, subject to payment of applicable fees and the satisfaction, by the applicant, of any conditions set forth by the Child Care Advisory Council in accordance with Article IV (A)(7) herein.
13. Upon issuance, said license or certificate shall be displayed in a conspicuous place inside the child care facility. The face of the license or certificate shall require the license or certificate holder to comply with these rules. The licensed or allowable capacity of the childcare facility shall be designated on the face of the license or certificate as well as the maximum number of

infants that may be cared for at any time. At no time shall a child care facility exceed the capacity approved by the licensing agency. No error or miscalculation leading to an overestimation of the approved capacity shall be deemed to create any right in the continuation of the overestimated number. The Department may amend the designated capacity on a license or certificate to correct any errors or reflect any changes it discovers.

14. A license, certificate of compliance or certificate of substantial compliance shall not be issued or renewed nor shall a change of ownership be approved if the applicant, licensee or certificate holder has an outstanding unpaid fine assessed for violation of these rules and regulations. In the case of an application for change of ownership for an existing child care facility having an outstanding fine, the outstanding fine shall be paid before a license or certificate is issued. For the purposes of these rules, outstanding fines refers to civil penalties assessed by the Environmental Control Hearing Board, pursuant to Chapter 77-616, Laws of Florida, as amended or replaced, and in accordance with Article XXI of these rules.
15. A child care facility license or certificate shall be issued in the name of the owner, partnership, association, or corporation.
16. If for any reason the child care facility is operating without the required annual license or certificate, the owner or operator shall post notice in a conspicuous place in the facility informing customers and visitors that the facility is operating without the required license/certificate. The notice shall be posted on the day the facility starts operating without the regular annual license/certificate, and shall not be removed until the facility receives and posts the required annual license/certificate. A regular license/certificate does not include provisional or probationary licenses.
17. All prospective owners or operators of a child care facility shall attend a pre-licensing workshop conducted by the Department prior to the application being presented to the Child Care Advisory Council for approval. A new operator or director, who assumes responsibility for a facility that is already licensed or certified, shall attend this workshop within six months of being named director of the child care facility. Other directors and credentialed staff members also may attend the licensing workshop for required in-service training hours, or as part of a corrective action for non-compliance.  
The pre-licensing workshop will cover subjects critical to the effective operation of the facility such as background screening, personnel training, records management, license renewal, transportation requirements, food service requirements, and general safety requirements.

B. Minimum standards for the issuance of licenses & certificates

1. Standards established by these rules and regulations shall meet or exceed state child care standards set forth in Chapter 402, Florida Statutes, as amended, or replaced, and Florida Administrative Code provisions established pursuant to Florida Statutes, § 402.305, as amended or replaced, which standards are expressly incorporated herein by reference. In the event of a conflict between these rules and state child care standards, the more stringent shall apply.

2. No rules and regulations of the Board shall be adopted or become effective until after a public hearing has been held by the Board pursuant to notice published in a newspaper of general circulation in 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 insure that accurate statistical data is available, the Department shall report annually to the Department of Children and Families the number of family day and child care facilities under the jurisdiction of the Child Care Facilities Board, the number and age range of children served, and the number of revocations and denials of licenses during the previous year.
5. Insurance requirements.
  - a) At time of licensure or certification, and before providing any child care services, the owner or operator of a child care facility shall have obtained a comprehensive general liability policy in the minimum amount of no less than one hundred thousand dollars (\$100,000.00) as a continued single limit for bodily injury and property damage. The facility must provide the Department with a certificate of insurance evidencing the required coverage. The facility shall be required to give the local licensing agency thirty (30) days notice prior to cancellation of the policy.
  - b) The facility shall continuously maintain no less than the minimum required insurance. Failure to maintain the minimum dollar amount of the insurance required herein shall be a violation of these rules subject to such penalties as are provided by law, resolution or ordinance for the violation of these rules. In addition, failure to maintain the minimum dollar amount of insurance shall constitute a basis for revocation of license subject to the procedures set forth in Article V of these rules.
  - c) All child care facilities shall comply with the Florida Worker's Compensation Laws. The facility must provide the Department with a certificate of insurance evidencing the required coverage, or a notarized statement attesting that worker's compensation insurance is not applicable. The facility shall be required to give the local licensing agency thirty (30) days notice prior to cancellation of the policy.

#### C. Provisional License

- 1) The Department may issue a provisional license or certificate for a child care facility to applicants requesting an initial license or certificate, or renewal of an existing license or certificate, and who are unable to meet all the standards provided for in these rules and regulations.
- 2) The Department, upon approval of the Child Care Advisory Council, may issue a provisional license or certificate allowing a facility to operate for a designated period of time while working to comply with one or more licensing standards, provided the owner is making adequate provisions to ensure the health and safety of the children in care. A provisional license is not a disciplinary sanction.
- 3) A provisional license or certificate shall not be issued unless the operator or owner makes adequate provisions for the health and safety of the children. A provisional license or certificate

shall not be issued unless the child care facility is in compliance with the requirements for screening of child care personnel, substitutes, or volunteers.

(4) A provisional license or certificate shall not be issued for a period that exceeds 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

(5) The Department may issue a provisional license for a period not to exceed 6 months for a facility without a credentialed director.

(6) A provisional license or certificate may be suspended or revoked if periodic inspections or review by the department indicates that insufficient progress has been made toward compliance.

#### D. Probationary License

1. A probationary license indicates that the annual license is in jeopardy of being revoked or not renewed due to violations of licensing standards, and in keeping with the Department's progressive enforcement matrix. A probationary license or certificate shall not be issued as an initial license or certificate for a new facility.

2. A probationary status license or certificate is used as a disciplinary sanction for repeated noncompliance with licensing requirements. A probationary status license that is issued due to non-compliance within the provider's control is valid for up to six months. A probationary status license issued for this reason may not be renewed.

3. A probationary status license issued for non-compliance may be suspended or revoked if monthly inspections by the Department find that the provider is not in compliance with the terms of the corrective action plan, or that the provider is not making sufficient progress toward compliance with the licensing requirements.

4. Probation requires the licensee to comply with specific conditions intended to ensure that the licensee comes into and maintains compliance with licensing standards. Examples of such conditions are: a deadline to remedy an existing violation, a specified period during which compliance with licensing standards must be strictly maintained; and specified conditions under which the facility must operate during the probationary period.

5. A probationary license or certificate may be granted only by the Child Care Advisory Council on the recommendation of the Department, to satisfy the remedy prescribed in the Department's child care licensing enforcement procedures, or as an alternative to revocation of a license or certificate or denial of an application for renewal of an annual license or certificate.

#### E. Advertisements.

1. It shall be a violation of these rules for any person or entity to advertise or otherwise offer child care services without first obtaining a valid license, certificate of compliance or certificate of substantial compliance.

2. Any person advertising a child care facility to the public in any way or by any medium whatsoever, must include in the advertisement the facility's local agency license number or certificate number. This requirement includes, but is not limited to, advertisements in the yellow pages of the telephone directories, community bulletin boards, fliers, pamphlets, classified ads, signs, radio, television, electronic media, and other advertising media. This requirement does not apply to classified ads for employment purposes, or construction signs that merely indicate the type of facility being built and include no contact information or customer solicitation.

F. Fees.

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

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

**For licenses/certificates issued:      License/certificate fee required:**

Jan.1 through Mar. 31	100% of required annual fee.
Apr. 1 through Jun. 30	75% of required annual fee.
Jul. 1 through Sept. 30	50% of required annual fee
Oct. 1 through Dec. 31	25% of required annual fee.

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

## ARTICLE V: DENIAL OR REVOCATION OF LICENSE OR CERTIFICATE

### A. Exclusion From Owning, Operating, Or Being Employed By A Child Care Facility Or Other Child Care Program:

Ownership and operation of a child care facility, or employment by a child care facility may be excluded pursuant to section 402.3055(2), Florida Statutes, as may be amended or replaced.

(1) Where the Department is aware of a history of enforcement or disciplinary action involving an applicant, owner, operator, or employee of a child care facility or family day care facility, the Department shall notify the applicant, owner, or operator, in writing, that such history could be grounds for denial or revocation of a child care facility license or certificate. Pursuant to Article VII (G)(1) herein, the Department shall refer the following to the Child Care Advisory Council to make determination as to the exclusion from owning or operating a child care facility in Palm Beach County and the denial or revocation of such license or certificate:

- (a) The applicant, owner, or operator of a child care facility or family day care facility whose license or certificate had been denied, revoked or suspended in any state or jurisdiction, or
- (b) The applicant, owner, or operator has been the subject of disciplinary action or had been fined while being the owner, operator, or employee of a child care facility or family day care facility in any state or jurisdiction.
- (c) Should the Council's initial determination be 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 Certificate

The Department shall deny, suspend, or revoke a license or certificate, or pursue other remedies including, but not limited to, the implementation of a corrective action plan and enforcement action as set forth in Article XXI herein, in addition to or in lieu of denial, suspension, or revocation for failure to comply with the standards herein.

1. When the Director of the Department has reasonable cause to believe that grounds for denial or revocation of a license or certificate 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 certificate is being denied or revoked.
2. 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 certificate shall be deemed denied or revoked as the case may be.

### C. Denial or Revocation Hearings

1. 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.
2. 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.
3. 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.
4. 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.
5. The Council shall issue its written order within fifteen (15) days of said hearing, stating that the license or certification is denied, issued, revoked or retained as the case may be. Said order shall be sent to the applicant, licensee, or certificate holder by registered or certified mail return receipt requested. The Child Care Advisory Council's written order shall be considered final agency action.
6. Within 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 for a *writ of certiorari*.

## ARTICLE VI. PERSONNEL TRAINING

Child care personnel training requirements and policies contained in section 65C-22.003, FAC and section 65C-22.008, FAC, and not covered below are hereby incorporated by reference.

### A. Child abuse and neglect training

1. All operators, employees, volunteers and students shall have a statement on file at the child care facility that they have read or have had read to them and understand the contents of the pamphlet “Child Abuse and Neglect in Florida, A Guide for Professionals,” CF- PI 175-17. This statement must be on file at the child care facility within three (3) days of employment.
2. The pamphlet “Child Abuse and Neglect in Florida, A Guide for Professionals” shall be provided by the Department for this purpose.

### B. Forty-hour introductory child care training:

1. Child care personnel must successfully complete the Florida Department of Children and Families (DCF) 40-hour Introductory Child Care Training, as evidenced by successful completion of competency based examinations offered by the department or its designated representative with a weighted score of 70 or better. Child care personnel who successfully completed the mandatory 40 hour Introductory Child Care Training prior to January 1, 2004 are not required to fulfill the competency examination requirement.
2. All child care personnel must begin training within 90 days of employment and successfully complete training within 12 months from the date training begins. Training completion may not exceed 15 months from the date of initial employment in the child care industry in any child care facility.

“Begin training for child care personnel” refers to a candidate’s commencement of at least one of the child care training courses listed in Section 402.305(2)(d), F.S. This may be accomplished by classroom attendance in a DCF-approved training course, acquiring an educational exemption from a DCF-approved training course, beginning a DCF-approved online child care training course, or by receiving results from a DCF-approved competency examination within the first 90 days of employment in the child care industry in any licensed Florida child care facility. The child care facility is responsible for obtaining documentation from child care personnel. The begin date for training is the initial date an individual commences training in the child care industry.

Documentation of child care personnel's training initiation date must be completed on the employee application and included in the personnel record.

3. The 40-hour Introductory Child Care Training requirement is divided into two parts. Part I is comprised of 30 hours of training that consists of training courses developed by DCF, identified below:

- a. Child Care Facility Rules and Regulations;
- b. Health, Safety and Nutrition.
- c. Identifying and Reporting Child Abuse and Neglect.
  
- d. Child Growth and Development; and
- e. Behavioral Observation and Screening.

Part II is comprised of ten (10) hours of training that consists of a selection from the following DCF specialized training courses:

- f. Infant and Toddler Appropriate Practices (10 hours);
- g. Preschool Appropriate Practices (10 hours);
- h. School-Age Appropriate Practices (10 hours);
- i. Special Needs Appropriate Practices (10 hours);
- j. Basic Guidance & Discipline (5 hours online);
- k. Early Literacy for Children Age Birth to Three (5 hours online);
- l. Early Childhood Computer Learning Centers (5 hours online),
- m. Emergent Literacy for Voluntary Pre-Kindergarten (VPK) Instructors (5 hours online).

4. Exemptions from the Introductory Child Care Training.

- a. Child care personnel in compliance with the school-age requirements in paragraph 65C-22.008(4)(c), F.A.C., shall be considered in compliance with the child care personnel training requirements.
- b. Child care personnel who left the child care industry in compliance with training requirements, upon returning, shall be granted 90 days to comply with any new mandated training requirements. Completion of such training may be counted toward the in-service training requirement.
- c. Child care personnel who left the child care industry not in compliance with training requirements must complete required training prior to re-employment.
- d. Child care personnel employed at the same child care facility prior to October 1, 1992, with no break in employment with the same employer, are exempt from completing Part II of the child care training.
- e. The child care operator shall be required to take basic training in serving children with disabilities within three (3) years after employment, either as a part of the introductory training or the annual ten (10) hours of in-service training.

### C. Early Literacy & Language Development

1. All child care personnel shall complete a single course of training in early literacy and language development of children ages birth through five years. The course shall be a minimum of five clock hours or 0.5 CEUs. However, school age child care personnel meeting the requirements of 65C-22.008(4) are exempted from this requirement.
2. Child care personnel must complete early literacy training within 12 months of the date of employment in the child care industry. Proof of completion must be documented on the certificate of course completion, classroom transcript, or diploma. In order to meet the literacy training requirement, child care personnel must complete one of the following:
  - a. One of the DCF online literacy courses available on the department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare); or
  - b. One of the DCF-approved literacy training courses. A list of these courses may be obtained from the DCF website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare). (No additional courses will be approved by DCF); or
  - c. One college level early literacy course (for credit or non-credit) if taken within the last five years.

### D. Documentation of Training.

1. Effective October 1, 2010, the DCF Training Transcript will be the only acceptable verification of successful completion of the training programs approved by DCF. Training completion documented on CF-FSP Form 5267, March 2009, Child Care Training Course Completion Certificate, which is incorporated by reference, will no longer be accepted by the department after October 1, 2010, nor will any previous version of the form. Form CF-FSP 5267 is provided to participants upon completion of a DCF-approved training course. A copy of the DCF Training Transcript may be obtained from the DCF website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).
2. A copy of the CF-FSP Form 5267 until October 1, 2010, or Training Transcript must be included in each staff member's child care personnel record and maintained at each child care facility.
3. A copy of the CF-FSP Form 5267 until October 1, 2010, or Training Transcript for the director of a child care facility must be included in the department's official licensing file.
4. Training documented on CF-FSP Form 5267 that is not included on an individual's Training Transcript must be sent to DCF or designated representative prior to October 1, 2010, to be documented on the individual's Training Transcript.
5. As of October 1, 2010, any course completion certificate not documented on the Training Transcript may be considered invalid, requiring that the course(s) be retaken. Until the coursework is retaken and completed, child care facilities may be out of compliance with the

mandated training standard.

E. Director Credential

1. Every child care facility director must have an active Director Credential. A Director Credential renewal, as documented on CF-FSP Form 5252, Florida Director Credential Certificate is active for five years from the date of issuance.
2. The following exceptions apply:
  - a. A credentialed director is not required for facilities offering child care only during the evening hours as defined in Article XVI of these rules.
  - b. The Director Credential is not required for certificate of substantial compliance facilities.
  - c. Pursuant to Section 402.305(1)(c), Florida Statutes, as amended or replaced, may supervise multiple before-school and after-school sites.

F. Immunization & Health Records Training

1. Facility operators shall complete the two (2) hour Immunization & Health Records training provided by the Department within six (6) months from the date of appointment to the position of facility director.

G. Annual in-service training.

1. All child care personnel, except volunteers who work or assist intermittently less than 10 hours a per month, must complete ten (10) hours of annual in-service training. There are no exemptions from the annual in-service training for child care personnel. The annual ten (10)-hour or one (1) CEU in-service training must be completed annually during the state's fiscal year beginning July 1, and ending June 30.
2. The annual ten (10)-hour or one (1) CEU in-service training must be completed in one or more of the following areas:
  - a) Health and safety, including universal precautions;
  - b) CPR;
  - c) Nutrition;
  - d) Child development, typical and atypical;
  - e) Child transportation and safety;
  - f) Behavior management;

- g) Working with families;
- h) Design and use of child oriented space;
- i) Playground safety;
- j) Community, health and social service resources;
- k) Child abuse;
- l) Child care for multilingual children;
- m) Working with children with disabilities in child care;
- n) Guidance and Discipline;
- o) Developing special interest centers/ spaces and environments; or
- p) Literacy;
- q) First Aid: this training may only be taken to meet the annual in-service requirement once every three (3) years.
- r) Computer Technology;
- s) Leadership development/program management and staff supervision;
- t) Age appropriate lesson planning;
- u) Homework Assistance for school age care;
- v) Other appropriate course areas relating to child care or child care management which the training coordinating agencies have determined will further the aims of the training requirements.

3. Documentation of the in-service training must be included in the child care facilities' personnel records and recorded on a current CF-FSP Form 5268 Child Care In-Service Training Record which is incorporated by reference, and included in the child care facilities' personnel records. College level courses that cover the topics above may also be counted to meet the annual in-service training requirement.

#### H. Child development associate

“CDA”, a child development associate credential, is a national credential, recognized throughout the United States and the world, issued by the Council for Professional Recognition, in Washington, D.C.

1. Staff Credentials

In accordance with Florida Statutes, § 402.305(3), as amended or replaced, every licensed child care facility must have a minimum of one (1) credentialed staff member for every twenty (20) children with one (1) of the following qualifications:

- a. An active National Early Childhood Credential (NECC).
- b. Formal educational qualifications as cited on DCF form CF-FSP 5211
- c. An active Birth Through Five Child Care Credential awarded as a Florida Child Care Professional Credential (FCCPC); Florida Department of Education Child Care Apprenticeship Certificate (CCAC), or Early Childhood Professional Certificate (ECPC).
- d. An active School-Age Child Care Credential awarded as a Florida Child Care Professional Credential (FCCPC) or School-Age Professional Certificate (SAPC). Graduates who successfully complete a school-age training program offered by a branch of the U.S. Military will be recognized as having met the School-Age FCCPC requirement.
- e. Employment History Recognition Exemption. An Employment History Recognition Exemption shall not be accepted to meet the minimum staff credential requirements for Voluntary Pre-Kindergarten (VPK) or towards a Director Credential. Applications for Employment History Recognition Exemption will not be accepted after July 1, 2006.

I. Training in First Aid and C.P.R.

1. At least one (1) adult staff member must hold a current first aid certification evidenced by a valid card in a Red Cross standard first-aid course or a comparable course specifically designed for child care facilities. At least one (1) adult staff so qualified shall be present at all times that children are in the care of the facility whether such children are on site, on a field trip, or being transported.
2. At least one (1) adult staff member must hold current certification evidenced by a valid card in infant and child cardiopulmonary resuscitation provided by the American Red Cross, the American Heart Association, or other provider of a comparable course specifically designed for child care. At least one adult staff so qualified shall be present at all times that children are in the care of the facility whether such children are on site, on a field trip, or being transported.
3. Certificates of course completion are valid based on the time frames established by each First Aid and CPR training program, not to exceed three (3) years. On-line Internet First Aid and CPR courses are acceptable to meet this standard, provided the trainings include an on-site instructor-based skills demonstration and assessment by a certified instructor. Only age-appropriate First Aid and CPR certification by a nationally-recognized provider will meet this requirement. Acceptable nationally-recognized training organizations include: American Red Cross, American Heart Association, National Safety Council, and American Safety and Health Institute.

4. Documentation that identifies staff members who have met the first aid and infant and child cardiopulmonary resuscitation (CPR) training requirements shall be kept on file at the child care facility.

## ARTICLE VII. BACKGROUND AND SCREENING REQUIREMENTS

- A. In accordance with Chapter 435, Florida Statutes, as amended or replaced, as amended, each facility shall screen its personnel and those volunteers who assist at the facility using the Level 2 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 Florida Statutes, § 39.01, as amended or replaced.

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 local law enforcement (Palm Beach County Sheriff's Office (PBSO)) 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. An employment history check must include the previous ~~two~~ five years, which shall include the applicant's job title and a description of their 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.
3. A Child Care Affidavit of Good Moral Character must be completed for all child care personnel annually or in accordance with the Department's screening procedures. A copy of the Affidavit of Good Moral Character form may be obtained from the Department.
4. Evidence of background screening 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.

- B. In addition to personnel and volunteers, the following individuals shall be screened:

1. If the child care facility is located adjacent to or connected to the home of the owner or operator, family members and persons residing in the home shall also be screened using the Level 2 standards. This provision for Level 2 background screening shall also apply in instances where any other residence is located on the same property as the day care facility. Residents of this property that are 12 through 17 years of age are only required to complete the FDLE and local law enforcement records (PBSO) checks.
2. Child enrichment service providers
  - a. A child enrichment service provider must meet the Level 2 screening requirements prior to providing services to a child in a child care facility.

- b. Documentation of completed background screening shall be available for child enrichment service providers whenever such persons are at the facility or working with children as part of the facility's program.
  - c. A child enrichment service provider who has met the screening standards shall not be required to be under the direct and constant supervision of child care personnel; however, facility and group staffing ratios and supervision requirements must be maintained in keeping with requirements set forth in Article VIII of these rules.
3. All other persons who work in a child care facility during regular operating hours, including but not limited to office staff and maintenance staff, and who may have contact with children in care, shall also be screened using the Level 2 standards.

#### C. Screening Exceptions

1. Volunteers who assist less than 10 hours per month must complete the statewide (FDLE) and local criminal records (PBSO) checks. Volunteers who assist 10 hours or more per month must meet the full Level 2 screening requirements for child care personnel.
2. Persons who work in a child care facility after hours when children are not present and parents of children in Head Start programs are not required to be screened.
3. Students who observe and participate in a child care facility as part of their required course work are not required to be screened provided such observation and participation is on an intermittent basis and the students are under direct and constant supervision of child care personnel while at the facility.
4. In lieu of fingerprinting, teachers and non-instructional personnel with proof of background screening clearance through employment by any of the State's school boards within the past ninety (90) days shall complete an affidavit of good moral character and a local criminal records check. Proof of current screening clearance must be provided prior to employment at the child care facility.

#### D. Responsibility for Screening

1. The Department of Children and Families (DCF) and the Department shall facilitate the screening and background checks for the owner, applicant, and operator of a child care facility when required by these regulations.
  - a. The applicant for Level 2 screening shall submit fingerprints using electronic LiveScan through DCF-approved vendors. The facility shall submit to the Department all other required documentation and related fees for screening of owners, applicants, and operators.
  - b. When disposition information is missing on screening results received from FDLE, it shall be the responsibility of the operator, upon request of the Department to obtain and supply the missing disposition information. Failure to supply missing information within thirty (30) days or to show reasonable effort to obtain such information shall result in automatic disqualification.

- c. A license or applicable certificate shall not be issued until all the applicants have been cleared and the Department has been notified of such results.
  - d. A license or applicable certificate shall not be issued or renewed if any owner, operator, applicant, or child care personnel at the applicant facility has failed the screening required by Florida Statutes § 435.04, as amended or replaced.
2. Each facility licensed or certified hereunder shall be responsible for ensuring that all prospective employees, substitutes, volunteers, and child enrichment service providers are screened and cleared before they are allowed to work in the facility. It shall be the responsibility of the facility to fulfill the screening requirements of Chapter 435, Florida Statutes, as amended or replaced, including receiving information from the Florida Department of Law Enforcement and responding accordingly. It shall be a violation of these rules for any facility to fail to comply with the requirements of Chapter 435, Florida Statutes, as amended or replaced.

E. Disqualification based upon screening results

- 1. Any person who is required to undergo employment screening and who refuses to cooperate in such screening or refuses to submit the information necessary to complete the screening, including fingerprints when required, shall be disqualified for employment in such position or, if employed, shall be dismissed.
- 2. A person who fails the Level 2 background screening requirements of Chapter 435, Florida Statutes, as amended or replaced, shall not be permitted to volunteer or work as staff in any child care facility, unless the employee has been granted an exemption from disqualification by the Department of Children and Families pursuant to section 435.07, Florida Statutes, as amended or replaced.
- 3. The facility must terminate the use or employment of any person found to be in noncompliance with the minimum standards for good moral character contained in Chapter 435, Florida Statutes, as amended or replaced, or place such person in a position for which background screening is not required.
- 4. No person shall be an operator, owner of, or employee in a child care facility if that person:
  - a. Has falsified screening application information.
  - b. Has been found guilty of, regardless of adjudication, or entered a plea of *nolo contendere* or guilty to adult and/or child abuse, neglect or exploitation as defined in Chapter 415, Florida Statutes, or § 39.01, Florida Statutes, as amended or replaced.
- 5. The facility owner or director, upon receiving information that a child care personnel has been arrested for a disqualifying offense shall exclude that child care personnel from working with children. The personnel so excluded shall not be allowed to return to work

with children until the child care facility receives documented proof that the individual is cleared and eligible to work with children.

#### F. Re-screening Required

1. Level 2 screening conducted under this rule is valid for five years, at which time a re-screen must be conducted. The five-year re-screen is required for all child care personnel. The five-year re-screen is a full Level 2 background screening.
2. A facility shall re-screen any child care personnel who has a break in employment in the child care industry for more than ninety (90) days.
3. Child care personnel are allowed up to one hundred eighty (180) days on a leave of absence employment status without re-screening, unless the five-year re-screen has become due during the leave of absence. Written verification of the leave of absence status, with the specific dates, must be completed by the owner or operator of the child care facility and included in the personnel record of the employee. For screening purposes, a leave of absence is not considered a break in employment, unless the individual sought and gained employment outside of the child care industry during the leave of absence.

#### G. Consideration of Applicant's History

1. The Department shall include on the application for a child care license or certificate of compliance a question asking the applicant, owner, or operator if any such person has ever had a license or certificate denied, revoked, or suspended in any state or jurisdiction or has been the subject of a disciplinary action or has been fined while employed in a child care facility. The applicant, owner, or operator shall attest to the accuracy of the information requested under penalty of perjury. If the applicant, owner, or operator admits that he/she has been a party in such action, the Council shall review the nature of the suspension, revocation, disciplinary action, or fine before granting the applicant a license or certificate to operate a child care facility. If the Council 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 or obtain a certificate, a license or a certificate shall not be granted in accordance with the procedures set forth in Article V (A) herein.
2. The child care facility employer shall require that the application for a child care personnel position contain a question that specifically asks the prospective employee if he/she has ever worked in a facility that has had a license or certificate denied, revoked, or suspended in any state or jurisdiction or has been the subject of a disciplinary action or has been fined while employed in a child care facility. The prospective employee shall attest to the accuracy of the information requested under penalty of perjury. If the prospective employee admits that he/she has been a party in such action, the employer shall review the nature of the denial, suspension, revocation, disciplinary action, or fine before the prospective employee is hired.

3. The facility shall conduct an employment history check for the previous two (2) five years or last three (3) jobs (whichever covers a longer period) as part of background screening for all child care personnel. This shall be documented on forms and contain such information as prescribed by the Department.

#### H. Requirements for renewal of license or applicable certificate

1. Each facility which applies for renewal of its license, or applicable certificate, shall submit to the Department a list of all employees at the facility, and indicate the dates of hire and the dates they satisfied background screening requirements.

Failure to supply missing information within thirty (30) days or to show reasonable efforts to obtain such information shall result in automatic disqualification. The Department shall review the records of child care personnel at the facility with respect to the crimes contained in Florida Statutes, § 435.04, as amended or replaced, and shall notify the facility of its findings. When disposition information is missing on a criminal record, it shall be the responsibility of the person being screened, upon request of the Department, to obtain and supply within thirty (30) days the missing disposition information to the Department.

2. The applicant shall sign an affidavit under penalty of perjury stating that all new child care personnel have been screened and cleared and that the facility's remaining child care personnel have worked at the facility on a continuing basis since being initially screened at the facility. A license or applicable certificate may be issued if all the facility personnel have been screened and cleared; however, a license or applicable certificate shall not be issued or renewed if any of the child care personnel at the facility have failed the screening required by these rules and continue to be employed or assist at the facility.

## ARTICLE VIII. SUPERVISION AND STAFFING REQUIREMENTS

### A. Staffing Requirements

#### 1. Operator/Director

- a. The operator/director of a child care facility must be at least twenty-one (21) years of age.
- b. Every child care facility director must have a Director Credential.
- c. The Director Credential shall be posted in a conspicuous location in the facility so that parents and other visitors to the facility can read the information on the certificate.
- d. The operator shall be responsible for the overall supervision of all staff, substitutes, employees, enrichment service providers, and volunteers in the child care facility or program.
- e. The credentialed director must be on-site a majority of hours that the facility is in operation, excluding evening and weekend hours. Documentation of majority of hours must be retained for at least one year, and be available for review by the Department.
- f. An individual may not be the director simultaneously of two or more child care facilities that have an overlap in the hours of operation.
- g. In the absence of the operator/director, there must be a person at least twenty-one (21) years of age in charge of the facility and on the premises at all times, and must be so designated in writing by the operator/director. This written designation shall be conspicuously posted, so that it can be read by visitors and staff at the facility.
- h. In the absence of the operator/director, the designated person in charge shall be responsible for the overall on-site supervision of staff, and shall be fully aware of matters pertaining to children's records, staff records, and routine facility operation. Such person shall also be capable of responding to queries from parents or representatives of the licensing agency. The person left in charge of the facility in the absence of the director shall be able to provide access to Department personnel for inspections or investigations, and shall be able to provide access to all relevant records, in keeping with Article XV(A) and Article XXI(C) or these rules and regulations.
- i. Child care facility owners must notify the Department prior to, or within 48 hours upon losing a credentialed director or when there is a change of director.
- j. The following exceptions shall apply:
  1. A credentialed director is not required for facilities offering child care only during the evening hours as defined in Article XVI of these rules.
  2. The Director Credential is not required for certificate of substantial compliance facilities.

3. Pursuant to Section 402.305(1)(c), Florida Statutes, as amended or replaced, a credentialed director may supervise multiple before-school and after school sites for a single organization as follows:
  - i. Three sites regardless of the number of children enrolled; or
  - ii. More than three sites if the combined total number of children enrolled at the sites does not exceed 350. .
  
4. When a credentialed director is supervising multiple sites, the individual left in charge of a site in the absence of the credentialed director must meet the following requirements:
  - i. Be a least 21 years of age.
  - ii. Have completed the approved 40-clock hour Introductory Child Care Training approved by DCF; and
  - iii. Have completed DCF's Part II specialized training course, Special Needs Appropriate Practices, or a minimum of 8 hours of registry-approved in-service training in serving children with disabilities; and
  - iv. Have completed DCF's School-Age Appropriate practices specialized training module; and
  - v. Have a Staff Credential.
  
5. Where the public school district has included 4-year old children in public before-school and after-school programs, the school district may participate in the multi-site supervision operation. Public after-school programs are required to have a credentialed staff person pursuant to the credentialing requirements in Article VI(G)(1), in order to accommodate the 4-year old children. Such programs are not operated and staffed by the public school district.

## 2. Staff

- a. Staff must be at least eighteen (18) years of age.

Exception: Person(s) who have completed the requirements for vocational career and technical education programs entitled. Early Childhood Education may be employed in child care facilities in Palm Beach County at seventeen (17) years of age. Operators must retain a copy of the student's proof of completion on file. These persons can be counted for the purposes of computing the personnel to child ratio as long as they are under the direct supervision of child care personnel eighteen (18) years or older.

- b. Effective January 1, 2012, each group of children in a child care facility must be staffed by at least one staff person who has a high school diploma, GED, or verified staff credential as defined in Article III of these rules.

3. *Substitutes* -- A substitute is staff of a child care facility, and must be at least eighteen (18) years of age. A substitute may be seventeen years of age provided such person has completed the requirements for the career and technical education programs titled Early Childhood Education. Operators must retain a copy of the student's proof of completion on file for the Department's review.
4. *Volunteers* -- All volunteers must be at least twelve (12) years of age. A volunteer who assists on an intermittent basis for less than 10 hours per month is not included in the term "staff" or "personnel" for screening and training purposes if a person who meets the child care personnel screening and training requirements is always present and has the volunteer in his or her line of sight.

#### B. Staff to Child Ratios

1. The minimum staff-to-child ratios shown in the table below must be maintained at all times with additional staff and supervision requirements for field trips, transportation, and swimming activities as set forth in Articles XVII and XVIII of these rules, and staff ratios for facilities providing specialized care for mildly ill children as set forth in Article XIX (A) herein.
2. A child enrichment service provider shall not be considered a volunteer or child care personnel, and shall not be counted in meeting group or staff to child ratios.
3. For every twenty (20) children, a child care facility must have at least one (1) child care personnel who meets the Staff Credential requirement. Based on this formula, child care facilities with twenty (20) – thirty-nine (39) children must have at least one (1) credentialed staff member; facilities with forty (40) – fifty-nine (59) children must have at least two (2) credentialed staff members, and so on.
  - a. Child care facilities with 19 or fewer children that operate less than 8 hours per week are not subject to the staff credential requirement.
  - b. Volunteers who work at the facility a minimum of 20 hours per week and meet the credential requirement may be included in calculating the ratio requirement.
  - c. Children who are five years old, and who are enrolled in and attend a kindergarten program or grades one and above are excluded from the calculation of the credential ratio.

Minimum Staff-to-Child Ratios

<b>AGE OF CHILDREN</b>	<b>STAFF RATIOS FOR CHILD CARE</b>	<b>STAFF RATIOS FOR DROP-IN CHILD CARE</b>
Under 1 year of age	1 staff member for 4 infants	1 staff member for 2 infants
1 to 2 years of age	1 staff member for 6 infants	1 staff member for 4 infants
2 to 3 years of age	1 staff member for 11 children	1 staff member for 6 children
3 to 4 years of age	1 staff member for 15 children	1 staff member for 8 children
4 years of age	1 staff member for 20 children	1 staff member for 10 children
5 years of age or older	1 staff member for 25 children	1 staff member for 15 children
<b>Staff Ratios in Specialized Child Care for the Mildly Ill -- Article XIX (A)</b>		
<b>Staff Ratios for Field Trips with Swimming Activities &amp; Water Play – Article XVIII (A &amp; B)</b>		
<p><b>School Age Child Care Programs in Public Schools: Pursuant to Article X (C) (3):</b>            Where the Department deems that safe access to the fenced play area can not be provided, including, but not limited to exposed crawlspaces, traversing driveways or trafficked areas, but excluding water hazards, such school age child care program shall maintain at a minimum, a staffing ratio at the level of 1 staff per 15 children in attendance.</p>		

C. Supervision

1. Children under care must be directly supervised by staff persons at all times. Direct supervision means watching and directing children's activities within the same room, within a designated outdoor play area, or while transporting children. Child care personnel must provide children with supervision and care in accordance with the children's age and required needs, and be accountable for the children at all times.
2. Child care personnel at a facility must be assigned to provide direct supervision to a specific group of children, and be present with the group of children at all times, including during meals, napping, sleeping, snack time and during periods of night-time care.

3. During nap time, supervision requires that staff be in close proximity, within line of sight and hearing of all the children. Nap time supervision, as described in this section, does not include supervision of infants, who must be supervised closely and directly at all times. At all times lighting must be sufficient to visually observe and supervise children while in care.
4. Caregivers shall remain awake while children are in care.
5. No operator, owner, volunteer, enrichment service provider, or employee of a child care facility shall be under the influence of narcotics, alcohol, or other impairing drugs, while working with children in a child care facility or program.
6. An owner, 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.
7. Except where specifically authorized elsewhere in these rules, volunteers may not be counted for the purposes of meeting minimum supervision and staff ratio requirements.
8. All volunteers must be supervised by staff and their location within the facility known at all times while such volunteers are assisting at the facility. In no event shall volunteers be permitted to be left with children without the presence and supervision of staff.
9. Commingling
  - a. Infants under 12 months of age shall not be commingled with other children over 24 months of age:
  - b. Infants 12 months of age or older may be commingled with older children who will be less than 36 months of age by September 1 of the current year. Thus, any child who will reach 36 months of age by September 1 of the current year cannot be commingled with infants.
  - c. In a room with infants 12-24 months of age, mixed with older children, one staff member shall not be responsible for more than six (6) children.
  - d. In a room with infants under 12 months of age, mixed with infants 12-24 months of age, one (1) staff member shall not be responsible for more than four (4) children.
10. Except where otherwise stated in these rules, the following staffing ratios shall apply: Where all the children are 24 months and older, the staff ratio shall be based on the age of the majority of children in the group. When there is a tie, the ratio shall be based on the requirements for the youngest child in the group.
11. Children must not be left unattended while being diapered or when changing clothes. Children must be continuously supervised while using the toilet, lavatory, or bathing facility.
12. During outdoor play, staff must situate themselves in the outdoor play area so that all children remain within a staff member's line of vision, and can be heard by staff. During rainfall or

whenever lightning is visible on the horizon or thunder is audible, children must immediately be removed from the outdoor play area and returned to the building

13. In the absence of regular staff members, substitutes may be used provided such substitutes have met all the requirements imposed by these rules on regular staff members.
14. Children must be released only to custodial parents or persons sixteen (16) years of age or older authorized in writing and listed on the enrollment form by a custodial parent.
15. When both non-handicapped and handicapped children are served, the operator shall make any necessary adjustments in the staff ratio to ensure adequate and proper care for the handicapped child(ren).
16. Where drop-in child care is provided, the child shall be in care for no more than a 4-hour period, and the parent shall remain on the premises of the shopping mall or business establishment at all times while the child is in care at the facility.
17. Where drop-in child care is provided, and there are children in numbers and of an age that only one (1) staff member need be present to maintain the staff ratios, a second staff member shall be on hand at the facility at all times. This additional staff member shall assist in supervision in the event of an emergency.
18. All children under the supervision of the facility at any time, whether or not on the premises, including children related to staff members and children away from the facility on field trips, shall be counted in determining compliance with these rules and regulations.
19. No person shall be an operator, owner, or employee in a child care facility while using or under the influence of narcotics, alcohol, or other drugs that impair an individual's ability to provide supervision and safe child care.

## ARTICLE IX. DAILY PROGRAM AND DISCIPLINE

### A. Daily program.

1. There must be a written daily program of scheduled activities that ~~to~~ provide meaningful age-appropriate experiences for the children. The scheduled activities should be designed and conducted to promote emotional, social, intellectual and physical growth; include quiet and active play, both indoors and outdoors; and include meals, snacks and nap times, if appropriate for the age and the times that the children are in care.
2. The activity program for both infants and other children must be conspicuously displayed in the child care facility. Providers are encouraged to advise parents or guardians of their child's activities on a daily basis, and to allow the parents or guardians to participate in the program's activities.
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. A clean, safe, and appropriate area must be provided for this activity. In addition, infants and other children in care shall be provided with opportunities for outdoor time each day that weather permits.

### B. Parental access.

1. A child care facility must provide the custodial parent(s) or legal guardian access, in person or by telephone, to the child care facility, while a child of such parent(s) or legal guardian is in care.

### C. Discipline.

1. All child care personnel at the facility, away from the facility on field trips, or transporting children before or after school shall comply with the facility's written disciplinary policies.
2. Children must not be subjected to discipline which is severe, humiliating or frightening.
3. Discipline must not be associated with food, rest or toileting.
4. Spanking or any other form of physical punishment is prohibited.
5. Prior to admission of a child to a child care facility, the facility shall provide the facility's written discipline policy to the parents or guardians. The specific types of discipline used for each age group must be included in the written material provided to parents or guardians.
6. Verification that the child care facility has provided, in writing, the disciplinary policy used by the facility shall be documented on the enrollment form, and signed by the current custodial parent or legal guardian.

7. A copy of the facility's current written disciplinary practices must be available to the Department's representatives upon request.
8. Staff shall be required to review the facility's disciplinary policy and sign a written verification that such policy has been provided and review.

## ARTICLE X. PHYSICAL FACILITIES

### A. General.

1. No portion of the building or property shall be used for any purpose which endangers the health and safety of the children.
2. The approved and or licensed areas of a child care facility shall be utilized exclusively for the children enrolled in the facility during the normal operating hours.
3. All water hazards such as pools, swimming pools, wading pools, ditches, fishponds, etc., shall be adequately fenced in accordance with accepted safety practices. The minimum height of the fence shall be four (4) feet. If a gate is provided, it must be key locked. Prior to the installation of the fence, the facility must obtain an applicable permit from the local jurisdiction having authority. In addition, in no circumstance will a screen enclosure or similar device be accepted in lieu of a fence. In the event that this subsection conflicts with future amendments to the Florida Building Code, the provisions of the Florida Building Code shall apply.
4. All surfaces or items, accessible to children in the child care facility shall be free of toxic substances and hazardous materials.
5. The child care facility must be free of lead based paint hazards. Renovations to child care facilities built prior to 1978 must comply with 40 CFR Part 745: EPA Renovation, Repair and Painting Rule.
6. All potentially harmful items including cleaning supplies, flammable products, poisonous, toxic, or hazardous materials and other potentially poisonous or dangerous supplies shall be plainly labeled. 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. These items, in addition to knives, sharp tools, and other potentially dangerous implements and materials, shall either be stored in a locked area or be absolutely inaccessible to children in care.
7. Products that produce irritating odors or toxic fumes shall not be used while children are present.
8. Staff purses and personal items shall be inaccessible to children.
9. Animals (excluding aquarium fish and hermit crabs) are prohibited on the premises. Special animal programs may be permitted upon prior approval of the Department pursuant to a written request.
10. Rooms occupied by children must have a minimum of twenty (20) foot candles of natural or artificial lighting at three (3) feet from the floor to allow for adequate supervision and for safe means of entering and exiting each room. Substantial compliance facilities are exempt from the twenty (20) foot candles requirement during napping periods. At all times lighting must be sufficient to visually observe and supervise children, including during naptime. A

minimum of fifty (50) foot candles of natural or artificial lighting is required at desktop level while the room is being used for instruction.

11. Heating, ventilation, and air-conditioning (HVAC) equipment shall be installed and maintained in a safe condition and in accordance with applicable laws, ordinances and regulations.
12. An inside temperature of 72° to 82° Fahrenheit must be maintained at all times during operation of the facility.
13. A reliable thermometer shall be provided in each major area of the facility.
14. Non-vented or open flame heaters (including water heaters) and portable electrical heaters are prohibited.
15. 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.
16. Pursuant to Chapter 386, F.S., smoking is prohibited within the facility, all outdoor play areas, during field trips, and in vehicles when being used to transport children. pursuant to Chapter 386, Florida Statutes, as amended or replaced. Owners/operators shall notify custodial parents and legal guardians, in writing, that smoking is prohibited on the premises of the child care facility.
17. All child care facilities in Palm Beach County must comply with the same mandatory radon testing and reporting requirements as state-licensed child care facilities pursuant to section 404.056(4), F.S. and section 64E-5.1208(c), F.A.C., irrespective of Palm Beach County's designation within the Department of Community Affairs' Florida Radon Protection Map Categories.
18. Child care facilities shall not be physically connected to domestic residences. Facilities physically connected to domestic residences and previously approved for such operation may continue until the facility undergoes a change in operation or ownership. However, the non-conforming use may not be expanded.
19. Alcoholic beverages, narcotics or other impairing drugs are prohibited on the premises of the child care facility.

20. All new child care facilities shall meet not less than the requirements set forth by Section 406.1, 406.2 and 406.3, Type 5, Educational Occupancy (E) Standard Building Code, as amended by the Florida Building Code, currently adopted edition.
21. All child care facilities shall be located at ground level (street level), unless approved otherwise by the Building and Fire authorities having jurisdiction.
22. Pursuant to Florida Statutes § 402.305(5), school age programs operated in public school facilities, regardless of the operator, shall follow the standards set forth by the Florida Building Code State Requirements for Public Educational Facilities with the caveat that access to play areas be deemed safe by the Department, pursuant to Article X(C)(3) of these rules. In addition, where multiple school age child care programs are operated in a public school, the programs shall not be commingled.
23. School age child care facilities in public schools shall comply with applicable fire and life safety codes pursuant to Chapter 69A-58, Fire Safety Standards For Educational and Auxiliary Facilities, as amended or replaced.
24. All child care facilities (electrical installation, plumbing, etc.) must conform to all applicable municipal and county building, fire and zoning codes.
25. Child care facilities shall be located on well-drained sites and shall be easily accessible. They shall not be located where excessive noise, odors, dust, smoke, traffic or other unsafe or harmful environmental elements interferes with the children's comfort and safety.
26. The building and property shall be free from fire hazards, including lint or dust build-up in heating and air conditioning vents, filters, exhaust fans, ceiling fans, and dryer vents. Improper storage of flammable or combustible materials, and unnecessary materials or equipment shall be prohibited.
27. All openings to the outer air shall be effectively screened. When the windows or doors are open, buildings must have and maintain screens to prevent entrance of insect or rodent. Seals, gaskets, or casings around windows and doors must be free from gaps or openings that will allow the entry into the building of insects and rodents when the doors or windows are closed. Crawl spaces and soffit vents shall be screened to prevent the entry of rodents and other vermin.
28. Floors shall have washable, easily cleanable surfaces. Floors subject to flood washing shall be provided with floor drains.
29. Walls and ceilings of all rooms shall be kept clean and in good repair. Toilet room walls shall be of impervious material or shall be painted with enamel paint to splash level.
30. There shall be a sanitary storage space for cots and equipment if a separate sleeping room is not provided, and adequate individual storage space provided for each child's personal belongings. Sleepmats shall be stored at a minimum of six (6) inches off the floor, and in a clean and orderly manner.

31. Adequate on-site laundry facilities are to be provided as necessary: In facilities not providing specialized care for mildly ill children, on-site laundry facilities may be used provided that there is added one quarter cup of bleach per gallon of water to the final rinse cycle of the wash, in an effort to eliminate children's exposure to disease microorganisms. Arrangements with a commercial laundry are acceptable for such facilities. Facilities providing specialized care for mildly ill children shall not utilize an on-site laundry. In a facility that provides care for both well children and mildly ill children, linens and laundry activities for these programs shall be separate.
32. A well-lighted and ventilated dining area shall be provided. Tables, benches, and chairs shall be of a convenient size and well constructed.
33. All rooms shall be ventilated by windows or mechanical means sufficiently to prevent all objectionable odors and excessive condensation, and in such a manner as to avoid direct drafts on the children. All windows, which can be opened, and doors which may be left open, shall be provided with a mesh fly screen. Screens are not required for open air classrooms and picnic areas.
34. The premises, both inside and out, shall be maintained in a clean and sanitary condition, free of insects and rodents, and in good repair at all times.
35. Pest control shall not take place while rooms are occupied by children or during hours of operation of the child care facility.
36. Stairways with a series of steps of three (3) or more must have hand-rails on each side and be equipped with non-skid treads.
37. Electric fans shall be permanently installed, screened and out of the children's reach.
38. All electrical outlets shall be capped when not in use.
39. Fire extinguishers, as required by the Fire Authority having jurisdiction, shall be provided.
40. Fire drills shall be conducted periodically, but not less than every month. A fire plan shall be posted conspicuously in each occupiable room, hallway or area, and near each telephone.
41. Extension cords shall not be used as permanent wiring.
42. Power cords from appliances shall not be readily accessible to children.
43. The use of safety glazing materials in all glass doors, tubs, shower enclosures and other hazardous locations, shall comply with Florida Statutes, §§ 553 Part III, as amended or replaced and Chapter 24 "Glass" Florida Building Code, currently adopted edition.
44. There shall be an adequate supply of potable water, meeting the applicable quality standards of Chapters 62-550, 62-555, and 64E-8, Florida Administrative Code, as amended or replaced, and standards of Palm Beach County, as adopted under Palm Beach County Environmental Rule II.

45. All sewage shall be centrally collected and disposed of as required by Chapter 64E-6, Florida Administrative Code, as amended or replaced, and Palm Beach County Environmental Control Rule I as amended or replaced.
46. There shall be a mop sink or janitorial sink available in all child care facilities.
47. All child care facilities shall subscribe to a garbage collection service and comply with Chapter 62-701, Florida Administrative Code, as amended or replaced.
48. Each child care facility shall have at least one (1) approved drinking fountain for each thirty (30) children or provide a potable water supply with a dispenser and disposable cups.
  - (a) Bubblers type fountains or any arrangement whereby water falls back on the mouthpiece shall not be used.
  - (b) The water jet shall be adjusted so that water clears the mouthpiece but does not splash on floor or wall.
  - (c) The drain from the fountain shall not have a direct physical connection to a waste pipe unless the drain is trapped.
  - (d) All drinking fountains shall be cleaned at least daily with a germicidal or bacteriostatic cleaner containing no objectionable odor.
  - (e) The mouthpiece, basin and exterior shall be effectively cleaned and sanitized at least daily.
  - (f) The floor and wall adjacent to the fountain shall be kept dry and clean.
  - (g) Disposable cups shall not be reused.
49. Exits from the facility shall open onto safe, protected, fenced areas, or shall have active, audible alert mechanisms to alert staff as to when such doors are opened. This requirement is separate and apart from the fencing requirement in Article X (C) herein.
50. Control Point: For security purposes, the facility shall be configured to have a central control point to monitor persons entering or leaving the facility. Alternatively, the facility shall have a written plan for the control of persons entering and leaving the facility. Such plan shall be maintained on site at the facility, and shall be available to the Department for review upon request.
51. For each child in care, there shall be a minimum of thirty-five (35) square feet of usable indoor space as herein defined. Useable indoor floor space is calculated by measuring at floor level between interior walls and by deleting space for stairways, hallways, toilets and bath facilities, permanent fixtures and non-moveable furniture. Kitchens, offices, laundry

rooms, storage areas and other areas not used by children in normal day-to-day operations are not included when calculating useable indoor floor space.

- a. Indoor recreation facilities must have, at a minimum, 3,000 square feet of usable indoor floor space designated for indoor play or fitness activities. Such designated indoor play space shall be in addition to the minimum thirty-five (35) square feet per child of useable space per child licensed capacity.

## B. Outdoor play areas.

1. There shall be a minimum of 75 square feet of outdoor play area per non-infant child, for at least one-half of the total number of non-infant children for which the center is licensed. However, a child care facility shall not have less than 1500 square feet of outdoor play area.
2. There shall be a minimum of 45 square feet of outdoor play area per infant, for at least one-half of the total number of infants for which the facility is licensed.
3. At no time should the number of children using the outdoor play area result in a reduction of the available space per child below the minimum space required, as set forth above. Split shifts may be used to ensure that space requirements are maintained during the use of outdoor play areas.
4. Any proposed changes to the outdoor play area of an existing child care facility shall be reviewed and approved in writing by the local zoning, building, and fire departments having jurisdiction. Verification of this review and approval should be documented on a form prescribed by the Department.
5. All outdoor play areas must be enclosed by safe and adequate fencing, wall or a combination thereof, of no less than four (4) feet high. Fencing, including gates, shall be maintained 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 build-up, to prevent children leaving the play area by easily climbing over the fence or crawling under the fence, and to prevent access by animals.
6. Outdoor play areas shall be located on facility property and shall be immediately adjacent to the building or accessible by a route free from safety hazards, including but not limited to water hazards electrical equipment, and busy roadways. For new or extensively remodeled facilities, or upon a change of ownership, access to play areas from the facility must be protected by a continuous wall or fence no less than four (4) feet high.
  - a. Classrooms serving infants shall have direct access to the outdoor infant play areas.
  - b. School aged child care facilities shall provide safe access to play areas. Access shall be evaluated on a case-by-case basis by the Department and shall be deemed safe if the determination is appropriate. In school age child care programs located in public school sites, where the Department deems that safe access to the fenced play area cannot be provided, including, but not limited to exposed crawlspaces, traversing driveways or trafficked areas, but excluding water hazards, such school age child care program shall maintain additional staffing, pursuant to Article VIII(B)(1) of

these rules.

7. The outdoor play area shall be clean, free of litter, nails, glass and other hazards.
8. Outdoor play area shall provide both sun and shade.
9. Any swimming pool or wading pool used by a child care facility must be constructed and operated, at a minimum, in compliance with Chapter 64E-9, Florida Administrative Code, Public Swimming Pools and Bathing Places, or its successor provisions, and the Florida Building Code, Chapter 4, Special Occupancy: Section 424, Swimming Pools and Bathing Places, as amended or replaced. Should there be a conflict, the Florida Building Code shall apply.
10. Drop-in child care facilities shall be exempt from the requirement for outdoor play space. However, where outdoor play space is provided, it shall meet the requirements for child care facilities as set forth herein.
11. Facilities that only provide nighttime care are exempted from the outdoor play space requirement. An open area designated within the existing indoor floor space must be available for play that promotes the development of gross motor skills. Such indoor play space shall be in addition to the 35 square feet per child indoor space requirement, and shall total no less than one thousand (1000) square feet. Where such facilities provide an outdoor play area such outdoor play area shall be consistent with Article X of these rules. Additionally, such outdoor play areas shall be equipped with adequate lighting.
12. An indoor recreational facility is exempt from the minimum outdoor-square-footage-per-child requirement specified herein, if the indoor recreational facility satisfies the requirements of Article X herein. Where the indoor recreation facility has less than 3,000 square feet of useable indoor floor space, an outdoor play area shall be provided. Such outdoor play area shall be consistent with Article X of these rules.
13. A facility offering before and after school programs only, and providing services to school age children in the 6<sup>th</sup> grade or above for a duration of four hours or less, need not meet the outdoor playground space requirements, provided that the location, layout, and arrangement of the facility meet all local building, zoning, and fire safety requirements for the intended use, and shall allow for effective emergency evacuation of the full capacity of the building as verified in writing by the Fire Safety authority having jurisdiction.

#### C. Napping/Sleeping Space, Bedding & Linens.

For the purpose of these rules, sleeping refers to the normal overnight sleep cycle while napping refers to a brief period of rest during daylight or early evening hours.

1. Each facility must include a designated area where a child can lie down to rest or nap. Facilities offering only one half-day programs and those programs involving only school-aged children are not required to provide an area where a child can lie down, but must provide an area where a child can sit quietly to rest or nap. The capacity of

napping space must be a minimum of 35 square feet of usable space per child at any one time. Napping space and usable indoor floor space may be used interchangeably.

2. Individual bedding must be provided for each child for use when napping or sleeping and maintained in a safe and sanitary manner. Bedding shall be appropriate for the child's size. Towels are not to be used as mats. Bedding means a cot, bed, crib, or mat at least one (1) inch thick, with an impermeable, easily cleanable exterior surface. Playpens may only be used for napping. Facilities offering only half-day programs are not required to provide cots or mats.
3. 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.
4. Linen, if used, shall be individually labeled, and laundered at least once each week and more often if necessary. Linen, if used for more than one (1) child shall be laundered between usage. Where clothing or items are provided for dress-up play, these items shall be laundered following each child's usage if necessary, and at least once weekly. Such items shall be easily cleanable or machine washable, in safe condition, and stored in an orderly sanitary manner.
5. Linen must be provided when children are sleeping, and pillows and blankets must be available when appropriate.
6. Linens, when not in use, must be stored in a sanitary manner which prevents the spread of germs or lice from other linens.
7. A minimum distance of eighteen (18) inches must be maintained around individual napping and sleeping spaces. Napping space shall not be under furniture or against furniture that may create a hazard. Exit areas must remain clear in accordance with fire safety regulations.
8. No double or multi-decked cribs, cots or beds shall be used. As of December 29, 2012, the use of drop-side cribs is prohibited.
9. Infants up to one (1) year must rest or nap individually in their own crib. Bar spacing may not exceed two and three-eighths inches. Cribs must meet the construction regulations as outlined in Title 16, Parts 1508 & 1509, Code of Federal Regulations, as amended or replaced.
10. Pillows and sleep positioners in infants' cribs are prohibited. 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.
11. When napping or sleeping, young 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.

D. Toilet and bath facilities.

1. When in operation, each child care facility shall be provided with conveniently located toilet and bath facilities for the exclusive use of the child care facility.
2. Newly constructed and extensively renovated facilities shall satisfy the bathroom ratios as specified in the Florida Building Code, currently adopted edition.
3. Lavatories may be located immediately adjacent to toilet rooms. Lavatories in kitchens and infant rooms are to be supplied with hot and cold running water.
4. Existing facilities previously approved to have a minimum of two (2) toilet rooms, each with a commode and lavatory sink supplied with running water, with an additional bathroom with toilet and lavatory for each additional thirty (30) children or fraction thereof, may continue as approved, subject to the building authority having jurisdiction.
5. Existing facilities going through change of ownership or capacity increase not involving extensive renovation, may continue as previously approved, subject to the Building and Fire departments having jurisdiction. Such facilities shall provide written verification of approval from these agencies to continue at the lower toilet/lavatory ratio on a form as prescribed by the Department.
6. All toilet seats shall be of the open front type.
7. Soap and towel dispensers shall be provided at all lavatories and liquid or powdered soap shall be used.
8. No toilet room may open into a room in which food is prepared.
9. Newly constructed facilities, extensively renovated facilities, or facilities providing a change in service, including change of ownership, must provide a sink supplied with hot (not to exceed 110 degrees Fahrenheit) and cold running water, soap and towel dispenser and a diaper changing table with an easily cleanable impervious surface for children who are over twenty-four (24) months of age and are not toilet trained.
  - a. The hand wash sink shall be immediately adjacent or in close proximity to the diaper change table, shall be at adult height (rim at 32 – 34 inches above the floor surface) not be accessible to for use by children, and shall be used exclusively for staff's hand washing following diaper changing activities.
  - b. This diaper change area shall be located in the classroom, an adjoining toilet room, or area designated for two (2) year olds.

- c. A plastic lined waste receptacle with a close-fitting lid, which is not accessible to children, shall be provided for the disposal of soiled diapers. This shall be emptied and sanitized at least daily.
10. Where the indoor play space also serves as the dining area, and the children are closely supervised while using toilet and bath facilities, a toilet facility may open directly into areas where food is served.
11. Toilets, bath facilities, and wash basins shall be easily accessible, and at a height usable by the children. Platforms are acceptable when safely constructed, with an impervious surface that can be easily cleaned and disinfected.
12. Each basin and toilet must be maintained in good operating condition, and cleaned and disinfected at least daily or more frequently as needed.
13. At least one (1) portable or permanent bath facility shall be available for bathing children. The portable or permanent bath facility shall be cleaned and must be sanitized or disinfected after each use.
14. Running water, dispensers containing toilet paper, disposable towels, and liquid or powdered soap, and trash receptacles shall be available and within reach in all bathrooms, including those designated for staff use. Hand drying machines are prohibited for use in bathrooms designated for children.
15. Adult lavatories and toilet facilities must be provided and separated from those used by children in child care facilities at the time of construction, renovation or change of ownership. Adults shall not use lavatories and toilet facilities designated for children's use. Hand drying machines that are properly installed and maintained in good working order may be used instead of towels in bathrooms designated for staff use.

E. Isolation areas.

1. A suitable isolation room or area, adequately ventilated and heated, shall be 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 or guardian. This room or area is to be located so that the sick child has easy and quick access to hand washing and toilet facilities.
2. The isolation area or room must be provided with a cot, mat, or bed made of materials that can be sanitized easily.
3. After each use linens must be changed and washed, and disposable items must be changed and discarded. Until cleaned or discarded, used linens and disposables shall be kept in a closed container within the isolation area.
4. An isolated child must be within sight and hearing of a staff person at all times and carefully observed for worsening conditions.

5. In facilities where specialized child care for mildly ill children is provided, isolation rooms or areas shall comply with the additional requirements set forth in Article XIX (B) of these rules.

F. Fire safety and Emergency planning.

1. All child care facilities shall conform to state standards prepared by the state Fire Marshal: Chapter 69A-36, Florida Administrative Code, Uniform Standards for Life Safety and Fire Prevention in Child Care Facilities, as amended or replaced, 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 Department.
2. There shall be at least one (1) operable landline or Voice over Internet Protocol (VoIP) telephone in the child care facility and, if indicated, additional telephones or extensions to summon help in case of fire or other emergencies. All telephones must be operable in the event of a power outage. Coin-operated and locked telephones shall be prohibited. Telephones shall be located so as to be easily accessible from all parts of the building, and shall be available to staff during the hours of operation. Telephone systems that work only when a computer is turned on and internet connection is established is not acceptable to meet this requirement.
3. All emergency telephone numbers, including fire, police, Regional and National Poison Control phone numbers, Florida Abuse Hotline, Department, and ambulance shall be posted conspicuously at each land-line telephone location.

National Poison Control Center	1-800-222-1222
Emergency Number (Fire, Police & Medical)	911
Florida Abuse Hotline	1-800-96-ABUSE 1-800-962-2873
Palm Beach County Health Department	North & Central County Area: 561-837-5900 South County Area: 561-274-3187 Glades Area: 561-996-1633

3. Emergency Evacuation Plan:  
The facility shall prepare an Emergency Evacuation Plan including a diagram of safe routes by which staff and children may exit each area of the facility in the event of fire or other emergency requiring evacuation. The plan must be posted conspicuously in each room of the facility.
4. Emergency Preparedness Plan: Each facility shall develop a written Emergency Preparedness Plan to include, at a minimum, procedures to be taken by the child care

facility during fire, lockdown, evacuation of the area, and inclement weather. The plan shall identify weather conditions requiring action and supply a response appropriate to the weather condition. 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. Each plan shall include taking and recording attendance of children in the event of evacuation or relocation. Each plan shall include responses to violent weather during field trips and transportation of children. This plan shall be available on site for review by the Department.

5. Fire drills shall be conducted monthly.
  - a. Fire drill must be conducted on various days and at times when children are in care, including naptime.
  - b. A current attendance record must accompany staff out of the building during a drill or evacuation, and be used to account for all children.
  - c. At least one fire drill per year must be conducted using an alternate evacuation route.
  - d. At least one fire drill per year must be conducted in the presence and at the request of the Department in coordination with the operator or designee.
  - e. 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.
6. A fire plan shall be posted conspicuously in each occupiable room, hallway or area, and near each telephone
7. Emergency preparedness drills shall be conducted when children are in care. Each drill, excluding the fire drill, outlined in the Emergency Preparedness Plan must be practiced at least one time per year, documentation of which must be maintained at the facility for one year. A current attendance record must accompany staff during the drill or actual emergency, and must be used to account for all children.
8. The facility shall maintain and post in a conspicuous location a written record of emergency preparedness drills showing the type of drill, date and time conducted, number of children and staff in attendance, and time taken for all individuals to complete the drill.
9. 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.
10. For drop-in child care, there shall be established and continuously maintained some form of direct communication, such as a pocket pager, beeper or public announcement system to enable the facility to immediately contact the parent of a child in care should

the need arise. This communication system shall be operable even in the event of a power outage.

11. After a fire or natural disaster, the operator must notify the Department within twenty-four (24) hours, in order for the Department to ensure minimum health and safety standards are being met for continued operation. In the event that the Department is not accessible by routine access phone numbers, the operator shall contact A. G. Holley Hospital or the Palm Beach County Emergency Operations Center for further information.
12. 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.

#### G. Additional Requirements for Infant care.

1. The care of infants shall be conducted in a separate room with hand washing facilities supplied with hot (not to exceed 110 degrees Fahrenheit) and cold running water (diaper changing sink), soap and paper towel dispensers and a diaper changing table with an easily cleanable impervious surface.
2. The diaper change hand wash sink shall be immediately adjacent or in close proximity to the diaper change table and shall not be accessible to children.
3. The infant room shall have, at a minimum, two (2) exits, one (1) opening directly to the outside. In the event of change of in ownership, any new construction, extensive renovation, relocation or addition of an infant room in which care is to be provided to infants older than 12 months, the facility shall provide a child size commode and lavatory which shall be in, across from or adjacent to the infant room. The commode and lavatory are to be solely for infant use.
4. In facilities that provide only infant care, there need be only one (1) commode plus two (2) lavatories, supplied with hot and cold running water for each thirty (30) infants or fraction thereof. The number of bathrooms required is subject to the county or municipal building department having jurisdiction.
5. Potty chairs, if used, shall be in addition to the toilet requirements, and shall be cleaned and sanitized or disinfected after each use.
6. When infants or children in diapers are in care, a diaper changing table with an impermeable surface shall be provided. The diaper changing surface shall be replaced or cleaned with a sanitizing solution after each use. If a disposable, impervious covering is used, this covering shall be properly discarded after each use.
7. The diaper changing area shall be located separate from the food preparation, food service, and feeding areas. In addition, items unrelated to diaper changing shall not be stored in the diaper changing area, nor shall they be placed on the diaper changing table.

The diaper changing sink shall not be used for washing, rinsing, or storing bottle or other food utensils.

8. There shall be an adequate supply of clean diapers, clothing and linens at all times. Wet or soiled clothing and linens shall be changed promptly.
9. Soiled disposable diapers shall be disposed of stored in a plastic lined secured covered container which is not accessible to children. The container shall be emptied and sanitized or disinfected at least daily.
10. Soiled, reusable diapers shall be emptied of feces in the toilet and placed in a secured covered container which is not accessible to children. The container shall be emptied and sanitized or disinfected at least daily.
11. In the event of a change in ownership, any new construction, renovation of an infant room, or change of use to an infant room, a service utensil sink shall be installed in the infant room. The service utensil sink shall be separate from the diaper changing sink, located outside the diaper changing area, and shall be provided with hot and cold running water. The service utensil sink shall not be used for handwashing or any other activities related to diaper changing, and shall not be accessible to children.

#### H. Equipment -- Indoor and outdoor, furnishings and supplies.

A child care facility shall have equipment, furnishings and toys which are safe and can be maintained in a sanitary condition. The furnishings and equipment shall be suitable to the size and age of the child. There shall be equipment and supplies available in order to provide activities to stimulate creative play and learning experiences, both indoor and outdoor.

1. All equipment must be installed safely and maintained in a safe and sanitary condition.
2. Outdoor play equipment not designed to be moved by children must be firmly anchored so that they will not shift, lean, topple, or move from their foundation when pushed or pulled by adults, or used by children.
3. Permanent or stationary playground equipment must have a ground cover or other protective surface under the equipment that provides resilience, and is maintained to reduce the incidence of injuries to children in the event of falls.
4. Child care personnel shall check the surface temperature of outdoor play equipment to ensure that the equipment is safe before allowing children to use the equipment. The surfaces of metal or plastic equipment may absorb heat from sunlight to reach high surface temperatures causing burns to children using the equipment. Similarly, outdoor equipment surfaces may become so cold as to cause severe discomfort or frost-bite.
5. Play equipment-maintenance shall include routine checks at least monthly, of all supports above and below ground, all connectors, and moving parts. The facility shall maintain documentation of such routine maintenance checks for a period of not less than one (1) year, and shall make such records available to the Department upon request.

6. All equipment, furnishings, fences, and other objects on the facility's premises shall be free of sharp or jagged edges, and shall be properly placed to prevent overcrowding or safety hazards in any one area.
7. All equipment used in the outdoor area shall be constructed and maintained to allow for water drainage.
8. Use of water bearing tables by two (2) or more children is prohibited. Water play is allowed when individual containers are provided for each child, and containers are cleaned and sanitized between uses by each child.
9. Sand or sawdust boxes used in outdoor play areas shall be constructed to allow for drainage and maintained in a safe and sanitary condition. Sand and sawdust boxes must be covered with durable and well-maintained covers when not in use.

## **ARTICLE XI. FOOD SERVICE REQUIREMENTS**

- A. All licensed facilities shall meet requirements as specified in Chapter 64E-11, Florida Administrative Code, as amended or replaced, and other applicable state and local regulations, which relate to food preparation and food services, and must have an approved inspection report by the Department. This includes facilities involved in the Federal Food Program, and facilities, which bulk-dispense or otherwise prepare food for service. In addition, the following shall also apply:
1. All cooking equipment must be provided with a hood, fan, filters and fire extinguishing equipment in compliance with applicable building and fire codes.
  2. Catering service is acceptable as defined in Chapter 64E-11, Florida Administrative Code, as amended or replaced.
  3. Facilities constructed after September 22, 1996 must have a dispensing pantry consisting of a three-compartment sink, hand washing sink supplied with hot and cold running water, soap and towel dispenser and a refrigerator.
  4. Where there is food preparation and or bulk dispensing, there shall be at least one person on staff with primary responsibility for food preparation, and who has completed and has current, the Food Manager's Certification, with evidence of certification on file at the facility. Pursuant to Chapter 64E-11, Florida Administrative Code, as amended or replaced, such person or persons shall complete this certification within ninety (90) days from the date of appointment. Such person or persons shall be on site at the facility at all times during food preparation and food dispensing activities.
  5. Dishes shall have smooth, hard, glazed surfaces and shall be free from cracks or chips. Sharp-edged plastic utensils intended for use in the mouth, or dishes that have sharp or jagged edges shall not be used. Disposable tableware, such as plates, cups, and utensils, may be used provided that they are made of heavy weight paper or food grade plastic. Such disposable items shall be permitted for single use only and shall not be re-used. Styrofoam tableware shall not be used for children under four years of age.
  6. The temperature of foods catered to the facility shall be checked at the time of delivery, and recorded in a logbook. Foods delivered at non-safe temperatures shall not be served. The temperature of foods to be served shall be checked with a working food-grade, metal probe thermometer. Such logs shall be available to the Department's representatives. Hot foods shall be held at 140 degrees Fahrenheit or above, and cold foods shall be held at 41 degrees Fahrenheit or lower, pursuant to Florida Administrative Code, Chapter 64E-11, as amended or replaced.
- B. The following regulations are an exception to Chapter 64E-11, Florida Administrative Code, as amended or replaced, but are approved for child care facilities:

1. Approved for child care facilities is a three-compartment sink or a two-compartment sink and dishwasher with an effective automatic sanitizing cycle. Machine sanitation can be accomplished by the use of chemical solutions, hot water, or hot air. After bacterial treatment, utensils shall be air dried and properly stored. Other types of devices may be approved by the Department.
2. All milk and fluid milk products for drinking purposes shall be pasteurized and shall be purchased and served from the original containers in which they were packaged at the milk plant.
3. Children may be allowed in the food preparation area for educational purposes and if provided direct and constant supervision.

## ARTICLE XII. NUTRITION

1. If a facility provides meals or snacks, it shall provide enough nutritious foods to meet the nutritional needs of the children served. The USDA *MyPlate* and *Dietary Guidelines for Americans, 2010.*, which are incorporated by reference, 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 years of age and older, may be found at: <http://www.choosemyplate.gov/>. Using the USDA MyPlate, 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. Recommended meal patterns to meet these standards are furnished by the Department as a guide for the operator. If a facility chooses to serve breakfast and lunch, milk must be served with at least one of the meals provided. If a facility chooses to serve dinner, milk must be served with this meal.
2. 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.
3. 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. For drop-in child care, where children are in care for three (3) or more hours, a nutritious snack shall be provided.
4. 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 shall be in the child's records.

5. If a custodial parent or legal guardian informs the child care facility that the child has any food allergies, written documentation must be maintained in the child's file for as long as the child remains in care. All staff members must be informed about any special food restrictions, and the information must be posted in a conspicuous location.
6. Meals and snack menus shall be planned, written and posted at the beginning of each week. Menus shall be dated and conspicuously posted on a weekly basis in the food service area and accessible to parents. Any menu substitution shall be posted and entered on a log book used for this purpose.
7. Infants shall be individually fed or supervised at feeding and offered foods appropriate for their age. Formula and beverage shall be prepared, individually labeled and capped by the parent. Alternatively, formula and beverage for infants may be prepared, labeled and capped by the facility staff. Where the facility provides the formula and beverage, only pre-mixed, ready-to-feed formula and beverage may be utilized, and the facility shall meet the requirements as set forth in Article XI of these rules. The child care facility shall refrigerate and handle the formula and/or beverage in a sanitary manner. There shall be no propped bottle for infants and no mechanical devices used for feeding

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

8. Microwave ovens shall not be used for directly warming bottles. Microwave ovens may be used to warm water in a separate container for placing the bottle in the heated water to obtain a safe and desired temperature, provided that the container of water is no more than one hundred and twenty (120) degrees Fahrenheit. Alternatively, bottles and infant foods may be warmed under running warm tap water.

If a slow-cooking device, such as a crock pot is used for warming infant formula, human milk, or infant food, this slow cooking device shall not be accessible to children, shall contain water that does not exceed one hundred and twenty (120) degrees Fahrenheit, 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.

9. Facilities shall provide sufficient seating at tables, such as chairs and benches, so that all children while eating can sit at tables for meal time and snack time.

## **ARTICLE XIII. MEDICINE, FIRST-AID AND EMERGENCY PROCEDURES**

### **A. First aid.**

1. At least one first aid kit must be maintained on the premises of the child care facility at all times. Child care staff must take a first aid kit with them on all field trips. A first aid kit must be in the vehicle at all times during transportation of children.
2. Each first aid kit shall be in a closed container, labeled "First Aid," and kept in a designated location where it is easily accessible for child care personnel.
3. Each first aid kit must, at a minimum, contain soap, band-aids or equivalent, sterile gauze squares and rolls, cotton balls or applicators, adhesive tape, thermometer, tweezers, blunt tipped scissors, pre-moistened wipes, a minimum of four (4) disposable medical examination gloves maintained in a puncture proof protector, and. a current resource guide on first-aid and CPR procedures.
4. Any child showing symptoms of illness during the day shall be removed from the group to the isolation area where the child shall receive necessary attention until the child is ready to return to the group.

### **B. Emergency procedures.**

1. Written permission for emergency health care or treatment of the child must be obtained from the parent, including the names, addresses and telephone numbers of the child's physician, the hospital-of-choice to be called in case of emergency and three (3) responsible adults the operator can contact in case the parents are not available.
2. Custodial parents or legal guardians shall be notified immediately in the event of any serious illness, accident, injury or emergency to their child, and their specific instructions regarding action to be taken under such circumstances shall be obtained, followed, and documented in the child's file. If the custodial parent or legal guardian cannot be reached, the operator shall contact those persons designated by the custodial parent or legal guardian on the enrollment form.
3. Child care personnel must call 911 immediately in the event a child sustains any serious injury, illness, accident, or other emergency, such as the child being missing.
4. All accidents and incidents which occur at a facility or while a child is in the care of the facility staff must be documented on the day they occur. This documentation must be shared with the custodial parent or legal guardian on the date of occurrence. Documentation shall include the name of the affected party, date and time of occurrence, description of occurrence, actions taken and by whom, and appropriate signatures of facility staff and custodial parent or legal guardian. The documentation must be maintained for one year. If the parent or legal guardian does not pick up the

child on the date of occurrence of the accident or incident, the individual authorized to pick up the child must sign and be provided a copy of the accident/incident form.

5. Any unusual incident involving the child which may be reasonably construed to constitute abuse and/or neglect shall be reported to the Abuse Hotline at 1-800-96 ABUSE immediately, and to the Department 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, local law enforcement, and to the Department.
6. Acts or omissions that meet the definition of child abuse or neglect provided in Chapter 39, Florida Statutes, constitute a violation of these rules and regulations, and shall support imposition of a sanction, as provided in Article XXI.
7. Failure to perform the duties of a mandatory reporter pursuant to Section 39.201, F.S., constitutes a violation of these rules and regulations.

#### C. Medication.

For child care facilities that administer medication to children in care, the following shall apply:

1. Only prescription medication is to be administered by the child care facility.
2. Prescription medication brought to the child care facility by the custodial parent or legal guardian must be in the original container. Prescription medication must have a label showing the name of the physician, child's name, name of the medication, dosage, and other medication directions. All prescription medication shall be dispensed according to written directions on the container label.
3. The facility must have written authorization from the custodial parent or legal guardian to dispense prescription medication. The written authorization must be dated and signed by the custodial parent or legal guardian, and must contain the child's name, the name of the medication to be dispensed; and the date, time, method of administration, and dosage to be given.
4. The facility must maintain a record for each child receiving medications that documents the full name of the child, the name of medication, the date and time the medication was dispensed, the amount and dosage, and the name of the person who dispensed the medication. This record shall be initialed by the child care personnel who administered the medication. The record shall be maintained for a minimum of four months after the last day the child received the dosage.
5. Medications shall have child resistant caps unless otherwise provided by the pharmacy or manufacturer.
6. Medications, shall be plainly labeled and stored in an orderly fashion in a key locked cupboard, box, or cabinet.

7. Medications for external use only shall be kept in a separate key locked box cabinet, or area which is inaccessible to children. They shall be stored in such a way to prevent possible contamination.
8. Medication which has expired or is no longer being administered shall be returned to the custodial parent or legal guardian.

D. Topical non-medicated physical barriers.

Physical barrier lotions, ointments and creams such as sunscreen, insect repellent, and diaper ointments are generally not medications. If the facility elects to allow use of these items, the facility must meet the following requirements:

1. 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 a non-medicated physical barrier.
2. Obtain written authorization from the parent or legal guardian for applying the topical substance to a child.
3. Any written authorization and verification that the parent or guardian is aware of the policy must be documented in the child's file.

## ARTICLE XIV. COMMUNICABLE DISEASE CONTROL

### A. Communicable diseases in children.

Any child who is suspected of having a communicable disease or who exhibits other signs and symptoms which include any of the following, shall be placed in an isolation area, and the condition shall be reported to the parent or guardian or other person authorized by the parent, and the child shall be removed from the facility as soon as possible. Such children can return to the child care facility when the following signs and symptoms are no longer present:

1. Severe coughing, causing the child to become red or blue in the face or to make whooping sound;
2. Difficult or rapid breathing;
3. Stiff neck;
4. Diarrhea (more than one (1) abnormally loose stool within a twenty-four-hour period);
5. Temperature of one hundred (100) degrees Fahrenheit or higher taken by the axillary method, especially when in combination with any other sign or illness;
6. Conjunctivitis (pink eye);
7. Untreated infectious skin patch(es);
8. Unusually dark urine and/or gray or white stool and yellowish skin or eyes;
9. Vomiting;
10. Pediculosis (head lice, nits); or
11. Any other unusual sign or symptom of illness.

Alternatively, such children who would normally be excluded from child care, may be admitted to facilities which provide specialized child care for mildly ill children, provided that the criteria set forth in Article XV (F) of these rules are met. Exception: A child who has head lice shall not be permitted to return until treatment has occurred. Treatment shall include the removal of all lice, lice eggs, and egg cases (nits).

### B. Communicable diseases in employees and volunteers.

Anyone who is a carrier of a communicable disease, or who develops signs and symptoms of a communicable disease which include, but are not limited to, any of the signs and symptoms described in Section A above shall be isolated from other individuals and not return until the signs and symptoms are no longer present.

### 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 Director of the Department 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 Director of the Department 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 Director of the Department 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 (1) tablespoon of bleach to a quart of water, or one (1) 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 ninety nine per cent (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 child care facility director must provide parents with information detailing the causes, symptoms, and transmission of the influenza virus. To assist providers DCF developed a brochure, CF/PI 175-70, June 2009, Influenza Virus, Guide to Parents, which may be obtained from the DCF's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare)

## ARTICLE XV. ADMISSION, ASSESSMENT, AND RECORD KEEPING

### A. Access to records.

At all times during operating hours a facility must allow the Department access to records required to be made or kept by these rules and regulations. This includes records for personnel, children and the facility. Copies of the required records are acceptable for documentation. Original documents are the property of the party providing the information.

### B. Enrollment information.

Prior to providing care to a child, the operator shall obtain, update and keep current at the facility the following enrollment information from the child's parent or guardian, on CF-FSP 5219, Child Care Application for Enrollment form, effective March 2009, or an equivalent form.

1. The child's full legal name, birth date, current address and preferred name.
2. The name and address of the parents or guardians.
3. Telephone numbers or instructions as to how the parent may be reached during the hours the child is in the facility.
4. Names, addresses, and telephone numbers of persons sixteen (16) years of age or older authorized by the parent to take the child from the child care facility, and persons to be contacted who are authorized to remove the child from the facility in case of illness, accident or emergency if for some reason the parents cannot be reached.
5. The facility shall obtain written authorization from the parent or guardian to seek emergency medical treatment should the need arise. The name, address, and telephone number of a physician or health resource that can be called in case of emergency, and the parent's written permission to consult that physician or health resource if the parents cannot be reached.
6. If the child's condition requires it, a written plan must be on file at the child care facility. This plan will be developed with a cooperative effort between the child's parents, the operator and the supervising physician and/or other specialist. This plan shall specify the special needs and the special provisions, which will be made to meet the needs of the child in compliance with state and federal regulations.
7. The child's parent shall provide written consent before a child may participate in activities conducted by a child enrichment service provider that are not part of the regular program of the child care facility. If the parent or legal guardian notifies the facility of any known allergies, written documentation shall be maintained in the child's file. In addition, such information shall be shared with the child's caregivers. Food allergies and special food restrictions must be posted in a conspicuous location.
8. Signed statements that the child care facility has provided the following information to parents:

- a. The “Know Your Child Day Care Center” child care facility brochure (CF/PI #175-24, English version or CF/PI #175-25, Spanish version) or the applicable local licensing agency's brochure. The statement included in the brochure or an equivalent statement on the child's enrollment form must be used for this purpose.
- b. The child care facility's written disciplinary practices.
- c. The procedures for verification of a child’s whereabouts, should the child not show for after-school or school age programs. Such information may be included in the policy handbook or on the enrollment form.

C. Health examination and immunizations.

1. Health examination certificate:

- a. Upon admission, each child must have on file at the facility a written certificate of health examination, DH Form 3040, Student Health Examinations. 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 enrollment, (unless the child has transferred from another child care or family care facility) which would be current for two (2) years after the initial enrollment physical examination.
- 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 was performed.

2. Immunization certificate:

- a. Upon admission, each child must have on file at the facility a Florida Certificate of Immunization, DH Form 680, for the prevention of diphtheria, pertussis, tetanus, poliomyelitis, rubeola, rubella, mumps, Hemophilus influenza type b (Hib), Hepatitis B, and varicella. The child care facility is responsible for obtaining and maintaining current and completed immunization information.
- 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 (C) (3) (b) (1) of these rules. The facility 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 of Health. Immunizations received out of state are acceptable. However, immunizations must be documented on DH Form 680 and signed by a practicing physician in the State of Florida. 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.
  - 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 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 Florida Statutes, Chapters 458, 459, or 460, 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.
  - h. Child care facility operators, on a quarterly basis, shall complete audits on the immunization status of all pre-school aged children enrolled at the child care facility. These audits shall be completed on forms provided by the Department. Completed forms shall be submitted to the Department no later than the 15<sup>th</sup> day of the first month of each quarter.
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 or guardian of such child; however, the laws, rules and regulations relating to contagious or communicable diseases and sanitary matters shall not be violated.
  - b. Immunizations: A child whose parents or guardian has made application for admittance to the child care facility without being fully immunized according to recognized medical standards must present 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, issued by the Department must be provided 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 child care facility 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 child care facility.
  - d. Medical records, i.e., Student Health Examinations, DH Form 3040 and the Certificate of Immunization, DH Form 680, become the property of the parents when the child withdraws from the child care facility and are transferable if the child attends another facility providing child care.
  - e. Drop-in child care facilities shall be exempt from the requirement for the physical examination and immunization certificate. In lieu of these, at the time of drop-off, the facility shall obtain from the parent of the child, a signed statement attesting that the child is in good health, not suffering from any communicable disease, and current in all required immunizations. The facility shall also obtain and maintain with this statement, a copy of the parent's photo- identification bearing current address. The facility shall ascertain from the parent that the address provided is correct. This shall be kept on record at the facility for a minimum of six (6) months.

#### D. Personnel records.

Personnel records shall be maintained at the child care facility, and kept current for the owner/operator, each employee of the facility, volunteers and substitutes. These records shall include:

1. An application including name, address and telephone numbers.
2. Reports of the required health examinations and tests (TB risk assessment and/or skin test, or Chest X-ray; and physical examination).
3. Person to contact in an emergency.
4. Position and date of employment.
5. Statement that the employee has completed the training in the identification and reporting of child abuse and neglect and understands the statutory requirements for professionals' reporting of child abuse and neglect. A copy of the department's form EHE-DC-009: Child Abuse & Neglect Reporting Requirements shall be read and signed at least annually by each child care personnel, and maintained in the personnel record.

6. Appropriate documentation that the person has been screened as specified herein, and in accordance with Chapter 435, Florida Statutes, as may be amended or replaced.
7. Copies of credentials and training information recorded on designated training forms that are provided by the Department.
8. Copies of driver's license and driver physical examination documentation. The physician certification or another form containing the same elements of the physician certification, granting medical approval to operate the vehicle must also be maintained in the driver's personnel file.
9. Documentation that identified staff members have met the first aid and infant and child cardiopulmonary resuscitation training requirement.
10. Child care facilities must maintain written documentation of directors' and other credentialed personnel's work schedules. Examples of written documentation are employee timesheets, personnel work schedules, and employment records.

E. Other records.

1. Attendance logs.
  - a. Daily sign in and sign out of children shall be recorded by the child care facility personnel or the person who drops off the child, documenting the time when each child enters the facility or program. The custodial parent, guardian, or the authorized person who picks up the child shall be required to sign the child out, documenting the time the child was picked up. Persons authorized to pick up the child should be 16 years of age or older in keeping with Article XV(B)(4) of these rules.
  - b. An attendance log shall be maintained for each class or group. This log must contain the names of all children assigned to the class or group, and shall show all children present in the class or group, and those students absent from the class, at any given time.
  - c. To assure adherence to these rules, each child care facility, shall maintain and keep at the facility for no less than one (1) year, a daily attendance log as well as a sign-in/sign-out log.
  - d. Drop-in child care facilities shall also maintain a sign-in/sign-out daily attendance log, including day, date, time of arrival and departure, and signatures of the parent obtained at drop-off and pick-up.
  - e. Child care personnel shall ensure that attendance records are complete and accurate, since these records are important in accounting for children during emergency evacuations and other incidents.

2. Record of unusual incidents.

A written record of unusual incidents affecting the program of the facility including, but not limited to, accidental injuries to children, employees, and volunteers must be kept on file at the facility. The written report of the incident must be completed on the day the incident occurred, and shared with the parent of any affected child on the same day. The record shall include the name of the affected person, date and time of occurrence, description of event, actions taken and by whom, as well as appropriate signatures of staff. A signature of an affected child's parent or guardian shall be requested to verify that the parent or guardian saw and received a copy of the incident report.

3. Record of fire drills.

A written record must be kept at the child care facility each month for a fire drill showing date, number of children in attendance and time taken to evacuate the premises, on a Fire Drill Record Form as provided by the Department. To assure accountability of all children in the child care facility, a current daily attendance log must accompany staff during a fire drill and in the event of an emergency resulting in the evacuation of the child care facility. The log is to be used to account for all children during a drill or actual evacuation. This record must be maintained for one (1) year. Drop-in child care facilities shall be exempt from this requirement but shall be required to have on file at the facility an emergency evacuation plan approved by the Fire Authority having jurisdiction, and shall maintain documentation on file of related training provided to child care facility staff.

4. Menus & Food Temperature Logs:

Records of menus served shall be placed on file at the facility and kept for a minimum of 6 months. Food Temperature logs shall be kept on file at the child care facility for a minimum of 6 months.

5. Daily Schedule:

A general daily time schedule for meals, snacks, nap, indoor and outdoor periods shall be conspicuously posted at the child care facility. Drop-in child care facilities shall be exempt from this requirement.

6. Field trips:

Each facility shall keep at the facility for no less than one (1) year a copy of each field trip manifest, parental permission slip, parental swimming consent, and such other documents required to be retained pursuant to Article XVIII of these rules.

7. After School & School Age Child Care Programs - Attendance & Absentee Policy:

Attendance should be taken for all children at the beginning of the program daily. They must be signed out upon leaving. Programs shall establish and maintain a written procedure for accountability when a child fails to show for the program.

8. Material Safety Data Sheets (MSDS):

These shall be obtained and kept on file at the child care facility for each sanitizing agents that may be used instead of bleach water solutions. MSDS shall be kept on file for a period of twelve (12) months following the cessation of use of the product, should the facility revert to

using bleach water solutions.

9. Where the child care facility utilizes bedding assignments, such record shall be available to the Department for review.

10. The most recent licensing inspection report shall be conspicuously posted in the reception area of the facility.

#### F. Admission and Assessment for Specialized Child Care for the Mildly Ill Programs

In addition to the admission and record keeping requirements set forth in Article XV (A) through (E), the following shall apply to facilities providing specialized child care for mildly ill children:

##### (1) General Requirements.

(a) A child care facility for mildly ill children shall have at a minimum an ongoing agreement with a Health Provider Consultant, as defined in these rules, for continuing medical or nursing consultation. The health provider consultant shall perform the following services:

- i. Oversee the development of written policies and procedures.
- ii. Review, approve, and update annually, such policies and procedures.
- iii. Provide at least quarterly on-site monitoring of the implementation of such policies and procedures.
- iv. Provide ongoing consultation to the child care facility in its overall operation and management.

(b) A child care facility for mildly ill children shall have at a minimum one (1) licensed health caregiver, as defined in these rules. The licensed health caregiver shall be responsible for performing the written physical assessment, and periodic child evaluations, as set forth herein; provide ongoing daily oversight; make decisions as to the exclusion of any child; and be present at the facility at all times during the hours of operation.

##### (2) Admission.

(a) No child shall be accepted to a child care facility for mildly ill children without written parental permission. However, permission may be obtained by telephone if a child in attendance at a regular child care facility becomes mildly ill and is admitted to that same facility's program for mildly ill children. Where the child is in care under telephone permission, written parental permission must be obtained prior to the child's admittance to the program for mildly ill children the following day.

(b) The program director or licensed health caregiver shall have the authority to require a written medical evaluation for a child to include diagnosis, treatment and prognosis, if such evaluation is necessary to determine the appropriateness of a child's attendance prior to admission and upon worsening of the child's symptoms.

(c) Prior to admission, the child care facility providing for mildly ill children exclusively shall require a written description, signed by the parent, of the child's current and recent illnesses; immunization history, habits, special diets, allergies, medication needs;

symptoms requiring notification of parent or health care provider, and where and how the parent or health care provider is to be notified.

- (d) An initial written physical assessment on each child shall be completed by the licensed health caregiver, as defined in these rules, based on the inclusion and exclusion criteria outlined herein to determine appropriateness of admission to the child care facility. A parent must remain on the premises until admission has been determined.
- (e) The written physical assessment shall at a minimum include vital signs and observation of the child's general appearance, head, eyes, nose, mouth, ears, skin, abdomen, arms and legs, and breathing pattern for symptoms of illness.
- (f) Once admitted, children shall be periodically monitored by the licensed health caregiver and evaluated according to policies and procedures established and approved by the child care facility operator and the health provider consultant. Evaluations on each child's condition shall be documented, and shall include the following plus additional information that the facility operator and the health provider consultant may add if they deem it is necessary to evaluate the children:
  - 1. Temperature
  - 2. Respiration
  - 3. Pulse
  - 4. Amount of food or fluid intake
  - 5. Color, consistency and number of stools
  - 6. Color of urine and frequency of urination
  - 7. Skin color and alertness
  - 8. Activities such as amount of sleep, rest, and play
- (g) The condition evaluations must be maintained in each child's record and retained by the facility for a minimum of four (4) months. Copies shall be provided to parents daily.
- (h) Children with communicable illnesses (e.g., chicken pox) may be accepted in a child care facility for mildly ill children, only if there is an isolation area as defined herein, and provided the isolation area has a separate outside entrance from the rest of the child care facility.

### (3) Inclusions.

A child care facility for mildly ill children may consider for admission, and accept children exhibiting illnesses or symptoms for which they can be excluded from child care provided for well children, but who do not meet exclusion criteria as outlined in these rules. Children exhibiting the following symptoms or illnesses, or disabilities, shall be deemed eligible to participate in child care facilities for mildly-ill children:

- (a) Not feeling well, unable to participate in regular child care activities, or has other activity restrictions;
- (b) Recovering from prior day surgical procedure or hospital admission;

- (c) Controlled fever of 102° F orally; 101° F axillary, or 103° F rectally, or below. If the child's temperature is higher than the temperatures listed above a physician must give written approval for admission; or verbal approval with written follow up for admission;
- (d) Respiratory infections such as cold or flu virus;
- (e) Vomiting less than three (3) times without dehydration;
- (f) Diarrhea {more than one (1) abnormally loose stool within a twenty four (24) hour period} without signs of dehydration, and without blood or mucus in the stool;
- (g) Gastroenteritis without signs of severe dehydration;
- (h) Diagnosed asthma;
- (i) Urinary tract infections;
- (j) Ear infections;
- (k) Orthopedic injuries;
- (l) Diagnosed rash;
- (m) Tonsillitis; or
- (n) Strep throat or conjunctivitis after twenty four (24) hours of appropriate medication, if isolation is unavailable. Strep throat or conjunctivitis prior to twenty four (24) hours of appropriate medication is included only if isolation area is available.

(4) Exclusions.

Any child exhibiting the following symptoms or combination of symptoms, shall be excluded from child care facilities for mildly ill children:

- (a) Unresponsive temperature of 104° F orally;
- (b) Undiagnosed or unidentified rash;
- (c) Respiratory distress;
- (d) Major change in condition requiring further care;
- (e) Contagious diseases, if no isolation room is available:
  1. Strep throat or Conjunctivitis prior to twenty four (24) hours of treatment,
  2. Diarrhea due to diagnosed Shigella, Salmonella, Rota-virus, Giardia, Campylobacter, or E. coli,
  3. Chicken pox, mumps, measles, rubella, pertussis, diphtheria,
  4. Head lice, scabies prior to twenty four (24) hours of treatment, or

5. Other conditions as determined by the director or health provider consultant.

## **ARTICLE XVI. CHILD CARE DURING NIGHTTIME HOURS**

The minimum standards for child care facilities set forth herein shall continue to apply to child care facilities which offer care during nighttime hours (6 P.M. to 6 A.M.) with the additional application of the following standards as set forth in this section. For the purposes of this rule, night-time care is the equivalent of evening child care, as referenced in Florida Statutes 402.302(6).

- A. Prior to providing night-time care, a child care facility shall procure written approval of the Child Care Advisory Council subsequent to the recommendation of the Department.
- B. 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.
- C. Each child shall have a separate bed or cot with his own linens covering the bedding.
- D. It shall be an additional violation of these rules if children of the opposite sex, any one of which is over the age of six (6) years, are quartered in the same room without constant adult supervision.
- E. Sleeping quarters must have a minimum of twenty (20) square feet of floor space per child and a minimum of eighteen (18) inches around each cot or bed.
- F. If the children are sleeping overnight in the child care facility, child care staff must ensure accepted bedtime routines, such as brushing teeth, and face and hand washing. Toothbrushes, towels and wash cloths may not be shared, and shall be stored so that each child's personal hygiene items are not in contact with those of another child.
- G. Drop-in child care facilities shall be exempt from the requirements of this Article, with the exception that where children elect to nap or sleep, they shall be provided with separate beds, cots or cribs as set forth herein.
- H. Child Development Associate or credentialed staff are not required for night-time hours.

## ARTICLE XVII. TRANSPORTATION

For the purposes of these rules, “vehicles” refer to those vehicles owned or operated or regularly used by the child care facility, and vehicles that provide transportation through a contract or agreement with an outside entity. Driver, as used in this section, includes all volunteers as well as personnel of the child care facility who drive vehicles transporting children to and or from the child care facility and on field trips.

### A. General.

1. When private passenger automobiles, vans or station wagons are used for transportation of children by child care facilities, the driver must be at least eighteen (18) years of age, with a valid Florida driver’s license, and have passed an annual physical examination.
2. Vehicles must have the name of the child care facility on each side panel in six (6) to eight (8)-inch letters. The back panel must have the wording “Caution Transporting Children” in a minimum of 4-inch letters.
3. Prior to offering child care transportation services of any type, directly or by contract, all new and existing child care facilities must provide written notice to the Department. The written notice to the Department must provide the following information:
  - a. The type of transportation that will be offered, for example, after school pick up, home pick up, or field trips, including points of pick-up and drop-off.
  - b. List and description of the vehicles that will be used for transportation of the children, to include make, model, year, color, and tag number.
  - c. Any contract, agreements, or arrangements with any third parties for the provision of transportation services.

A copy of the facility’s policy, procedures, and staff training plans for maintaining compliance with the responsibilities for loading, unloading, and tracking each child during transportation must on file at the facility and be available for review by the Department.

4. When a vehicle is regularly used by a child care facility to provide transportation, the driver shall comply with the provisions of Florida Statutes, § 316.615(3), as amended or replaced, Physical Requirements of Drivers. Each driver must have an annual physical examination documented on a form provided by the Department. The physician’s certification signed by a physician or other qualified health care provider must be posted in the vehicle.
5. All child care facilities must comply with the inspection and insurance requirements found in Florida Statutes, § 316.615(4), as amended or replaced. All facilities must file a certificate of insurance with the Board through the Department.
6. All child care facilities shall, on an annual basis, have all vehicles regularly used to transport children inspected by a National Institute for Automotive Service Excellence (ASE) certified mechanic to certify proper working order. Documentation by the mechanic shall be maintained in the vehicle on forms provided by the Department. The annual

report/certification must contain the name and certification number of the ASE-certified mechanic who performed the inspection. Vehicles used to transport children must be maintained in proper working condition at all times. The interior temperature of the vehicle must be maintained at 72<sup>0</sup>F – 82<sup>0</sup>F during transportation of children.

7. All child care facilities must comply with the Florida safety belt laws in accordance with Florida Statutes, §§ 316.613 and 316.72 as amended or replaced. Each child, when transported, must be in an individual seat belt or federally approved child safety restraint, unless the vehicle is excluded from this requirement by Florida Statute. Unless exempt from seatbelt requirements by Florida Statutes all vehicles used to transport children shall be equipped with child safety restraint suitable for the age and size of the child being transported and the type of vehicle being used. Vehicles exempt from seat belt requirements by Florida Statute can only be used to transport school-age children who do not require child restraint devices designed to be attached to the seat by the end-user.
8. An annual inspection of the child care facility's vehicles or vans used to transport children will be conducted by the Department to establish the maximum seating capacity. The maximum seating capacity of the vehicle is based on the manufacturer's designated seating capacity specifications or the number of working seat belts or child restraint devices. Vehicles used to transport children must be maintained in a clean and sanitary condition at all times. The interior of vehicles shall be free of hazards such as sharp edges, loose or broken seats, torn or exposed seat cushion, hazardous materials, build-up of solid waste, and storage of unnecessary articles.
9. Volunteers of a child care facility using their vehicles or any other vehicles to transport children must comply with the seat belt and child restraint requirements specified in subsection 7. of this section.
10. Each vehicle shall be equipped with contact information for all children being transported. When transporting children with chronic medical conditions (such as asthma, diabetes, or seizures), their emergency care plans and supplies or medication shall be available. The responsible adult shall be trained to recognize and respond appropriately to the emergency.
11. When transporting children, staff to child ratios must be maintained at all times. The driver may be included in the staff to child ratio, however, when infants are being transported, there must be at least one other staff member in the vehicle who can see and hear all the children. At no time shall the driver alone transport infants or children under 5 years of age. In addition, the facility must also take into consideration the children's individual and group behavioral characteristics, special medical conditions, travel distances, and other relevant factors in deciding whether additional adult(s) is necessary to ensure the safety of children during transportation.

#### B. Supervision of Children During Transportation

1. An adult must be in the vehicle whenever a child is in the vehicle.

2. An adult must be seated behind the steering wheel if the motor is running and children are being loaded and/or are on board.
3. An adult staff member, in addition to the driver, is required on the vehicle when transporting children under 5 years of age.
4. The second adult staff member shall be seated in the vehicle in the back seat or in a position which allows:
  - a. Each child to be seen with a quick glance;
  - b. Each child to be heard at all times;
  - c. Each child's activities to be observed; and
  - d. The staff member to respond immediately should there be an emergency.

### C. Responsibility for Loading, Unloading, and Tracking Each Child

#### 1. Transportation Log:

- a. A transportation log shall be used to track each child during transportation.
- b. The first and last name of each child received for transport shall be recorded on the log.
- c. Either the driver or second staff member shall be designated by management as the person responsible for completing the log.

#### 2. Loading Procedures:

- a. As each child is loaded on the vehicle, the time the child was placed on the vehicle shall be recorded onto the transportation log by the person designated to complete the log.
- b. If the child was loaded from home, the parent or other authorized person will additionally sign the log indicating that the child was placed on the vehicle.

#### 3. Unloading Procedures:

- a. The individual designated by the agency as responsible for the log shall update it immediately upon the child being released from the vehicle. The designated staff member shall update the log by:
  - i. Recording the time the child was released; and
  - ii. Initialing next to the time of release.
- b. When the child was released to a parent or other authorized person, that person must sign the log indicating that the child was released to them.

#### 4. Confirming that Every Child is Off the Vehicle

- a. Driver Responsibilities: Immediately upon unloading the last child and to ensure that all children have been unloaded the driver shall:
  - i. Physically walk through the vehicle;
  - ii. Inspect all seat surfaces, under all seats, and in all compartments or recesses in the vehicle's interior;
  - iii. Sign the log, with the driver's full name, indicating the children are all unloaded; and

- iv. Give the log to the second staff member.
  - b. Second Staff Member Responsibilities: The second staff member shall:
    - i. Physically walk through the vehicle;
    - ii. Inspect all seat surfaces, under all seats, and in all compartments or recesses in the vehicle's interior;
    - iii. Sign the log with the staff person's full name indicating the children are all unloaded.
- 5. Loading Children at School
  - a. When children are picked up at school they shall be loaded on the vehicle at the location designated by the school using all applicable procedures for logging of children's presence on the vehicle.
  - b. The facility must develop written policies that:
    - i. Specify procedures for the driver to follow in the event that a child scheduled to be picked up does not report to the vehicle; and
    - ii. Ensure that children will have adult supervision should the driver or additional staff member need to try to locate a missing child.
- 6. Loading and Unloading Children for Field Trips
  - a. Prior to and during field trips the relevant procedures outline in Article XVII (C) above must be followed.
  - b. Tracking of each child and related documentation is required for each time children enter and leave the vehicle, whether at the destination, or at rest stops during the trip.
- 7. Unloading Children at the End of the Day: When children are unloaded at the end of the day and the vehicle does not return to the facility for the additional review that confirms every child is off the vehicle, the facility shall develop procedures to:
  - a. Verify all children are off the vehicle; and
  - b. Verify that each child was released to a responsible person authorized by the parent.

#### D. Child Safety Alarm Device

On or after September 1, 2012, all vehicles used by or on behalf of the child care facility 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. The Department shall, by December 1, 2011, develop and adopt standards for the installation and performance of such devices.

## ARTICLE XVIII. FIELD TRIPS AND SWIMMING ACTIVITIES

### A. Field trips

1. Parents must be advised of field trip activities. Before any child may attend a field trip, parental permission must be obtained either in the form of a general permission slip or specific permission slip obtained prior to a particular field trip. Permission slips must be included in the child's record. In addition, the date, time and location of the field trip must be posted in a conspicuous location at least two (2) working days prior to the field trip. If special circumstances arise where notification of an event cannot be posted for two (2) working days, then signed individual permission slips must be obtained from a parent of each child participating notwithstanding the existence of a general permission slip.
2. For all field trips, a manifest shall be kept at the facility with a copy brought with staff attending the field trip. Such manifest shall include the names of the children, staff persons, and volunteers attending the field trip; current telephone numbers where parent(s) may be reached in the event of an emergency; and for each child the name of the specific person assigned to supervise that child. 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. In addition to the minimum staff to child ratio requirements of Article VIII and Article XVIII (B) of these rules, while engaged in a field trip each facility shall provide an extra staff person who shall be required to directly supervise children attending the field trip.
4. Each facility shall take along with it on any field trip a first aid kit and a cellular phone or similar two-way communication device that will allow staff persons to independently summon emergency assistance. Two-way radios, citizen band radios and other means of instant communication are accepted. The two-way communication device and the first aid kit shall be readily available to staff responsible for children during all field trips.
5. Potable water and toileting facilities shall be available on all field trips. If the field trip extends beyond 2 hours, there shall be a meal provided in accordance with Article XII of these rules.

### B. Swimming activities.

1. 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 a staff member or qualified volunteer assigned to watch such child.

Staff members and qualified volunteers shall be assigned to a specific child or group of

children according to the minimum ratios set forth below. For the purposes of such assignment, groups shall be no larger than the number that one (1) qualified adult may watch.

<b>AGE</b>	<b>MINIMUM ADULT TO CHILD RATIO</b>
under 2 years (infants)	one (1) staff member to one (1) infant
2 years of age	one (1) staff member to two (2) children
3 years of age	one (1) staff member to four (4) children
4 years of age	one (1) staff member to eight (8) children
5 years of age and older	one (1) staff member to ten (10) children

In the event of a group with mixed ages, the ratio for the youngest child shall apply.

2. Adult volunteers, as well as staff persons, may be used to meet the minimum supervision ratio requirements set forth above so long as all such persons are assigned to a specific child or group of children as required above. In no event shall the number of actual staff persons present be less than that required elsewhere in these rules, including the extra staff person required for field trips.
3. No facility may take children to a swimming facility unless the operators of the swimming facility have agreed to keep a certified life guard on duty at all times the child care facility remains at the swimming facility. As an alternative, the child care facility may provide its own certified life guard provided such person is not also used to meet the minimum staff to child ratio requirements of this section. A person supplied by the facility must provide general supervision of all swimming activities during the facility's visit.
4. No child may participate in swimming activities without the express written consent of a parent, as herein defined, specifically authorizing the facility to allow the child to participate at specified locations.
5. 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.
6. 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 XIX.  
SPECIALIZED CHILD CARE FOR THE MILDLY ILL – ADDITIONAL  
REQUIREMENTS**

In addition to the requirements set forth in Articles I through XVIII, and Articles XX and XXI herein, the following requirements shall apply to facilities providing specialized child care for mildly ill children.

**A. General Information.**

**(1) Application.**

Application must be made on a form as prescribed by the Department for such purpose and shall be submitted to the Department pursuant to Article IV (A) herein.

**(2) License.**

- (a) A license to operate a child care facility for mildly ill children is issued in the name of the owner, partnership, association, or corporation.
- (b) Facilities providing both regular child care for well children and child care for mildly ill children must procure and maintain two (2) separate licenses.
- (c) Hospitals maintaining current Joint Commission for the Accreditation of Healthcare Organizations (JCAHO) accreditation, operating hospital based child care for mildly ill children, shall be exempt from licensure under this rule.

**(3) Staff Ratios**

- (a) The following staff to child ratios are based on primary responsibility for the supervision of children and applies at all times, when mildly ill children are in care:

<b>AGE OF CHILDREN</b>	<b>STAFF RATIOS FOR CHILD CARE</b>
0 – 24 months of age	1 staff member for 3 infants
>24 months- 4 years	1 staff member for 4 children
>4 years of age	1 staff member for 6 children

**ixed Age Groups.**

- i. In groups of mixed age ranges, where one (1) or more children under one (1) year of age are in care, one (1) child care personnel shall be responsible for a maximum of three (3) children of any age group.
- ii. In groups of mixed age ranges, where one (1) or more children one (1) year of age and older are in care, the staff to child ratio shall be based on the age of the largest numbers of children within the group. When equal numbers of children in each group are in care, the most restrictive staff to child ratio shall apply.

iii. Infants shall not be commingled with non-infants.

(4) Schedule of Activities.

- (a) The facility shall include a daily schedule tailored to each child's symptoms, energy level, and parent's instructions.
- (b) The daily schedule shall be flexible and provide age appropriate activities without over stressing the children.

B. Physical Environment.

(1) Sanitation and Safety.

- (a) A child care facility for mildly ill children, if located in a regular licensed child care facility, shall utilize rooms or areas which are physically separated by floor to ceiling walls, from all other components of the regular licensed child care facility.
- (b) The physical indoor and outdoor space, and equipment designated for use by the mildly ill children, shall not be used by children and child care staff from any other component of the regular licensed child care facility.
- (c) Child care facilities for mildly ill children, which serve children with contagious diseases as defined herein, shall have separate isolation areas, ventilation systems, and entrances.
- (d) Child care programs for mildly ill children shall make provisions to prevent the participating mildly ill children from coming in contact with all other areas and components of the child care facility where well children are in care.
- (e) No animals shall be allowed on the premises of programs caring for mildly ill children.
- (f) No narcotics, alcohol, or other impairing drugs shall be present or allowed on the premises, unless prescribed for any of the children in care.

(2) Outdoor play space.

Child care facilities for mildly ill children are not required to provide outdoor play space. Should a facility choose to provide outdoor play space, it shall be physically separated from that space provided for well children. The play area and all equipment shall meet all safety requirements as specified in Article X(C) and Article X(I) of these rules.

(3) Napping and Sleeping Space.

- (a) Linens, if provided by the facility, must be sanitized daily, and more often if soiled or dirty. Linens and blankets must be provided when children are napping or sleeping.
- (b) A minimum of 3 feet separation between bedding must be maintained at all times bedding is in use. Exit areas must remain clear in accordance with fire safety regulations.

(6) Toilet and Bath Facilities.

- (a) Child care facilities for mildly ill children shall provide toilet and bath facilities, which are easily accessible and at a height usable by the children. Platforms are acceptable when safely constructed and easily cleaned and sanitized.
- (b) The facility shall provide a minimum of one (1) toilet and one (1) hand wash sink for every ten (10) children.
- (c) Toilet and bath facilities shall be designated for the exclusive use of the mildly ill children in care and their caregivers, and shall be accessible from within the room where care is being provided. If the specialized child care facility for mildly ill children is located within a child care facility, the toilet and bath facilities used by the mildly ill children and their caregivers shall be separate from those utilized by children and caregivers from other components of the child care facility. Staff bathrooms shall be located within the mildly ill care area and shall be designated and separate from those bathrooms used by children.
- (d) Toilet and bath facilities shall provide privacy to all users.
- (e) Children must receive direct supervision and care in accordance with required needs and be accounted for at all times, including but not limited to periods while bathing or using the toilet facilities.
- (f) Running water, disposable towels, liquid soap and trash receptacles shall be available at each handwash sink, and be available to and within reach of children. Toilet paper shall also be available to and within reach of children using the toilet facility.
- (g) Each basin and toilet must be sanitized after each use.
- (h) Hand washing sinks shall not be used for food service preparation or food clean up.
- (i) There shall be a handwash sink supplied with hot and cold running water in any room where the dispensing of medicines or portioning of nutritional supplements occurs. This sink shall not be used for handwash following diaper changing activities.

### C. Personnel Requirements.

#### (1) Minimum Age Requirements.

No person under the age of eighteen (18) shall be allowed to provide care for mildly ill children.

#### (2) Minimum Training Requirements.

- (a) All child care personnel caring for mildly ill children shall have current certification in infant and child cardiopulmonary resuscitation and first aid prior to caring for the

children at the facility.

- (b) In addition to the forty (40) hour child care course, all child care personnel caring for mildly ill children shall complete eight (8) hours of annual in-service training relating to care of sick children and the prevention of communicable diseases. Operators or Directors shall complete at least two (2) hours of training relating to sick children as part of their eight (8) hours annual in-service training.

#### D. Health and Safety

##### (1) General Requirements.

- (a) Following personal hygiene procedures for themselves or when assisting others, employees, volunteers, and children shall wash their hands with soap and running water, drying thoroughly with disposable towels. Only soap from a liquid soap dispenser shall be used for hand washing.
- (b) A child care facility for mildly ill children shall ensure that safe drinking water and other fluids consistent with the child's physical condition are available at all times to all children in care. Drinking fountains shall not be used.
- (c) Only single-service articles may be used for eating and drinking. Children may bring labeled items for their exclusive use, which must be returned to the parent or legal guardian on a daily basis.

##### (2) Diapering Requirements

- (a) A changing table with an easily cleanable impervious surface and hand washing facilities, which include a basin with hot (not to exceed 110 degrees Fahrenheit) and cold running water, disposable towels, towel dispenser, disposable gloves, liquid soap, and plastic-lined trash receptacle, shall be available in the infant room or in the room where children with special needs in diapers are in care. Such hand wash sink shall be immediately adjacent to the changing table, inaccessible to children, and shall be used exclusively for staff's hand washing following diaper changing activities.

Hands shall be washed and dried thoroughly after each diapering or toileting procedure to prevent the transmission of diseases or illnesses to other children in the facility's care

- (b) Diaper changing shall be in a separate area from the feeding or food service area.
- (c) When children require cloth diapers, only those brought from the child's home may be used, and must be returned to the parent at the end of the day.
- (d) Soiled cloth diapers shall be emptied of feces in the toilet and placed in a securely covered, plastic-lined container which is not accessible to children. The container shall

be emptied and sanitized daily.

- (e) Disposable gloves shall be used during all diaper changing activities. Gloves shall be discarded after use on each child, following disposal of disposable diapers or rinsing and sanitizing of cloth diapers. After gloves are discarded, personnel shall wash their hands and the hands of the child prior to sanitizing the diaper changing station.

### (3) Equipment and Furnishings - Indoor Equipment

- (a) A child care facility for mildly ill children shall make available toys, equipment and furnishings suitable to each child's age and development and of a quantity for each child to be involved in activities.
- (b) Toys, equipment and furnishings must be safe and maintained in a sanitary condition. All furnishings shall be made of impervious materials, smooth and easily cleanable.
- (c) All washable toys, equipment and furniture used for one (1) group of children with similar diagnosis in a child care facility for mildly ill children shall be washed and disinfected before being used by another group of children.
- (d) Non-washable toys brought from home may not be shared, and shall be sent home daily.
- (e) All trash receptacles and waste paper bins within the facility shall be of the hands-free type.

### (4) Fire Safety.

- (a) Unless statutorily exempted, all child care facilities for mildly ill children shall conform to state standards adopted by the State Fire Marshal, Chapter 69A-36, Florida Administrative Code, Uniform Standards for Life Safety and Fire Prevention in Child Care Facilities, as amended or replaced, and shall be inspected annually by the Fire Authority having jurisdiction. A copy of the current and approved annual fire inspection report by a certified fire inspector must be on file with the Department.
- (b) Child care facilities for mildly ill children shall conduct monthly fire drills when children are in care, in accordance with the requirements contained in Article X (G)(5) of these rules. However, subject to local fire authority's approval, evacuation of the premises shall not be required. However, facilities shall ensure that the children are taken at least to the point of exit. A current attendance record must accompany staff during a drill or actual evacuation and be used to account for all children.

### (5) Emergency Procedures.

- (a) At least one (1) first aid kit containing materials to administer first aid must be maintained on the premises of all child care facilities for mildly ill children, at all times. Each kit shall be in a closed container and labeled "First Aid". The kit(s) shall be accessible to the child

care staff at all times and must include components and be maintained as specified in Article XIII (A) of these rules.

(b) Procedures and Notification

- (i) Parents shall be notified immediately in the event of any significant change in a child's illness or symptoms, accident or injuries sustained at the facility, which are more serious than minor cuts and scratches, and their specific instructions regarding action to be taken under such circumstances shall be obtained and followed. If the parent cannot be reached, the facility operator will contact those persons designated by the parent to be contacted under these circumstances, and shall follow any written instructions provided by the parent on the enrollment or registration form.
- (ii) Child care facilities for mildly ill children shall make arrangements with the parent for obtaining medical evaluation or treatment for a child, if necessary as determined by the licensed health caregiver and program policies.
- (iii) Child care facilities for mildly ill children shall obtain emergency medical treatment without specific parental instruction when the parent cannot be reached, and the nature of the illness or symptoms or injury is such that there should be no delay in obtaining medical treatment, as determined by the licensed health caregiver or other qualified health professional.
- (iv) Child care facilities for mildly ill children shall call the parent immediately when a child's illness or symptoms worsen to the degree that the child meets criteria for exclusion from the program, as previously outlined herein.

(6) Dispensing of Medication.

Medication shall be returned to the parent or legal guardian at the end of each day. Medication shall be dispensed and stored in accordance with Article XIII(C)(1 & 2) of these rules.

E. Food and Nutrition

(1) Nutrition

- (a) If a child care facility for mildly ill children chooses to supply food, it shall provide nutritious meals and snacks of a quantity and quality to meet the daily nutritional needs of the children.
- (b) If a facility chooses not to provide meals and snacks, arrangements must be made with the custodial parent to provide nutritional food for the child.
- (c) Child care facilities for mildly ill children shall ensure that menus for children can be modified to meet the individual needs of each child in care. If a special diet is required for a

child by a physician, a copy of the physician's order, a copy of the diet, and a sample meal plan for the special diet shall be maintained in the child's facility file.

(2) Food Preparation Area.

- (a) All licensed child care facilities for mildly ill children, approved by the Department to prepare food, shall meet the applicable requirements as specified in Rule 64E-11, Florida administrative Code, Food Hygiene, as amended or replaced.
- (b) A kitchen area may be shared with other components of the facility. However, staff providing child care for the mildly ill children shall not be involved in food preparation.

(3) Food Service.

- (a) Children shall be individually fed or supervised at feeding and offered foods appropriate for their ages and physical condition.
- (b) All meals and snacks provided for children participating in child care facilities for mildly ill children must be served on single-service articles.
- (c) Where the facility shares kitchen amenities with the well-childcare program onsite, and food is satellited to the mildly ill childcare section, such food shall be individually plated on disposable ware, and shall not be returned to the well child care area.
- (d) There shall be a handwash sink with hot and cold running water for staff use in each area where liquid nourishment and or medications are dispensed.

F. Record Keeping

(1) Children's Records.

- (a) Each child's record shall contain a signed statement from the parent, attesting to the child's immunization status, either current or religiously exempt from immunization, as required by Rule 64D-3, Florida Administrative Code, as may be amended or replaced.
- (b) Enrollment/Registration Information: The facility operator shall obtain enrollment information from the child's custodial parent or legal guardian, prior to accepting a child in care. This information shall be documented on a current CF-FSP Form 5241, Application for Enrollment in Specialized Child Care Facilities for Mildly Ill Children, which is incorporated by reference, or an equivalent form that contains all the following information required by the Department's form:
  - (i) Child's name, age, date of birth, sex
  - (ii) Parent or legal guardian's name
  - (iii) Employer name
  - (iv) Home, work, cell and pager telephone numbers
  - (v) Person and telephone number to call in case parent cannot be reached

- (vi) Child's physician and telephone number
  - (vii) Allergies and type of reaction and specific interventions in case of allergic reaction
  - (viii) Present and past prescriptions and childhood diseases
  - (ix) Current Diet
  - (x) Special areas of concern and special needs of assistance
  - (xi) Diapering requirements
- (c) The child shall not be released to any person other than the person(s) authorized, or in the manner authorized in writing by the parent.
- (d) Children's files shall contain signed statements that the child care facility for mildly ill children has provided all of the following information to parents:
- (i) Admission policy
  - (ii) The program's infection control procedures
  - (iii) Methods for the daily care of children, including the child's progress
  - (iv) Procedures for the care and referral for a medical evaluation for children who exhibit worsening symptoms, including a listing of those symptoms
  - (v) Policy and procedure for staff communication with parents and health care providers
  - (vi) Discipline policy

### (3) Medication Records.

- (a) A written record documenting the child's name, the name of the medication, date, time, dosage to be given, and signature of the custodial parent or legal guardian, shall be maintained at the facility. This record shall be initialed or signed by facility personnel at the time the medication is dispensed.
- (b) This record shall be maintained for a minimum of twelve (12) months after the last day the child received the medication.

### (4) Other Records

Facility shall maintain for the Department's review the following:

- (a) Written records of policies and procedures, current for the calendar year, or most recent version, and
- (b) A detailed log of quarterly monitoring visits shall be maintained, dated and signed by the Health Provider Consultant. This log shall be maintained for a period of no less than two (2) years.

**ARTICLE XX**  
**CLASSIFICATION OF VIOLATIONS**

The Department will use the following classifications as a guideline for determining the severity of violations of these rules:

- A. Class I Violations: Are the most serious in nature and could result or do result in death or 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 a facility.
- B. Class II Violations: 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 within ninety (90) days (for example, a leaking roof that could collapse) and include those conditions or occurrences related to the operation and maintenance of a facility, other than Class I violations.
- C. Class III Violations: Are the least serious in nature and pose no threat to the health, safety and well-being of a child and include those conditions or occurrences related to the operation and maintenance of the facility other than Class I or Class II violations. A violation is noncompliance with any provision of §§. 402.301 - 402.319, Florida Statutes, or applicable rules.
- D. 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.
- E. 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 child care personnel, in a child care facility, or other child care program.
  - (2) Operate or attempt to operate a child care facility under a license or certificate that is suspended, revoked, or terminated.
  - (3) Misrepresent, by act or omission, a child care facility to be duly licensed or certified pursuant to this rule without being so licensed or certified.
  - (4) Make any other misrepresentation, by act or omission, regarding the licensure or certification, or operation of a child care facility to a parent or guardian 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 child care facility;
    - (b) The part of the child care facility designated for child care;
    - (c) The qualifications or credentials of child care personnel;
    - (d) Whether a child care facility complies with the screening requirements of 402.305, Florida Statutes, as amended or replaced; or
    - (e) Whether child care personnel have the training as required by 402.305, Florida Statutes, as amended or replaced.

## **ARTICLE XXI. ENFORCEMENT**

- A. 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 there under, 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. The Department will use a progressive enforcement matrix (incorporated by reference) to make recommendations to the Environmental Control Hearing Board for such fines. 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 may 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 child care facility and/or referral to the State Attorney's Office for criminal prosecution, pursuant to Chapter 77-616, Laws of Florida, as amended or replaced.
- B. Each day of violation shall be considered a separate and distinct violation.
- C. Right of Entry:  
Members of the Child Care Facilities Board and its representatives may enter and inspect child care facilities, child boarding homes, large family child care homes, or family day care facilities 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 child care facility 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 certificate or renewal made pursuant to these rules, or any advertisement to the public of child care as defined herein shall constitute permission for entry or inspection of any premises for which such license or certificate is sought in order to facilitate verification of the information submitted on or in connection with the application. In the event that a licensed or certified 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 XXI (A) herein.

- D. In addition to conspicuously posting the license, certificate of substantial compliance, or certificate of compliance, the child care facility shall post with the license or certificate:
- 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 child care personnel makes any misrepresentation in violation of Article XX (E) above to a parent who has placed a child in the child care facility, and the parent or guardian 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 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.