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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, 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. Abuse – Term used to describe injury or harm to a child in accordance with Chapter 39, Florida Statutes.
- 2. *Adult* -- A person eighteen (18) years of age or older.
- 3. **Age appropriate** - of the right size, child sized, or adapted so that a child can use safely, and suitable to the chronological age range and developmental characteristics of a specific age group of children or child. This means the materials/equipment should interest and challenge children in terms of their age and abilities. Any materials/equipment with a specified age range by the manufacturer must be followed when being used by children.
- 4. *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.
- 5. **“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)1, F.S. within the first 90 days of employment in the child care industry.
- 6. *Cardiopulmonary resuscitation* -- Current certification in infant and child cardiopulmonary resuscitation (“CPR”), an emergency procedure for sustaining breathing and heartbeat until professional help arrives.

- 63 7. **“Caterer”** means a duly-licensed food service business that provides ready-to-be-
64 served meals to a provider. A copy of the license or permit must be in the child
65 care facility and available for review by the licensing authority
66
- 67 *CDA Equivalency or State approved CDA Equivalency* -- A training program that has
68 been approved by the Department of Children & Families as meeting or exceeding
69 the criteria established for an equivalency program.
70
- 71 8. *Certificate of compliance* -- A document issued in lieu of a license to a bona fide
72 religiously affiliated child care programs that complies with the minimum standards
73 of health and safety set forth in these rules, and which apply for such certificate.
74 Unless specifically indicated in these rules, all rules and regulations applicable to
75 licensed child care facilities apply equally to certificate of compliance facilities.
76
- 77 9. *Certificate of substantial compliance* -- A document in the form of a certificate,
78 issued in lieu of a license to a non-public school for a program for children who are
79 at least three (3) years of age, but under (5) five years of age that need not be licensed
80 provided: (i) the programs in the non-public schools are operated and staffed directly
81 by the non-public schools; (ii) a majority of the children enrolled in the schools are
82 five (5) years of age or older; (iii) there is compliance with the screening requirements
83 for personnel pursuant to these rules; and (iv) the program substantially complies
84 with the minimum child care standards promulgated by these rules. All rules and
85 regulations applicable to licensed facilities apply equally to certificate of substantial
86 compliance facilities, unless specifically exempted herein.
87
- 88 10. *Child* -- A person less than thirteen (13) years of age who is related to the operator of
89 a facility regulated hereunder, and all other persons less than eighteen (18) years of
90 age.
91
- 92 11. *Child care* -- The care, protection and supervision of children for a period less than
93 twenty-four (24) hours a day on a regular basis which supplements parental care,
94 enrichment and health supervision for children in accordance with individual needs,
95 and for which compensation is received in the form of a payment, fee, grant, services,
96 or goods in kind. In addition, facilities which are held out to be establishments which
97 regularly provide child custodial care shall be deemed child care facilities regardless
98 of whether compensation is received, and be subject to the requirements herein.
99
- 100 12. *Child Care Advisory Council* -- An entity appointed by the Board of County
101 Commissioners of Palm Beach County, sitting as the Child Care Facilities Board, to
102 serve on behalf of the Board of County Commissioners as to the issuance and
103 revocation of licenses or certificates, and to advise the Board as to the rules and
104 regulations necessary to protect the health and safety of children in child care
105 facilities. The term “Council” may be used interchangeably with “Child Care
106 Advisory Council.” The Department shall serve as staff to the Council.
107
- 108 13. *Child care facility* -- Any building or shelter in which custodial care is rendered to
109 six (6) or more children, and for which compensation is received in the form of a
110 payment, fee, grant, goods or services in kind for any of the children receiving care,
111 whether or not operating for profit or which is held out to the public to be an
112 establishment which regularly provides child custodial care. The term also refers to
113 the child care operation associated with the building or shelter, and for the purposes
114 of these rules also includes specialized child care facilities for the mildly ill.
115 Establishments which obtain a certificate of compliance, or certificate of substantial
116 compliance, are also considered child care facilities for the purposes of this rule. For
117 the purposes of these rules, the term “facility” also means child care facility.
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121
- 122 14. *Child Care Facilities Board* -- The Board of County Commissioners of Palm Beach
123 County sitting as the local licensing agency to license child care facilities in Palm

- 124 Beach County. The term “Board” may be used interchangeably with “Child Care
125 Facilities Board”.
- 126 15. *Child Care for Mildly Ill Children* – The care of children with short term illness or
127 symptoms of illness or disability, provided either as an exclusive service in a center
128 specialized for this purpose, or as a component of other child care services offered in
129 a distinct part of a regularly licensed child care facility, for a period of less than 24
130 hours per day.
- 131
- 132 Child Development Associate (CDA) - A national credential, recognized throughout
133 the United States and the world, issued by the Council for Early Childhood
134 Professional Recognition in Washington, DC.
- 135 16. Child enrichment service provider - An individual who provides enrichment
136 activities, such as language training, music instruction, educational instruction, and
137 other experiences, to specific children during a specific time that is not part of the
138 regular program in a child care facility.
- 139
- 140 17. Child welfare provider – A licensed child-caring or child-placing agency.
- 141 18. Children with Special Needs—Children with or without identified disability, health,
142 or mental health conditions requiring early intervention, special education services,
143 or other specialized services, supports, or monitoring.
- 144
- 145 19. “Classroom/Room/Designated Space” means a learning space or room in which care
146 is provided or classes are held and where learning can take place uninterrupted by
147 outside distractions. The designation of space as a classroom must be reviewed and
148 approved by the licensing authority prior to its use as such. If floor to ceiling walls
149 are not present, the classroom walls must be defined by stable barriers, and must
150 adhere to the requirements for such barriers as outlined in this section
- 151
- 152 20. Commingle -- Placing or allowing children less than twenty-four (24) months of age
153 (infants) to share the same area or space with children two (2) years of age or older.
- 154
- 155 21. Conspicuously posted –Clearly visible, immediately apparent upon entering the
156 room. Lettering on such materials produced by the facility shall be bold-faced, easily
157 readable, and no smaller than one (1) inch in height.
- 158
- 159 22. Contagious disease – A type of infectious or communicable disease caused by
160 receiving living germs directly from the person afflicted with the disease, or by
161 contact with a secretion of the afflicted person, or by some object handled or used by
162 an afflicted person
- 163
- 164 23. Continuing Education Unit (CEU) – A standard unit of measure of coursework used
165 for training and credential purposes.
- 166
- 167 24. Custodial care -- Child care as previously defined herein, for the purposes of these
168 rules.
- 169
- 170 25. Department -- The Palm Beach County Health Department.
- 171
- 172 26. Director – The on-site administrator or individual who has primary responsibility for
173 the day-to-day operation, supervision, and administration of a child care facility. The
174 term is used synonymously with “operator.”
- 175
- 176 27. Director Credential -- A Florida Department of Children and Families (DCF) -
177 approved comprehensive credential that consists of educational and experiential
178 requirements as referenced in Rule 65C-22.003(8), F.A.C., as amended or replaced.
- 179
- 180 28. Disinfection – The destruction or elimination of most or all disease-causing
181 microorganisms.
- 182
- 183 29. Drop-in child care -- Child care provided in a child care facility located in a shopping
184 mall or business establishment, where a child is in care for no more than a four (4)
185 hour period, and where the parent or person leaving the child at the drop-in care

- 186 facility remains on the premises of the shopping mall or business establishment at all
187 times while the child is in care. Drop-in child care arrangements shall be licensed and
188 shall meet all the requirements for child care facilities unless specifically exempted
189 herein. Drop-in child care shall not refer to similar child care arrangements in health
190 clubs/spas/gyms, bowling alleys, athletic training/instructional facilities, or to short
191 term care in a licensed child care facility. A determination as to status as a drop-in
192 child care facility will be made by the Department on a case by case basis.
193
- 194 30. Fictitious name documentation – (1) A copy of the applicant’s, license holder’s, or
195 certificate holder’s current fictitious name registration, issued by the Division of
196 Corporations of the Florida Department of State; or (2) a written statement by the
197 applicant, certificate holder, or license holder setting forth the reason why compliance
198 with the Fictitious Name Act (section 865.09, Florida Statutes, as amended or
199 replaced) is not required.
200
- 201 31. Field trip -- Any excursions from the premises of a child care facility, excluding
202 regular transportation to and from the facility for child pick up and delivery.
203
- 204 32. First-aid training -- refers to a current certification card in a course of instruction
205 designed to provide fundamental principles, knowledge, and skills in first-aid and
206 accident prevention equivalent to the Red Cross Standard First-Aid Course. Such
207 course shall be a “hands-on course” with real time classroom instruction.
208
- 209 33. Florida Child Care Professional Credential (FCCPC) – A credential pursuant to
210 Section 402.305(3)(b), F.S., that certifies successful completion of a DCF-approved
211 training program, that consists of a minimum of 120 hours of early childhood
212 instruction, 480 contact hours with children ages birth through eight years, and at
213 least two methods of formal assessment that offers two areas of certification. “Birth
214 Through Five” (formerly the DCF-approved CDA Equivalency training programs)
215 and “School-Age” (formerly the Florida School-Age Certification). Credentials must
216 be documented on CF-FSP Form 5270, April 2006, Florida Child Care Professional
217 Credential Certificate, A copy of CF-FSP 5270 may be obtained from the Florida
218 Department of Children and Families’ website at www.myflorida.com/childcare.
219 Active credentials are valid for five years from the date of issuance. A list of
220 approved and recognized FCCPC programs may be obtained from the Department of
221 Children and Families’ website at www.myflorida.com/childcare
222
- 223 34. Florida Department of Education Child Care Apprenticeship Certificate (CCAC) – A
224 DCF approved child care credential that consists of a minimum of 120 hours of early
225 childhood instruction and 480 contact hours with children ages birth through eight
226 (8) years and meets or exceeds the requirements outlined in s. 402.305(3)(c), F.S. A
227 list of approved and recognized DOE programs may be obtained on the Department
228 of Children and Families’ website at www.myflorida.com/childcare.
229
- 230 35. Florida Department of Education Early Childhood Professional Certificate (ECPC)”
231 - A DCF- approved child care credential that consists of a minimum of 120 hours of
232 early childhood instruction and 480 contact hours with children ages birth through
233 eight (8) years and meets or exceeds the requirements outlined in s. 402.305(3)(c),
234 F.S. A list of approved and recognized DOE programs may be obtained on the
235 Department of Children and Families’ website at www.myflorida.com/childcare
236
- 237 36. Florida Department of Education School-Age Professional Certificate (SAPC)” - A
238 DCF-approved child care credential that consists of a minimum of 120 hours of early
239 childhood instruction and 480 contact hours with school-age children and meets or
240 exceeds the requirements outlined in s. 402.305(3)(c), F.S. A list of approved and
241 recognized DOE programs may be obtained on the Department of Children and
242 Families’ website at www.myflorida.com/childcare
243
- 244 37. “Food equipment” means all stoves, ranges, crock pots, microwaves, hoods, tables,
245 counters, cabinets, refrigerators, freezers, sinks, dishwashing machines, and other
246 items used in the preparation, reheating, and serving of food, with the exception of
247 utensils.

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38. “Foster Grandparents” are directly supervised volunteers who participate in the federal program pursuant to 45 Code of Federal Regulations part 2552. Foster grandparents work with one or more children with special or exceptional needs in child care programs. Foster grandparents are not counted in the staff-to-child ratio. Foster grandparents are required to have 100% attendance of the department’s following training courses: Child Care Facility Rules and Regulations; Health, Safety, and Nutrition; Identifying and Reporting Child Abuse and Neglect; and Special Needs Appropriate Practices. This requirement can be by either instructor-led or online training and does not require a competency exam. Foster grandparents must begin training within 30 days of working in the child care industry in any licensed Florida child care facility. Training must be completed within one (1) year from the date of working in the child care industry in any licensed Florida child care facility. Foster grandparents are not classified as child care personnel, and they may not be assigned the roles of teacher’s aides, group leaders, or other similar positions.
39. 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.
40. Harm – Deleterious effect on a child’s health or welfare in accordance with Chapter 39.01(35), Florida Statutes.
41. 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.
42. 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.
43. 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.
44. 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.

- 309 45. Infant -- A child less than twenty-four (24) months of age.
310
- 311 46. Isolation area – In a facility not providing specialized child care for the mildly ill, this
312 shall be a room or area, adequately ventilated and heated, provided for the temporary
313 isolation of children with communicable diseases or who are displaying signs of
314 illness and are waiting to be picked up by the parent or guardian. This room or area
315 is to be conveniently located near hand washing and toilet facilities and must be in
316 an easily observable location. Such an area or room must be provided with a cot, mat,
317 or bed consisting of materials that can be sanitized easily.
318
- 319 47. In a facility providing specialized child care for the mildly ill, this shall be a room or
320 a series of rooms within the child care facility for mildly ill children, which provides
321 separate airflow, and physical separation, from the rest of the facility. The isolation
322 area must include a separate toilet, hand washing facility and diaper changing area.
323 This area shall only be utilized when caring for children with contagious diseases.
324
- 325 48. License – A written operating permit issued to the owner of a care child care facility
326 by the department pursuant to Chapter 59-1698, Special Acts, Laws of Florida as
327 amended. This permit verifies that the child care facility complied with minimum
328 health and safety standards as set forth in these rules, and is permitted to operate in
329 Palm Beach County subject to conditions documented on the permit. Regardless of
330 the issue date, a license expires December 31 of each year. A certificate of
331 compliance or a certificate of substantial compliance may be issued in lieu of a license
332 for designated types of child care facilities.
333
- 334 49.
335 50. Licensed capacity -- The maximum number of children or infants that may be cared
336 for by a facility at any one time whether on or off facility premises. This includes
337 children away from the facility on field trips. Licensed capacity shall be based on the
338 minimum requirements of these rules including indoor usable space measurements,
339 outdoor play area measurements, as well as the number of toilets, lavatories, and
340 water fountains. For the purposes of this rule, licensed capacity is the equivalent of
341 the approved capacity in facilities receiving certificates in lieu of a license.
- 342 51. Licensed Health Caregiver –At a minimum a licensed practical nurse who has
343 knowledge and experience in the routine medical needs of mildly ill children, is
344 trained to perform the written physical assessment, and is under the direction of a
345 health provider consultant
346
- 347 52. Medication -- A drug or other substance used as a remedy for, or prevention of illness:
348
- 349 53. Recognized in the official United States Pharmacopoeia, official Homeopathic
350 Pharmacopoeia of the United States, official National Formulary, or any supplement
351 thereto;
352
- 353 54. Intended for use in the diagnosis, cure, mitigation, treatment, therapy, or prevention
354 of disease in man or other animals;
355
- 356 55. Intended to affect the structure of any function of the body of man or other animals;
357
- 358 56. Intended for use as a component of any article specified in paragraph (a), paragraph
359 (b), or paragraph (c), but does not include devices, their components, parts, or
360 accessories; or
361
- 362 57. Does not include topical non-medicated physical barriers as defined in Article XIII
363 (D).
364
- 365 58. Mildly Ill children – Children exhibiting illnesses or symptoms of illnesses which
366 have caused or would cause them to be excluded from regular child care settings, as
367 defined in Article XIV (A) herein, and who need special attention and supervision,
368 and meet the admission criteria for mildly ill programs as described in Article XV
369 (F) of these rules.
370

- 371 59. National Early Childhood Credential (NECC) - An early childhood credential,
372 pursuant to s. 402.305(3)(c), F.S, approved by the DCF and recognized by licensing
373 authorities in at least five (5) states that incorporates 120 hours of early childhood
374 instruction, 480 contact hours with children ages birth through eight (8) years and
375 includes at least two (2) methods of formal assessment. This includes the Child
376 Development Associate (CDA) credential issued by the Council for Professional
377 Recognition in Washington, DC. A list of approved and recognized NECC programs
378 may be obtained on the Department of Children and Families' website at
379 www.myflorida.com/childcare.
380
- 381 60. Nighttime care – Child care provided during the evening hours and may encompass
382 the hours of 6:00 PM to 6:00 AM to accommodate parents who work evenings and
383 late-night shifts. This term has the same meaning as “evening care” under 402.302,
384 Florida Statutes
385
- 386 61. Operator/director -- Any onsite administrator or individual of a child care facility who
387 has the primary responsibility for the day-to-day operation, supervision and
388 administration of the child care facility.
389
- 390 62. Owner -- The person(s) or entity who bear(s) legal ownership of the child care facility
391 operation or business and has ultimate responsibility for the overall operation,
392 administration and compliance with rules and regulations governing child care
393 facilities. This responsibility shall not be delegated or assigned.
394
- 395 63.
396 64. Parent -- A person with legal custody of a child in care such as a mother, father, or
397 legal guardian.
398
- 398 65. Sanitize – The application of an appropriate germicidal solution or agent to reduce
399 the number of disease-causing or other undesirable microbes by at least 99.9% on
400 nonliving surfaces or objects with which children have regular or frequent contact.
401
- 402 66.
403 67. Screening -- The act of assessing the background of child care personnel and includes,
404 but is not limited to, employment history checks, local criminal records checks
405 through local law enforcement agencies, fingerprinting for all purposes and checks
406 in this subsection, statewide criminal records checks through the Department of Law
407 Enforcement, and federal criminal records checks through the Federal Bureau of
408 Investigation; except that screening for volunteers included under the definition of
409 personnel includes only local criminal records checks through local law enforcement
410 agencies for current residence and residence immediately prior to employment as a
411 volunteer, if different, and statewide criminal records correspondence checks through
412 the Department of Law Enforcement.
413
- 413 68. School-aged child care –Child care provided for school aged children, that is, children
414 five (5) years of age and older, and provided in a manner and setting not exempted
415 elsewhere in these rules.
416
- 417 69. Serious Injury – any injury, accident or incident resulting in death or serious harm to
418 a child that requires medical attention, and includes errors in administration of
419 medication or in serving of food.
420
- 421 70. Snack –A commercially pre-packaged non-potentially hazardous ready-to-eat-food
422 item that is wrapped for individual consumption. This also includes fresh, whole,
423 uncut, ready-to-eat non-potentially hazardous fruits and vegetables.
424
- 425 71. Specialized Child Care Facilities for the Care of Mildly Ill Children -- Any child care
426 facility, which provides child care for more than five mildly ill children unrelated to
427 the operator and, which receives a payment, fee, or grant for any of the children
428 receiving care, wherever operated, and whether or not operated for profit, for a period
429 of less than 24 hours per day. Specialized child care facilities may provide care for
430 mildly ill children in a facility specialized for this purpose, or as a component of other
431 child care services offered in a distinct and separate part of a regularly licensed child
432 care facility.

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72. 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.
73. 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.
74. 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.
75. 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.
76. Summer Camp -- Recreational, educational, and other enrichment programs operated during summer vacations for children who are 5 years of age on or before September 1 and older.
77. Tableware -- Utensils used for eating, drinking, and serving food including forks, spoons, knives, bowls, cups, and serving dishes. Tableware may be either single service or multi-use.
78. 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.
79. 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 .
80. Unusual Incident -- An incident that is not normally expected to occur during the daily program of care for children, and includes, but is not limited to, serious injury to a child, sudden serious illness among children or child care personnel, temporary loss of a child by a caregiver, death of a child, disruption of utility service, loss of air conditioning, flooding, release of sewage on the ground, automobile accident while transporting children, evacuation, lockdown, or other emergency measures taken that are not practice drills, and any other incident that threatens or disrupts the normal operation of the facility or necessitates any local emergency response.

- 494 81. Usable space -- Those areas available for indoor play, classrooms, work area, napping
495 space, or sleeping space. Usable space does not include areas occupied by hallways,
496 stairways, toilet facilities, bath facilities, kitchens, offices, storage areas, permanent
497 fixtures, non-movable furniture, and other areas not used in normal day to day
498 operations. Shelves or storage for toys and other materials shall be considered usable
499 space if accessible to children.
500
- 501 82. Use Zone -- This is also called a fall zone, which is the area under and around
502 playground equipment onto which a child might land when falling from or exiting
503 the play equipment. The use zone surface should be unobstructed, covered with
504 protective surfacing material, and extend a minimum of six feet in all directions from
505 the edge of stationary play equipment.
506
- 507 83. Violation – Noncompliance with any provision of these rules or applicable provisions
508 of §§. 402.301 - 402.319, Florida Statutes, as amended or replaced.
509
- 510 84. Volunteer -- A person who assists staff in the care, protection, and supervision of
511 children who has not met all minimum training and other requirements imposed on
512 child care personnel by these rules and regulations. Unless otherwise specifically
513 provided herein, a volunteer will not be considered staff for purposes of supervision
514 and staff ratio requirements.
515
- 516 85. Weekend child care -- Child care provided on weekends, and may encompass the
517 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.

(c) 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 1st of the calendar year. Such programs are not exclusively educational, pursuant to section 409.175 (2)(), Florida Statutes, as amended or replaced.
- iii. Summer day camps as defined in section 409.175 (2) 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 1st 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

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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.

vii. Pursuant to Section 402.301(6), Florida Statutes, membership organizations affiliated with national organizations which do not provide child care, whose primary purpose is providing activities that contribute to the development of good character or good sportsmanship or to the education or cultural development of minors in this state, which charge only a nominal fee, which are for profit, and which are certified by their national associations as being in compliance with the association's minimum standards and procedures shall not be considered child care facilities. However, all personnel, as defined in s.402.302, F.S., of such membership organizations shall meet background screening requirements through the Department of Children and Families pursuant to ss. 402.305 and 402.3055, FS.

(d) Programs on School Sites. The program is located on a public/nonpublic school site; and:

1. Is operated and staffed directly by that school or through a formal agreement, such as a contract, between the school (or school district, when the latter reserves authority for such agreements) and a provider which names the school/school district as the responsible party for the operation of the program. A lease for space or user agreement, with or without the endorsement of the program by the school/school district, does not meet the formal agreement requirement.
2. Serves only the school-age children attending the school during the school day. The program may provide services during any out-of-school time, including before school, after school, on teacher planning days, holidays, and intercessions that occur during the school district's academic calendar year.
3. Follows the standards set forth by the Florida Building Code State Requirements for Public Educational Facilities pursuant to Section 402.305(5), F.S., programs operated in public school facilities, regardless of the operator.

(e) Instruction/Tutorial Programs. The program is not designated as a Gold Seal Quality Care provider and has a single instructional/tutorial purpose and that purpose is the only service that the program provides. Some examples of these programs include, but are not limited to, tutoring; a computer class; a ballet class; a karate class; baseball instruction or other sport; the program cannot provide any service beyond the instructional and tutorial/academic activity; and:

1. Does not cater, serve or prepare meals. The program may choose to provide drinks and ready-to-eat snacks that are individually pre-packaged and do not require refrigeration.
2. Does not advertise or otherwise represent that the program has attributes of child care, as defined in Section 402.302(1), F.S.
3. Enrollment information shall clearly define the duration of the instructional sessions. Session time may not exceed two hours. If tutoring is provided in multiple academic areas, the total combined session times cannot exceed three hours per day.
4. Does not contract to deliver a school readiness program pursuant to Section 1002.88, F.S.

(f) Open Access Programs. The program is not designated as a Gold Seal Quality Care provider and meets all of the following criteria:

1. Operates/Serves children for less than four hours per day; however, the program may provide services during any out-of-school time, including before school, after school, on teacher planning days, holidays, and intercessions that occur during the school district's official academic calendar year.
2. Does not advertise or otherwise represent that the program is an afterschool child care program or that the program offers supervision.

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3. Allows children to enter and leave the program at any time without permission, prior arrangements, or supervision, and the program does not assume responsibility for supervision.
 4. Does not provide transportation, directly or through a contract or agreement with an outside entity, during the hours of operation for the purposes of field trips; and,
 5. Does not serve or prepare any meals, except those provided through the USDA Afterschool Meal Program (AMP) administered by the Florida Department of Health, pursuant to Section 402.305(1)(c), F.S. Programs not participating in the AMP may choose to provide drinks and ready-to-eat snacks that are individually pre-packaged and do not require refrigeration.
 6. Does not contract to deliver a school readiness program pursuant to Section 1002.88, F.S.
- (g) Any program that is not designated as a Gold Seal Quality Care provider and is providing care for school aged children that is operated by, or in affiliation with a national membership non-profit or not for profit organization that certifies membership organizations, as of February 1, 2017, in at least ten states, that was created for the purpose of providing activities that contribute to the development of good character or good sportsmanship or to the education or cultural development of minors in this state, that charges a membership fee for children and may receive grant funding for services. Such is certified by its national association as complying with the association's purposes, procedures, minimum standards and mandatory requirements for all of its before school, after school or out-of-school time programs. The program must notify the Department prior to operating and annually, thereafter, of any operation of before school, after school or out-of-school time programs, provide verification of certification and good standing by its national association for all of its before school, after school or out of school time programs, and complete an annual attestation for compliance with background screening requirements. Failure by a program to comply with such reporting, providing required verifications, and screening requirements shall result in the loss of the program's exemption from licensure.
1. The program is not designated as a Gold Seal Quality Care provider and provides child care exclusively for children in grades six through nine, and meets all of the following criteria:
 - a. 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
 - b. Allows children to enter and leave the program at any time, without adult supervision; and
 - c. 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
 - d. Does not serve or prepare any meals, except those provided through the USDA Afterschool Meal Program (AMP) administered by the Florida Department of Health, pursuant to Section 402.305(1)(c), F.S. Programs not participating in the AMP may choose to provide drinks and ready-to-eat snacks that are individually pre-packaged and do not require refrigeration.
- (h) 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.
- (i) The following programs for children shall be considered child care and shall be subject to the provisions of these rules:
1. Public Schools
 - a. Programs for children who are under five (5) years of age where the programs are not operated and staffed directly by the schools.

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- b. 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.
 - c. Programs for children who are under five (5) years of age where the programs are not operated during the regular school day hours.
2. 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.
 - a. After demonstrating to the 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.
 - b. 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.
 - c. Before- and after-school program's enrollment will not be counted in determining the majority of the children in non-public schools.
- (j) School-age program providers determined by the Department to be exempt from licensing shall submit prior to operating, annually thereafter, and upon the request of the Department, an Affidavit of Compliance with background screening requirements, and providers must attest that the program continues to operate in the manner as presented to the Department for the licensure or exemption determination. Prior to any changes in operation, the program shall submit a written notification to the Department outlining the proposed changes for a redetermination along with any applicable administrative fee. Failure by a program to comply with such reporting, providing required verifications, and screening requirements shall result in the loss of the program's exemption from licensure.

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

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- (i) In accordance with Chapter 59-1698, Special Acts, Laws of Florida, as amended, the Palm Beach Board of County Commissioners, sitting as the Child Care Facilities Board, shall appoint a Child Care Advisory Council. Members of the Child Care Advisory Council shall serve at the pleasure of the Board of County Commissioners and may be removed without cause at any time. The Council shall be composed of seven members consisting of the following:
 - (a) Two members who represent and operate as a private enterprise a facility regulated hereunder; one of whom operates a family day care home or a large family child care home (Seats 1 and 2, respectively).
 - (b) One member who represents and operates a parochial facility regulated hereunder (Seat 3).
 - (c) One member who represents a consumer protection enforcement official (Seat 4).
 - (d) One member for fire protection, engineering, or technology (Seat 5).
 - (e) One member who at the time of appointment was a parent of a child in a facility regulated hereunder (Seat 6).
 - (f) One member who represents the Department of Children & Families (Seat 7)
 - (ii) Council members appointed by the Board of County Commissioners serve three-year terms, with a limit of three (3) consecutive terms. With the exception of the Department of Children & Families representative, no member of the Council may serve more than three consecutive three year terms. Any vacancy occurring during a term shall be filled for the unexpired portion of the term and shall not count towards the member's term limits. Council members must reside in the County at the time of appointment and while serving on the Council.
 - (iii) The Council shall be subject to the uniform policies and procedures established by the Board of County Commissioners as currently set forth in Resolution R-2013-0193, as may be further amended by action of the Board of County Commissioners.
 - (iv) A quorum must be present for all Council meetings. A majority of the members appointed shall constitute a quorum. All Council meetings shall be governed by Robert's Rules of Order.
 - (v) Council members shall be governed by the applicable provisions of the state Ethics Code and the applicable provisions of the Palm Beach County Code of Ethics.
 - (vi) Council members shall be automatically removed for lack of attendance. Lack of attendance is defined as a failure to attend three consecutive meetings or a failure to attend more than one-half of the meetings scheduled during a calendar year.. Participation for less than three-fourths of a meeting shall be the same as a failure to attend a meeting. Members removed pursuant to this paragraph shall not continue to serve on the Council, and such removal shall create a vacancy, unless otherwise provided by statute or other binding rule. Special meetings shall not be counted towards the attendance requirements.
 - (vii) In the event that any council member is no longer a qualified elector, or the member is convicted of a felony or an offense involving moral turpitude while in office, the Child Care Facilities Board shall terminate the appointment of the member.
 - (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

825 of a tie vote, the motion shall fail. No member shall abstain from voting unless
826 the member has a voting conflict pursuant to State of Florida law.
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828 (ii) Robert's Rules of Order:
829 All meetings shall be governed by Robert's Rules of Order.
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832 (e) Meetings
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834 (i) The location of all meetings shall be in Palm Beach County, Florida.
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836 (ii) If a matter is postponed due to lack of a quorum, the item shall be scheduled
837 to the next regularly scheduled meeting, unless a Special Call meeting is
838 convened.
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840 (iii) Special Call meetings may be called by the Chair of the Council, in writing by
841 a majority of the members of the Council or orally by a majority of the
842 members of the Council at any meeting.
843
844 (iv) All meetings and public hearings shall be open to the public.
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846 (v) All meetings shall be set for time certain after due public notice. Due public
847 notice shall include notification that a record is required to appeal a final
848 decision of the Council pursuant to F.S. § 286.0105, as amended or replaced.
849
850 3. The director of the Department or his/her representative is charged with the administration
851 and financial responsibility of carrying out the duties of the Board, including, but not limited
852 to, issuing licenses or certificates after approval and inspecting child care facilities, as
853 required by these rules and regulations.
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855 4. License Application
856 Application for a child care facility license, certificate of compliance, or certificate of
857 substantial compliance shall be made in writing on a form, and containing such information,
858 as prescribed by the Department. The application for licensure is not complete until all
859 required information and supportive documentation are submitted to the department.
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861 All applications for new facilities, change of ownership, relocation, addition of service,
862 change in use or increase in capacity of facilities must be submitted to the Department for
863 review prior to licensure or issuance of applicable certificate. Applications, with the required
864 substantiating documentation, must be submitted to the Department at least three (3) weeks
865 prior to the scheduled monthly meeting of the Palm Beach County Child Care Advisory
866 Council. An application for change of ownership means an application for licensure or
867 certificate on a currently approved facility from any person or persons, including
868 corporations and other distinct entities, other than the current license holder or certificate
869 holder.
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871 Applications for certificate of substantial compliance shall likewise be submitted to the
872 Department with substantiating documentation for review and approval prior to the
873 Department's issuance of said certificate. In lieu of an application form, applicants for
874 certificate of substantial compliance shall submit a completed non-public school &
875 preschool program information form.
876
877 In the case of corporate ownership, a change of ownership shall include each time the stock
878 ownership is changed so as to effectively put the child care facility under new management
879 or control, as evidenced by a change in corporate officers, corporate directors and/or facility
880 directors. A change of ownership does not occur within the meaning of this rule if the
881 existing corporate entity, with or without the execution of a Name Change Amendment,
882 makes no changes which effectively place the child care facility under new management or
883 control, as set forth above, and the child care facility has no record of adjudicated Class 1
884 Violations, and is not currently under a Corrective Action Plan. Applicants for a change of
885 ownership must attest that the transaction was not entered into for the purpose, **motivated at**
886 **least in part,** of erasing the facility's violation history. Where the Department finds that an

887 application for a change of ownership involved a non-arm's length transaction entered into
888 for the purpose of erasing the violation history of a facility, the Department will ensure that
889 the violation history of the previous owner applies under the new ownership.
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891 The following documentation must accompany the completed applications or completed
892 non-public school & preschool program information forms (Substantial Compliance
893 Application Forms):
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- 895 a) A satisfactory facility inspection report documenting that the facility is in
896 compliance with all applicable child care licensing standards.
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- 898 b) A letter from a physician stating that the applicant is physically qualified to care
899 for children and free of tuberculosis as indicated by an approved TB risk
900 assessment and/or skin test or chest X-ray administered within the preceding six
901 (6) months.
902
- 903 c) Proof of ownership of the real property. A copy of the recorded property deed or a
904 current tax bill will serve as proof of ownership and a lease agreement or
905 management agreement (if applicable).
906
- 907 d) A copy of the Certificate of liability insurance. The certificate holder is to be the
908 Department.
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- 910 e) A copy of the Certificate of insurance evidencing the required coverage for
911 worker's compensation, or a notarized affidavit attesting that worker's
912 compensation insurance is not applicable. The certificate holder is to be the
913 Department.
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- 915 f) Notarized statements attesting to good moral character of the owner and, if not the
916 same person, of the operator.
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- 918 g) Proof of Level 2 screening clearance for owner, applicant, operator, and
919 employees.
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- 921 h) Evidence of completion by the owner and operator of the pre-licensing workshop
922 conducted by the Department.
923
- 924 i) Five-year employment history and listing the name, address and phone number of
925 the three (3) persons submitting character references.
926
- 927 j) Three (3) letters of character references, two (2) must be -unrelated to the applicant.
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- 929 k) Two sets each of facility floor plans and site plans that have been reviewed and
930 approved by the Department.
931
- 932 1. All new establishments shall submit two (2) sets of current permitted
933 construction plans of the total facility indicating exits, windows and essential
934 equipment with the application to operate a child care facility. Two (2) sets of
935 the site plan must be submitted showing location of the building thereon, and
936 accurately depicting all relevant site features. The site plan must be the most
937 current site plan approved by the local zoning and building authorities.
938
- 939 2. Before any alterations or modifications to an existing facility may be made,
940 plans must be submitted to the Department showing the existing configuration
941 and proposed changes. Scale on all drawings shall not be less than 1/8 inch =
942 1 foot. The plans must contain front, side and rear elevations. All plans must
943 be of professional quality. For change of ownership of existing facilities, two
944 (2) sets each of a current floor plan and site plan must be submitted with the
945 application.
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- 947 3. Any existing facility providing a new or relocated service including a change
948 of ownership, must comply with the Palm Beach County Rules and

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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) Verification of current Director Credential for facility operator/director for applicants for child care facility license or certificate of compliance.
 - n) 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.
- a. 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.
 - b. 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.
 - c. Whenever a licensed facility or a certificate of compliance facility is sold or the ownership or location 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.
 - d. 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

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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.

- e. Whenever the operator of a facility changes, the Department must be notified in writing prior to or at the time of the change.
 - f. In accordance with section 402.305(18), Florida Statutes, at least one week prior to a transfer of ownership, control, or operation of a child care facility, 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 by individual letters or flyers, or by notices posted conspicuously at the facility.
7. Applicants for licensing must submit all required documentation and satisfy all other licensing requirements within 120 days after the initial submittal of the application. Applicants who fail to comply with this requirement will be deemed to have withdrawn the application. Such applicants may reapply for licensure.
8. 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.
9. License Renewal
Unless revoked or surrendered, all licenses or certificates of compliance or certificates of substantial compliance shall expire on the anniversary date of the issuance of the initial license. All applications for renewal for the following year must be completed and filed with the Department no later than 45 days before the expiration of the current license. 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.
10. The following documents must accompany the renewal application form:
- a. 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 clearance to continue working in the child care facility was verified for each current employee and volunteer.
 - b. A copy of the satisfactory current annual fire inspection report;
 - f.
 - g. 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.
 - h. Verification of a current Director Credential for the facility operator/director for applicants for a child care facility license or certificate of compliance.

- 1071 11. Any false statements, information, or material omissions contained in the renewal application
1072 may be grounds for denial or revocation. All licenses or applicable certificates shall be issued
1073 only upon submission of completed renewal application documentation, payment of required
1074 fees, and completion of current satisfactory inspection of the facility by the Department.
1075
- 1076 12. Failure to submit a complete Application for a License to Operate a Child Care Facility for
1077 renewal of an annual license at least 45 days prior to the expiration date of the current license
1078 constitutes a licensing violation. The department shall issue a Notice of Administrative
1079 Action imposing a fine of \$100.00 for the first occurrence, \$200.00 for the second occurrence,
1080 and \$300.00 for each subsequent occurrence within a five year period.
1081
- 1082 13. A license or applicable certificate may not be transferred or assigned and shall be void when
1083 ownership or possession of the child care operation changes. A license or applicable
1084 certificate shall be valid for no premises other than those for which it was originally issued.
1085
- 1086 The license or applicable certificate shall remain the property of the Child Care Facilities
1087 Board and shall be returned to the Department if void before the expiration date printed
1088 thereon. Upon approval of change of ownership, the previously approved license or certificate
1089 shall be deemed null and void, subject to payment of applicable fees and the satisfaction, by
1090 the applicant, of any conditions set forth by the Child Care Advisory Council in accordance
1091 with Article IV (A)(7) herein.
1092
- 1093 14. Upon issuance, said license or certificate shall be displayed in a conspicuous place inside the
1094 child care facility. The face of the license or certificate shall require the license or certificate
1095 holder to comply with these rules. The licensed or allowable capacity of the childcare facility
1096 shall be designated on the face of the license or certificate as well as the maximum number of
1097 infants that may be cared for at any ~~one~~ (1) time. At no time ~~may~~ shall a child care facility
1098 exceed the capacity approved by the licensing agency. No error or miscalculation leading to
1099 an overestimation of the approved capacity shall be deemed to create any right in the
1100 continuation of the overestimated number. The Department may amend the designated
1101 capacity on a license or certificate to correct any errors or reflect any changes it discovers.
1102
- 1103 15. A license, certificate of compliance or certificate of substantial compliance shall not be issued
1104 or renewed nor shall a change of ownership be approved if the applicant, licensee or certificate
1105 holder has an outstanding unpaid fine assessed for violation of these rules and regulations. In
1106 the case of an application for change of ownership for an existing child care facility having
1107 an outstanding fine, the outstanding fine shall be paid before a license or certificate is issued.
1108 For the purposes of these rules, outstanding fines refers to civil penalties assessed by the
1109 Environmental Control Hearing Board, pursuant to Chapter 77-616, Laws of Florida, as
1110 amended or replaced, and in accordance with Article XXI of these rules.
1111
- 1112 16. A child care facility license or certificate shall be issued in the name of the owner, partnership,
1113 association, or corporation
- 1114 17. If for any reason the child care facility is operating without the required annual license or
1115 certificate, the owner or operator shall post notice in a conspicuous place in the facility
1116 informing customers and visitors that the facility is operating without the required
1117 license/certificate. The notice shall be posted on the day the facility starts operating without
1118 the regular annual license/certificate, and shall not be removed until the facility receives and
1119 posts the required annual license/certificate. A regular license/certificate does not include
1120 provisional or probationary licenses.
1121
- 1122 18. Facilities or programs which received a determination from the Department to be exempt
1123 from child care licensing pursuant to Article III.13 of these rules shall post a notice in a
1124 conspicuous place at the facility and on any web page where the program services are
1125 advertised, which informs the public that the facility or program is not licensed or regulated
1126 as a child care facility by the Department.
1127
- 1128 19. All prospective owners or operators of a child care facility shall attend a pre-licensing
1129 workshop conducted by the Department prior to the application being presented to the Child
1130 Care Advisory Council for approval. A new operator or director, who assumes responsibility
1131 for a facility that is already licensed or certified, shall attend this workshop within six months
1132 of being named director of the child care facility. Other directors and credentialed staff

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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 ensure 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.

1194 3) A provisional license or certificate shall not be issued unless the operator or owner makes
1195 adequate provisions for the health and safety of the children. A provisional license or
1196 certificate shall not be issued unless the child care facility is in compliance with the
1197 requirements for screening of child care personnel, substitutes, or volunteers.

1198 (4) A provisional license or certificate shall not be issued for a period that exceeds 6 months;
1199 however, under unusual circumstances beyond the control of the applicant, it may be renewed
1200 one time for a period that may not exceed 6 months

1201 (5) The Department may issue a provisional license for a period not to exceed 6 months for a
1202 facility without a credentialed director.

1203 (6) A provisional license or certificate may be suspended or revoked if periodic inspections or
1204 review by the department indicates that insufficient progress has been made toward
1205 compliance.

1206

1207 D. Probationary License

1208 1. A probationary license indicates that the annual license is in jeopardy of being revoked or
1209 not renewed due to violations of licensing standards, and in keeping with the
1210 Department's progressive enforcement matrix. A probationary license or certificate shall
1211 not be issued as an initial license or certificate for a new facility.

1212
1213 2. A probationary status license or certificate is used as a disciplinary sanction for repeated
1214 noncompliance with licensing requirements. A probationary status license that is issued
1215 due to non-compliance within the provider's control is valid for up to six months. A
1216 probationary status license issued for this reason may not be renewed.

1217
1218 3. A probationary status license issued for non-compliance may be suspended or revoked if
1219 monthly inspections by the Department find that the provider is not in compliance with
1220 the terms of the corrective action plan, or that the provider is not making sufficient
1221 progress toward compliance with the licensing requirements.

1222
1223 4. Probation requires the licensee to comply with specific conditions intended to ensure that
1224 the licensee comes into and maintains compliance with licensing standards. Examples of
1225 such conditions are: a deadline to remedy an existing violation, a specified period during
1226 which compliance with licensing standards must be strictly maintained; and specified
1227 conditions under which the facility must operate during the probationary period.

1228
1229 5. A probationary license or certificate may be granted only by the Child Care Advisory
1230 Council on the recommendation of the Department, to satisfy the remedy prescribed in
1231 the Department's child care licensing enforcement procedures, or as an alternative to
1232 revocation of a license or certificate or denial of an application for renewal of an annual
1233 license or certificate.

1234

1235 E. Advertisements.

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1237 1. It shall be a violation of these rules for any person or entity to advertise or otherwise offer
1238 child care services without first obtaining a valid license, certificate of compliance or
1239 certificate of substantial compliance.

1240

1241 2. Any person advertising a child care facility to the public in any way or by any medium
1242 whatsoever, must include in the advertisement the facility's local agency license number or
1243 certificate number. This requirement includes, but is not limited to, advertisements in the
1244 yellow pages of the telephone directories, community bulletin boards, fliers, pamphlets,
1245 classified ads, signs, radio, television, electronic media, and other advertising media. This
1246 requirement does not apply to classified ads for employment purposes, or construction signs
1247 that merely indicate the type of facility being built and include no contact information or
1248 customer solicitation.

1249 F. Fees.

1250 No license or certificate authorizing a person or entity to operate a child care facility in Palm

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Beach County, pursuant to Chapter 2010-249, Laws of Florida, as amended, shall be issued until such person or entity has paid a fee according to the fee schedule below:

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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 any time.

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2. Child Care Food Service Approvals and Inspections: Child care facilities offering food service will have the following fees based on the type or complexity of the food service activity:

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- a. Full Food Service - \$200 - (Quarterly inspections)
- b. Limited Food Preparation: \$150 (Inspections 3 times per year)
- c. Catered Meals -Bulk Dispensing \$ 120 (Inspections 2 times per year)
- d. Catered Meals – Individually Packaged - \$100 (Inspections 2 times per year)
- e. Occasional Food Service: \$ 50 (Inspections 2 times per year)

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3. Administrative Fees:

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- a. 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.
- b. Nighttime Care and Change in Use: Child care facilities applying for nighttime care or change in use approvals shall pay an administrative fee of fifty dollars (\$50.00), in addition to the applicable license or certificate fee.
- c. Licensing Determination: Requests for child care licensure determination shall incur an administrative fee of \$50 on submission of the initial licensure questionnaire, and \$20 for each subsequent, follow-up, or annual submittal.

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2. 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 2010-249, Laws of Florida.

1290 **ARTICLE V: SUSPENSION, DENIAL OR REVOCATION OF LICENSE OR**
1291 **CERTIFICATE**

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1293 **A. Exclusion From Owning, Operating, Or Being Employed By A Child Care Facility Or**
1294 **Other Child Care Program:**

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1296 Ownership and operation of a child care facility, or employment by a child care facility may be
1297 excluded pursuant to section 402.3055(2), Florida Statutes, as may be amended or replaced.

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1299 (1) Where the Department is aware of a history of enforcement or disciplinary action
1300 involving an applicant, owner, operator, or employee of a child care facility or family day
1301 care facility, the Department shall notify the applicant, owner, or operator, in writing, that
1302 such history could be grounds for denial or revocation of a child care facility license or
1303 certificate. Pursuant to Article VII (G)(1) herein, the Department shall refer the following
1304 to the Child Care Advisory Council to make determination as to the exclusion from owning
1305 or operating a child care facility in Palm Beach County and the denial or revocation of such
1306 license or certificate:

- 1307
1308 (a) The applicant, owner, or operator of a child care facility or family day care facility
1309 whose license or certificate had been denied, revoked or suspended in any state or
1310 jurisdiction, or
1311 (b) The applicant, owner, or operator has been the subject of disciplinary action or had
1312 been fined while being the owner, operator, or employee of a child care facility or
1313 family day care facility in any state or jurisdiction.
1314
1315 (c) Should the Council's initial determination be that there are possible grounds for
1316 denial or revocation, the Council shall direct the Department to issue a notice of
1317 intent to deny or revoke in accordance with Article V herein.

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1319 **B. Intent to Suspend, Deny or Revoke a License or Certificate**

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1321 The Department shall deny, suspend, or revoke a license or certificate, or pursue other
1322 remedies including, but not limited to, the implementation of a corrective action plan and
1323 enforcement action as set forth in Article XXI herein, in addition to or in lieu of denial,
1324 suspension, or revocation for failure to comply with the standards herein.

- 1325
1326 1. When the Director of the Department has reasonable cause to believe that grounds for denial
1327 or revocation of a license or certificate exists, or when the Council has directed the issuance
1328 of a notice of intent to suspend, deny or revoke, the Director shall notify the applicant or
1329 licensee in writing, stating the grounds upon which the license or certificate is being denied
1330 or revoked.
1331
1332 2. If the applicant or licensee makes no written request for a hearing to the Child Care Advisory
1333 Council within fifteen (15) days from receipt of such notice, the license or certificate shall be
1334 deemed suspended, denied or revoked as the case may be.

1335
1336 **C. Denial, Suspension or Revocation Hearings**

- 1337
1338 1. Such hearings are not granted pursuant to Florida Statute, Chapter 120, but are granted
1339 pursuant to Special Acts, Laws of Florida, Chapter 59-1698, as amended.
1340
1341 2. If a request for a hearing is made to the Child Care Advisory Council, a hearing shall
1342 be held within sixty (60) days and shall be conducted by the Child Care Advisory
1343 Council. Either party may be granted a one-time continuance of no more than thirty
1344 (30) days.
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1346 3. All testimony shall be under oath and shall be recorded. Formal Rules of Evidence
1347 shall not apply, but fundamental due process shall be observed and govern the
1348 proceedings.
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1350 4. The Department shall provide personnel to act as Clerk to the Child Care Advisory
1351 Council for the purpose of the hearings and retention of the record.

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5. The Council shall issue its written order within fifteen (15) days of said hearing, stating that the license or certification is denied, suspended, 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.

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*.

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ARTICLE VI. PERSONNEL TRAINING & CREDENTIALING

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Child care personnel training requirements and policies contained in Section 402.305(2)(e), and the DCF Child Care Facility Handbook and are 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 below. 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

1409 by DCF, identified below:

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a. Child Care Facility Rules and Regulations;

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b. Health, Safety and Nutrition.

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c. Identifying and Reporting Child Abuse and Neglect.

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d. Child Growth and Development; and

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e. Behavioral Observation and Screening.

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

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a. Special Needs Appropriate Practices (10 hours), or

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b. Understanding Developmentally Appropriate Practices (5 hours) and one of the following courses:

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1. Infant and Toddler Appropriate Practices (5 hours)

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2. Preschool Appropriate Practices (5 hours)

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3. School- Age Appropriate Practices (5 hours)

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1427

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4. Exemptions from the Introductory Child Care Training.

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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.

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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.

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c. Child care personnel who left the child care industry not in compliance with training requirements must complete required training prior to re-employment.

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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.

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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.

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C. Early Literacy & Language Development

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1. All infant and pre-kindergarten 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. School age child care personnel meeting the requirements of 65C-22.008(4) are exempt from this requirement.

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- 1451 2. Child care personnel must complete early literacy training within 12 months of the
1452 date of employment in the child care industry. Proof of completion must be
1453 documented on the certificate of course completion, classroom transcript, or
1454 diploma. In order to meet the literacy training requirement, child care personnel
1455 must complete one of the following:
- 1456 a. One of the DCF online literacy courses available on the department’s website at
1457 www.myflorida.com/childcare; or
- 1458 b. One of the DCF-approved literacy training courses. A list of these courses may be
1459 obtained from the DCF website at www.myflorida.com/childcare. (No additional
1460 courses will be approved by DCF); or
- 1461 c. One college level early literacy course (for credit or non-credit) if taken within the
1462 last five years.
- 1463
- 1464 **D. Safe Sleep/ Shaken Baby Syndrome Training**
1465 All child care personnel, including substitutes and volunteers, who work in a facility
1466 that offers care to infants must have training regarding guidance on safe sleep
1467 practices, preventing shaken baby syndrome and abusive head trauma; recognition
1468 of signs and symptoms of shaken baby syndrome and abuse head trauma;
1469 strategies for coping with crying, fussing, or distraught child and the development
1470 and vulnerabilities of the brain in infancy in early childhood within 30 days of hire at
1471 the facility. For child care personnel, including substitutes and volunteers, to satisfy
1472 this requirement the training must be accomplished through one of following
1473 methods: the department’s Health Safety and Nutrition course, Safe Sleep course, or
1474 the Early Learning Florida’s Safe Sleep Practices. Documentation of training must be
1475 maintained on the department’s training transcript in the child care personnel record.
1476
- 1477 **E. Fire Extinguisher Training**
1478 All staff shall be trained in the use and operation of a fire extinguisher within 30 days
1479 of employment. The facility must maintain documentation that all staff have
1480 completed training.
1481
- 1482 **F. Documentation of Training.**
1483
- 1484 1. Effective October 1, 2010, the DCF Training Transcript will be the only acceptable
1485 verification of successful completion of the training programs approved by DCF.
1486 Training completion documented on CF-FSP Form 5267, March 2009, Child Care
1487 Training Course Completion Certificate, which is incorporated by reference, will no
1488 longer be accepted by the department after October 1, 2010, nor will any previous version
1489 of the form. Form CF-FSP 5267 is provided to participants upon completion of a DCF-
1490 approved training course. A copy of the DCF Training Transcript may be obtained from
1491 the DCF website at www.myflorida.com/childcare.
- 1492 2. A copy of the CF-FSP Form 5267 until October 1, 2010, or Training Transcript must be
1493 included in each staff member’s child care personnel record and maintained at each child
1494 care facility.

- 1495 3. A copy of the CF-FSP Form 5267 until October 1, 2010, or Training Transcript for the
1496 director of a child care facility must be included in the department's official licensing
1497 file.
- 1498 4. Training documented on CF-FSP Form 5267 that is not included on an individual's
1499 Training Transcript must be sent to DCF or designated representative prior to October 1,
1500 2010, to be documented on the individual's Training Transcript.
- 1501 5. As of October 1, 2010, any course completion certificate not documented on the Training
1502 Transcript may be considered invalid, requiring that the course(s) be retaken. Until the
1503 coursework is retaken and completed, child care facilities may be out of compliance with
1504 the mandated training standard.
- 1505
- 1506 G. Director Credential
- 1507
- 1508 1. Every child care facility director must have an active Director Credential. A
1509 Director Credential renewal, as documented on CF-FSP Form 5252, Florida Director
1510 Credential Certificate is active for five years from the date of issuance.
- 1511
- 1512 2. The following exceptions apply:
- 1513 a. A credentialed director is not required for facilities offering child care only during
1514 the evening hours as defined in Article XVI of these rules.
- 1515 b. The Director Credential is not required for certificate of substantial compliance
1516 facilities.
- 1517 c. Pursuant to Section 402.305(1)(c), Florida Statutes, as amended or replaced, may
1518 supervise multiple before-school and after-school sites.
- 1519
- 1520 H. Immunization & Health Records Training
- 1521
- 1522 1. Facility operators shall complete the two (2) hour Immunization & Health Records
1523 training provided by the Department within six (6) months from the date of
1524 appointment to the position of facility director.
- 1525
- 1526 I. Annual in-service training.
- 1527
- 1528 1. All child care personnel, except volunteers who work or assist intermittently less than
1529 10 hours a per month, must complete ten (10) hours of annual in-service training.
1530 There are no exemptions from the annual in-service training for child care personnel.
1531 The annual ten (10)-hour or one (1) CEU in-service training must be completed
1532 annually during the state's fiscal year beginning July1, and ending June 30.
- 1533
- 1534 2. The annual ten (10)-hour or one (1) CEU in-service training must be completed in one
1535 or more of the following areas:
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- 1537 a) Health and safety, including standard precautions;
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- 1539 b) Pediatric CPR;
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1541 c) Nutrition;
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1543 d) Child development, typical and atypical;
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1545 e) Child transportation and safety;
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1547 f) Behavior management;
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1549 g) Working with families;
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1551 h) Design and use of child-oriented space;
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1553 i) Playground safety;
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1555 j) Community, health and social service resources;
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1557 k) Child abuse;
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1559 l) Child care for multilingual children;
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1561 m) Working with children with disabilities in child care;
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1563 n) Guidance and Discipline;
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1565 o) Developing special interest centers/ spaces and environments; or
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1567 p) Literacy;
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1569 q) First Aid: this training may only be taken to meet the annual in-service
1570 requirement once every three (3) years.
1571
1572 r) Computer Technology;
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1574 s) Leadership development/program management and staff supervision;
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1576 t) Age appropriate lesson planning;
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1578 u) Homework Assistance for school age care;
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1580 v) Other appropriate course areas relating to child care or child care management
1581 which the training coordinating agencies have determined will further the aims
1582 of the training requirements.
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- 1585 3. Documentation of the in-service training must be included in the child care facilities’
1586 personnel records and recorded on a current CF-FSP Form 5268 Child Care In-Service
1587 Training Record which is incorporated by reference, and included in the child care
1588 facilities’ personnel records. College level courses that cover the topics above may also
1589 be counted to meet the annual in-service training requirement.
1590
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- 1592 J. **Staff Credentials**In accordance with Florida Statutes, § 402.305(3), as amended or
1593 replaced, every licensed child care facility must have a minimum of one (1)
1594 credentialed staff member for every twenty (20) children with one (1) of the following
1595 qualifications:
1596
- 1597 a. An active National Early Childhood Credential (NECC).
1598 b. Formal educational qualifications as cited on DCF form CF-FSP 5211
1599 c. An active Birth Through Five Child Care Credential awarded as a Florida Child
1600 Care Professional Credential (FCCPC); Florida Department of Education Child
1601 Care Apprenticeship Certificate (CCAC), or Early Childhood Professional
1602 Certificate (ECPC).
1603 d. An active School-Age Child Care Credential awarded as a Florida Child Care
1604 Professional Credential (FCCPC) or School-Age Professional Certificate (SAPC).
1605 Graduates who successfully complete a school-age training program offered by a
1606 branch of the U.S. Military will be recognized as having met the School-Age
1607 FCCPC requirement.
1608
- 1609 e. Employment History Recognition Exemption. An Employment History Recognition
1610 Exemption shall not be accepted to meet the minimum staff credential requirements
1611 for Voluntary Pre-Kindergarten (VPK) or towards a Director Credential.
1612 Applications for Employment History Recognition Exemption will not be accepted
1613 after July 1, 2006.
1614
- 1615 K. Training in First Aid and CPR
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- 1617 1. Effective July 1, 2021, all directors, drivers, and at least one adult staff member serving each
1618 group of children shall hold a current and valid certification of course completion in first aid
1619 At least one adult staff person so qualified shall be present at all times with the assigned
1620 group of children in care at the facility, or on a field trip, or while being transported. New
1621 hires will have 30 days to meet this certification requirement.
- 1622 2. Effective July 1, 2021, all directors, drivers, and at least one adult staff member serving each
1623 group of children shall hold current and valid certification of course completion in infant
1624 and child cardiopulmonary resuscitation (CPR). At least one adult staff person so qualified
1625 shall be present at all times that children are in care at the facility, or on a field trip, or while
1626 being transported. New hires will have 30 days to meet this certification requirement.

- 1627 3. Certificates of course completion are valid based on the time frames established by each
1628 First Aid and CPR training program, not to exceed three (3) years. On-line First Aid and
1629 CPR courses are acceptable to meet this standard, provided the trainings include an on-site
1630 or virtual instructor-based skills demonstration and assessment by a certified instructor.
1631 Only age-appropriate First Aid and CPR certification by a nationally-recognized provider
1632 will meet this requirement. Acceptable nationally-recognized training organizations
1633 include, but are not limited to: American Red Cross, American Heart Association, National
1634 Safety Council, and American Safety and Health Institute.
- 1635 4. Documentation that identifies staff members who have met the first aid and infant and child
1636 cardiopulmonary resuscitation (CPR) training requirements shall be kept on file at the child
1637 care facility.
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1639 **ARTICLE VII. BACKGROUND AND SCREENING REQUIREMENTS**
1640

1641 A. Initial Screening

- 1642 1. In accordance with Chapter 435, and section 402.303(3), Florida Statutes, as amended or
1643 replaced, each facility shall screen its personnel and those volunteers who assist at the
1644 facility using the Level 2 standards for screening set forth in that Chapter. Standards for
1645 screening shall also ensure that the person has not been judicially determined to have
1646 committed abuse or neglect against a child as defined in Florida Statutes, § 39.01, as
1647 amended or replaced. All individuals who own, operate, manage, control, work or assist
1648 in a child care facility, or represent the owner of a facility, including general partners, all
1649 members and managers of limited liability companies **must be screened**, except those
1650 who **do not have any role or responsibility in the management or operation of the facility,**
1651 **and are not expected to visit the facility.** All employees must be screened as a condition
1652 of employment in a child care facility.
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- 1655 2. Level 2 screening as outlined in s. 435.04, F.S., is required for all child care personnel
1656 and includes a criminal records check (both national and statewide), a sexual predator and
1657 sexual offender registry search, and child abuse and neglect history of any state in which
1658 an individual resided during the preceding 5 years. The employer/owner/operator must
1659 **initiate the screening** through the Clearinghouse prior to fingerprinting. Failure to initiate the
1660 screening may result in an invalid screening and the individual will have to be re-fingerprinted and
1661 pay the fees again. All fingerprints must be submitted and processed through the
1662 Background Screening Clearinghouse and therefore a LiveScan vendor that is
1663 Clearinghouse compatible must be used for submission of fingerprints.
1664
- 1665 3. The fingerprint results from the Federal Bureau of Investigation will be returned to DCF
1666 via the Florida Department of Law Enforcement. DCF will review both the federal and
1667 state criminal history results, along with state criminal records, national sex offender
1668 registry, Florida sex offender registry, and the Florida child abuse and neglect registry.
1669 DCF will issue an eligible or non-eligible result through the Clearinghouse upon
1670 completion of searches and results from other states, if applicable.
1671
- 1672 4. The employer/owner/operator must conduct employment history checks, including
1673 documented attempts to contact each employer that employed the individual within the
1674 preceding five years and documentation of the findings. Documentation must include the
1675 applicant's job title and description of his/her regular duties, confirmation of employment
1676 dates, and level of job performance. The employer/owner/operator must make at least
1677 three attempts to obtain employment history information. Failed attempts to obtain
1678 employment history must be documented in the personnel file and include date, time, and
1679 the reason the information was not obtained.
1680
- 1681 5. The employer/owner/operator must send a request for a search of each state's criminal
1682 records if the individual to be screened had lived outside the state of Florida within the
1683 preceding five years. (Visit www.myflfamilies.com/backgroundscreening, click on the
1684 National Records Request link to obtain instructions and forms to complete to submit a
1685 request for the search). Documentation of the date the search was requested, and the date
1686 the results were received, must be maintained in the employee's file for review by the
1687 licensing authority. Once results are received they must be forwarded to DCF
1688 Background Screening unit for review. The results may be faxed to: (850) 922-2895,
1689 emailed to: Background.screening@myflfamilies.com or mailed to: Department of
1690 Children and Families Background Screening Unit 1317 Winewood Boulevard, Building
1691 6 Floor 3, Tallahassee, Florida 32399-0700.
1692
- 1693 6. The employer/owner/operator must send a request for a search of each state's child abuse
1694 and neglect registry if the individual has lived outside the state of Florida in the preceding
1695 five years. Visit www.myflfamilies.com/backgroundscreening, click on the Out of State
1696 Abuse Registry Check link to obtain the instructions and forms to complete to submit a
1697 request for a search. Documentation of the date the search was requested, and the date the
1698 results were received, must be maintained in the employee's file for review by the
1699 licensing authority.
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7. The employer/owner/operator must conduct a search of the sexual offender/predator registry of any state the individual has lived in outside the state of Florida in the preceding five years. Visit www.myflfamilies.com/backgroundscreening, click on the Out of State Sexual Predator/Offender Registry Check link to obtain the instructions and forms to complete to submit the request for a search. Documentation of the search date, and findings from each state, must be documented in the employee's file for review by the licensing authority.
 8. The employer/owner/operator must maintain on-site at the program copies/documentation of completion of all applicable elements in the screening process for an individual in the personnel file for review by the licensing authority. In addition to proof of screening outlined above, the following supplemental documents must be on site at the facility:
 - a. A list of the names, addresses, and phone numbers of three (3) persons submitting character references for the owner(s), child care personnel, and employees. Referencers should be familiar with the qualifications, character, and dependability of the person on whose behalf the reference is being submitted.
 - b. Three (3) letters of character references for each owner, employee, and volunteer. At least two (2) of the references must not be from relatives of the person on whose behalf the letter of reference is submitted. References should provide information about the qualifications, character, and dependability of the person, and the general suitability of the person to care for children. Each reference must include the full name, phone number, and complete address of the referencer.
 9. 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. Background screening documentation must be maintained for all child care personnel as defined by Article II., which includes household members if the facility is located in or adjacent to the home of the operator.
 10. Each personnel record must have a completed CF-FSP Form 5131, Background Screening and Personnel File Requirements, which is incorporated by reference in paragraph 65C-22.001(7)(b), F.A.C.
 11. CF Form 1649A, Child Care Attestation of Good Moral Character, which is incorporated by reference in 65C-22.001(7)(a), F.A.C., must be completed for all child care personnel at the time of initial screening or upon change in employers. CF Form 1649A may be obtained from the department's website at www.myflfamilies.com/childcare. C. A copy of the eligible results, for the Level 2 screening, generated from the Clearinghouse must be on record for each personnel.
 12. A copy of the DCF letter/email informing of search conducted of the Florida's child abuse and neglect registry must be on record for each personnel screened between July 1st and December 15th of 2016.
 13. A copy of each request made to out of state child abuse and neglect registries for individuals who lived outside the state of Florida in the preceding five years.
 14. A copy of each search conducted for out of state sexual offender/predator registries for individuals who lived outside the state of Florida in the preceding five years.
 15. A copy of all background screening clearance documents for the director and owner must be included in the department's official licensing file or in accordance with the Department's requirements.
- 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

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- 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.
 4. Personnel who work with children in summer day camps and other programs serving children which are exempt from child care licensure are required to satisfy Level 2 screening requirements in keeping with Chapter 435, Florida Statutes.

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 in any 30-day period 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 visiting parents of children in Head Start programs are not required to be screened. However, full level 2 screening is required for all employees who are required to be present at the facility during any time period while children are on the premises.
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. The facility has the option of requiring such students to be screened.

D. Responsibility for Screening

1. The facility shall submit to the Department all other required documentation and related fees for screening of juveniles and certain volunteers.
2. A license or applicable certificate shall not be issued until all the owners, directors, applicants, and employees have been screened and cleared, and the Department has been notified of such results.
 - a. 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.
3. 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 requesting and forwarding out-of-state background information, and 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

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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 child care personnel 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 such 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.
6. Falsification of background screening application or screening results by or with the knowledge of the owner or director shall be a violation of these rules and grounds for denial or revocation of the child care facility's license or certificate.

F. Re-screening Required

1. A screening conducted under this rule is valid for five years, at which time a re-screen must be conducted in the same manner as the initial screening.
2. A. The five year re-screen is required for all child care personnel.
3. B. The five year re-screen must include, at a minimum, a criminal records check (both national and statewide), a sexual predator and sexual offender registry search, and child abuse and neglect history of any state in which an individual resided during the preceding 5 years.
4. C. Child care personnel must be re-screened following a break in employment in the child care industry that exceeds 90 days.
5. D. If child care personnel take a leave of absence, such as maternity leave, extended sick leave, migrant child care programs, etc. re-screening is not required unless the five year re-screen becomes 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.

All screening and rescreening must be processed using the Background Screening Clearinghouse. [go to <http://www.dcf.state.fl.us/programs/backgroundscreening/> and <https://apps.ahca.myflfamilies.com/SingleSignOnPortal/Login.aspx?ReturnURL=%2fSingleSignOnPortal%2f>]

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

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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.

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.

~~I. Registration of Child Care Personnel~~

- ~~1. Each child care operator shall register with the Department all child care personnel employed or volunteering at the facility, within 10 days of hiring or of approving such personnel to work or assist at the facility. The child care provider shall use the form(s) and procedure provided by the Department for child care personnel registration in Palm Beach County. Child care facilities shall complete initial registration of existing personnel within six months of the adoption of these rules and regulations.~~

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.

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- 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. The designated person must be competent and prepared to respond to emergencies to keep children safe. 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.H, in order to accommodate the 4-year old children.

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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.

5. **Health Examination --Staff**

- a. At the time of employment, the facility shall have on file for each staff member at the facility certification by a physician that each employee or caregiver is physically qualified to care for children. This certification shall be provided on forms provided by the Department. The medical certification shall be renewed every two (2) years, and shall include evidence of freedom from tuberculosis, as indicated by an approved tuberculosis risk assessment and/or an approved skin test or chest X-ray administered within the preceeding six (6) months.

- b. The tuberculosis risk assessment, skin test, or chest X-ray must have been administered within the preceding six (6) months. Evidence of freedom from tuberculosis shall be provided every two (2) years. The tuberculosis health requirement applies to all child care personnel which includes teachers, administrative staff, bus drivers, food service staff, custodial personnel, all other employees, substitutes, volunteers, students. If found positive and/or receiving treatment, child care personnel shall not be able to work or return to work at a child care facility without written medical authorization. These health examinations shall be documented on forms prescribed for this purpose by the Department.

- ~~c. Personnel who drive child care vehicles to transport children require an annual detailed health certification in keeping with Florida Highway Safety and Motor Vehicles medical certification requirements for drivers of commercial vehicles holding a Category C commercial license.~~

B. ~~A.~~ 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.

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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

AGE OF CHILDREN	STAFF RATIOS FOR CHILD CARE	STAFF RATIOS FOR DROP-IN CHILD CARE
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
Staff Ratios in Specialized Child Care for the Mildly Ill -- Article XIX (A)		
Staff Ratios for Field Trips with Swimming Activities & Water Play – Article XVIII (A & B)		
School Age Child Care Programs in Public Schools: Pursuant to Article X (C) (3): 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.		

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- C. Supervision
1. Children under care must be directly supervised by staff persons at all times. Direct supervision means actively 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.

- 2090 3. During nap time, supervision requires that staff be in close proximity, within line of sight and
2091 hearing of all the children. Nap time supervision, as described in this section, does not
2092 include supervision of infants, who must be supervised closely and directly at all times. At
2093 all times lighting must be sufficient to visually observe and supervise children while in care.
- 2094 4. Infants shall be held for bottle feedings until they are developmentally ready to sit in a high
2095 chair with good head control. Children shall not be left in high chairs or other types of
2096 feeding chairs outside of feeding times. The use of safety straps to prevent falls is required
2097 whenever children are placed in high chairs. There shall be no propped bottles. If a child
2098 cannot hold the bottle, then a staff person or volunteer must hold the bottle during feeding.
2099 There shall be no automatic feeding devices unless medically prescribed and documented in
2100 the child's file.
- 2101 5. Caregivers shall remain awake while children are in care.
- 2102 6. No operator, owner, volunteer, enrichment service provider, or employee of a child care
2103 facility shall be under the influence of narcotics, alcohol, or other impairing drugs, while
2104 working with children in a child care facility or program.
- 2105 7. An owner, child care personnel, volunteer, or enrichment service provider shall not allow or
2106 engage in any activity or behavior that places or is likely to place children at risk of being
2107 injured, frightened, or exposed to other harmful or inappropriate experiences.
- 2108 8. Except where specifically authorized elsewhere in these rules, volunteers may not be
2109 counted for the purposes of meeting minimum supervision and staff ratio requirements.
- 2110 9. All volunteers must be supervised by staff and their location within the facility known at all
2111 times while such volunteers are assisting at the facility. In no event shall volunteers be
2112 permitted to be left with children without the presence and supervision of staff.
- 2113 10. Commingling of infants with older children.
- 2114 a. -Infants under 12 months of age shall not be commingled with other children over
2115 24 months of age:
- 2116 b. Infants 12 months of age or older may be commingled with older children who will
2117 be less than 36 months of age by September 1 of the current year. Thus, any child
2118 who will reach 36 months of age by September 1 of the current year cannot be
2119 commingled with infants.
- 2120 c. In a room with infants 12-24 months of age, mixed with older children, one staff
2121 member shall not be responsible for more than six (6) children.
- 2122 d. In a room with infants under 12 months of age, mixed with infants 12-24 months
2123 of age, one (1) staff member shall not be responsible for more than four (4) children.
- 2124 11. Except where otherwise stated in these rules, the following staffing ratios shall apply: Where
2125 all the children are 24 months and older, the staff ratio shall be based on the age of the majority
2126 of children in the group. When there is a tie, the ratio shall be based on the requirements for
2127 the youngest child in the group.
- 2128 12. Children must not be left unattended while being diapered or when changing clothes.
2129 Children must be continuously supervised while using the toilet, lavatory, or bathing facility.
- 2130 13. During outdoor play, staff must situate themselves in the outdoor play area so that all children
2131 remain within a staff member's line of vision, and can be heard by staff. During rainfall or
2132 whenever lightning is visible on the horizon or thunder is audible, children must immediately
2133 be removed from the outdoor play area and returned to the building.
- 2134 14. ~~13~~In the absence of regular staff members, substitutes may be used provided such substitutes
2135 have met all the requirements imposed by these rules on regular staff members.
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- 2137 15. -Children must be released only to custodial parents or persons sixteen (16) years of age or
2138 older authorized in writing and listed on the enrollment form by a custodial parent.

- 2139 16. When ~~both non-handicapped and handicapped special needs~~ a group of children being served
 2140 include a child or children who require special care due to a professionally diagnosed and
 2141 documented disability or condition, , the operator shall make any necessary adjustments in the
 2142 staff ratio to ensure adequate and proper care for the group of child(ren).
- 2143 17. Where drop-in child care is provided, the child shall be in care for no more than a 4-hour
 2144 period, and the parent shall remain on the premises of the shopping mall or business
 2145 establishment at all times while the child is in care at the facility.
 2146
- 2147 18. Where drop-in child care is provided, and there are children in numbers and of an age that
 2148 only one (1) staff member need be present to maintain the staff ratios, a second staff member
 2149 shall be on hand at the facility at all times. This additional staff member shall assist in
 2150 supervision in the event of an emergency.
- 2151 19. All children under the supervision of the facility at any time, whether or not on the premises,
 2152 including children related to staff members and children away from the facility on field trips,
 2153 shall be counted in determining compliance with these rules and regulations.
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- 2155 20. Water Activity Supervision
 2156 If a facility uses a swimming pool on site or during a field trip that is more than three feet deep or uses
 2157 beach or lake areas for water activities, the following requirements must be met:
 2158 A. There must be one person with a certified lifeguard certificate or equivalent present. This person
 2159 can also serve as the additional adult to meet the requirement in 2.4.1(G) above, or
 2160 B. A certified lifeguard must be on duty and present when any children are in the swimming area.
 2161 C. Wading pools are prohibited.
 2162 D. Constant and active supervision must be maintained when any child is in or
 2163 around water. During water play activities, the supervising adult must be within an arm's length
 2164 providing "touch supervision".
 2165 E. Providers must ensure that all pools have drain covers that are in compliance with the Virginia
 2166 Graeme Baker Pool and Spa Safety Act, as referenced in Caring for Our Children Basics Health
 2167 and Safety Foundations for Early Care and Education, which is incorporated by in 65C-
 2168 22.001(7)(v), F.A.C.
 2169 F. Each swimming pool more than six feet in width, length, or diameter must be provided with a ring
 2170 buoy and rope, a rescue tube, or a throwing line and a shepherd's hook that will not conduct
 2171 electricity. This equipment must be long enough to reach the center of the pool, kept in good repair,
 2172 and stored safely and conveniently for immediate access. Child care personnel must be trained on
 2173 the proper use of this equipment.
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- 2175 21. Child Safety
 2176 A. Acts or omissions that meet the definition of child abuse or neglect provided in Chapter
 2177 39, F.S. or Chapter 827, F.S., constitute a violation of the standards in section 402.301-
 2178 .319, F.S., and will support imposition of a sanction, as provided in Section 402.310, F.S.
 2179 B. Failure to perform the duties of a mandatory reporter pursuant to Section 39.201, F.S.,
 2180 constitutes a violation of the standards in Section 402.301-.319, F.S.
 2181 C. Child care personnel must interact appropriately with children to foster a healthy, safe
 2182 environment that will encourage the child's physical, intellectual, motor, and social
 2183 development. Interactions with children that are aggressive, demeaning or intimidating in
 2184 nature are strictly prohibited.
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ARTICLE IX. DAILY PROGRAM AND DISCIPLINE

- 2186 **A. Daily program.**
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 2188 1. There must be a written daily program of scheduled activities that provide meaningful age-
 2189 appropriate experiences for the children.
 2190 2. The written plan must meet the needs of the children being served, and must include alternate
 2191 activities in case of inclement weather, and include scheduled activities that:
 2192 a. Children shall not be left in confining devices such as car seats as an alternative to active play
 2193 or adult/child interaction, supervision, or discipline.
 2194 b. Do not utilize electronic media time (television, videos, movies, or computer games) with
 2195 children younger than 2 years of age. Electronic media may only be used for educational
 2196 purposes or physical activity for children older than 2 years of age.
 2197 c. Limit electronic media time to no more than 1 to 2 hours per day for children older than 2
 2198 years of age.
 2199 3. The scheduled activities should be designed and conducted to promote emotional, social,
 2200 intellectual and physical growth; include quiet and active play, both indoors and outdoors;
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- and include meals, snacks and nap times, if appropriate for the age and the times that the children are in care. Daily activities must include structured and unstructured activities.
- a. 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.
 - b. 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.
 - c. Infants birth to 12 months should have adequate time and space to engage in activities that promote development of movement skills (tummy time, crawling, turning over, sitting, etc.). Infant seats (swings, bouncers, etc.) should be used only for short periods of time, no more than 15 to 30-minute intervals per infant and no more than two times per day that the child is in care.
4. Staff must exercise due care including universal precautions and exclusion of sick children and staff to prevent the spread of communicable diseases among children in care.
 5. Indoor and outdoor play areas and classroom space must be inspected daily for basic health and safety. Any problems observed must be corrected before the classroom or play area is used by children.
 6. The child care facility must conduct a daily health check of each child for any indication of illness, injury, or signs of suspected abuse or maltreatment. Any unusual findings must be documented and acted upon in keeping with requirements of these rules and regulations.
 7. Providers are encouraged to inform parents and legal guardians of their child's activities on a daily basis.
 8. Providers must implement program practices that promote consistency and continuity of care, especially for infants and toddlers. Early care and education programs must provide opportunities for each child to build emotionally secure relationships with a limited number of child care personnel.

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. Child Discipline.

1. The child care facility shall adopt a discipline policy consistent with Section 402.305(12), F.S., including the prohibitions listed below. The facility must have a comprehensive discipline policy that includes developmentally appropriate social-emotional and behavioral health promotion practices as well as discipline and intervention procedures that provide specific guidance on what child care personnel should do to prevent and respond to challenging behaviors. Preventive and discipline practices should be used as learning opportunities to guide children's appropriate behavioral development. The facility shall develop and comply with a written expulsion policy.
2. 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 and expulsion policies.
3. Children must not be subjected to discipline which is severe, humiliating or frightening.
4. Discipline must not be associated with food, rest or toileting,
5. Discipline must include preventative and intervention practices.
 - a. Discipline must promote positive self-esteem in children and guide children in such a way as to help each child develop self-control and assume responsibility for his or her actions through clear and consistent rules and limits appropriate to the ages and development of the children in care
 - b. Physical intervention is permitted. Physical intervention is the act of using bodily contact as a short-term immediate response to prevent children from incurring substantial or serious injury to themselves or injuring others. It may involve: picking a child up and moving him or her away from danger or conflict, holding the child's hands

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- or gently touching the body to direct their movement, rocking a child to soothe them, blocking a child's path when they are about to injure themselves or others or destroy property. This technique allows the child to regain self-control as quickly and safely as possible. A consultation with a child's parent is required if the child is not receptive to physical intervention.
- c. When a child's behavior harms or is likely to result in harm to the child, others or property, or seriously disrupts or is likely to seriously disrupt group interaction, the child may be separated briefly from the group, but only for as long as is necessary for the child to regain enough self-control to rejoin the group. The child must be placed in an area where he or she is in the view of, and can be supervised and supported by a caregiver. Interaction between a caregiver and the child must take place immediately following the separation to guide the child toward appropriate group behavior. Separation of a child from the group in a manner other than that provided for herein is prohibited.
6. Children may not be denied active play as a consequence of misbehavior.
7. . The following discipline techniques shall be prohibited in the child care facility:
- a. The use of corporal punishment/including, but not limited to:
- i. Hitting, spanking, pinching, shaking, slapping, twisting, pulling, squeezing, or biting;
 - ii. Demanding excessive physical exercise, excessive rest, or strenuous or bizarre postures;
 - iii. Compelling a child to eat or have in his/her mouth soap, food, spices, or foreign substances;
 - iv. Exposing a child to extremes temperature;
 - v. Rough or harsh handling of children, including but not limited to: lifting or jerking by one or both arms; pushing; forcing or restricting movement; lifting or moving by grasping clothing; covering a child's head.
 - vi. Physical restraint, which is the act of using force to extremely limit a child's body movements for a lengthy period of time. It involves holding a child against his or her will and putting pressure on the child's chest and or extremities in an effort to significantly restrict his/her movement, thereby making it extremely difficult for a child to move. It may also involve holding a child flat on the ground and restricting his or her body from movement.
- b. Isolating a child in an adjacent room, hallway, closet, darkened area, play area, or any other area where the child cannot be seen or supervised.
- c. Binding, tying or restrict movement, or taping the mouth;
- d. Using or withholding food or beverages as a punishment;
- e. Toilet learning/training methods that punish, demean, or humiliate a child;
- f. Any form of emotional abuse, including rejecting, terrorizing, extended ignoring, isolating, or corrupting a child;
- g. Any abuse or maltreatment of a child;
- h. Abusive, profane, or sarcastic language or verbal abuse, threats, or derogatory remarks in front of the child or about the child or child's family;
- i. Placing a child in a crib/portable crib for a time-out or for disciplinary reasons.
8. Prior to admission of a child to a child care facility, the facility shall provide the facility's written discipline and expulsion policies 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.
9. Verification that the child care facility has provided, in writing, the disciplinary and expulsion policies used by the facility shall be documented on the enrollment form, and signed by the current custodial parent or legal guardian.
10. A copy of the facility's current written disciplinary and expulsion practices must be available for review by the parents and legal guardians and the Department's representatives upon request.

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11. Staff shall be required to review the facility's disciplinary and expulsion policies and sign a written verification that such policies have been provided and reviewed.

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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.

i. This includes areas of the facility that are not normally occupied by children.

ii. New facilities must be designed so that children can enter their designated classroom or play area directly from common areas without having to pass through other occupied classrooms or space.

iii. 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.

iv. All surfaces or items, accessible to children in the child care facility shall be free of toxic substances and hazardous materials.

v. 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.

vi. 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.

3.Products that produce irritating odors or toxic fumes shall not be used while children are present. Aroma generating devices such as candles, plug-in air fresheners, and other such devices are prohibited in child care facilities.

4.Staff purses and personal items shall be inaccessible to children.

5.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. Children may participate in such programs only upon parental notification and written consent.

6.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.

7.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.

- 2384 8.An inside temperature of 72° to 82° Fahrenheit must be maintained at all times during
2385 operation of the facility.
- 2386 9.A reliable thermometer shall be provided in each major area of the facility.
- 2387 10.Non-vented or open flame heaters (including water heaters) and portable electrical heaters
2388 are prohibited.
- 2389 11.To the extent prohibited by Florida Administrative Code 65C-22.001(6) and section 3.2.C
2390 of Child Care Facility Handbook, October 2017, firearms and weapons, as defined in
2391 Section 790.001 Florida Statutes, are prohibited in any building or upon any person located
2392 on the premises, excluding federal, state or local law enforcement officers.
- 2393 12.Pursuant to Chapter 386, F.S., smoking in any form, including e-cigarettes, is prohibited
2394 within the facility, all outdoor play areas, during field trips, and in vehicles used to transport
2395 children, pursuant to Chapter 386, Florida Statutes, as amended or replaced.
2396 Owners/operators shall notify custodial parents and legal guardians, in writing, that
2397 smoking is prohibited on the premises of the child care facility.
- 2398 13.All child care facilities in Palm Beach County must comply with the same mandatory radon
2399 testing and reporting requirements as state-licensed child care facilities pursuant to section
2400 404.056(4), F.S. and section 64E-5.1208(c), F.A.C., irrespective of Palm Beach County’s
2401 designation within the Department of Community Affairs’ Florida Radon Protection Map
2402 Categories.
- 2403 14.Child care facilities shall not be physically connected to domestic residences. Facilities
2404 physically connected to domestic residences and previously approved for such operation
2405 may continue until the facility undergoes a change in operation or ownership. However,
2406 the non-conforming use may not be expanded.
- 2407 15.Alcoholic beverages, narcotics or other impairing drugs are prohibited on the premises of
2408 the child care facility.
- 2409 16.All new child care facilities shall meet not less than the requirements set forth in ~~by Section~~
2410 ~~406.1, 406.2 and 406.3, Type 5, Educational Occupancy (E) Standard Building Code, as~~
2411 ~~amended by the Florida Building Code and additional requirements of the local~~
2412 ~~government authorities having jurisdiction..~~
- 2413 17.All child care facilities shall be located at ground level (street level), unless approved
2414 otherwise by the Building and Fire authorities having jurisdiction. Unless previously
2415 approved as such, classrooms or activity areas for preschool children less than five years
2416 of age shall not be located above or below the ground floor of a child care facility.
- 2417 18.Pursuant to Florida Statutes § 402.305(5), school age programs operated in public school
2418 facilities, regardless of the operator, shall follow the standards set forth by the Florida
2419 Building Code State Requirements for Public Educational Facilities with the caveat that
2420 access to play areas be deemed safe by the Department, pursuant to Article X(C)(3) of
2421 these rules. In addition, where multiple school age child care programs are operated in a
2422 public school, the programs shall not be commingled.
- 2423 19.School age child care facilities in public schools shall comply with applicable fire and life
2424 safety codes pursuant to Chapter 69A-58, Fire Safety Standards For Educational and
2425 Auxiliary Facilities, as amended or replaced.
- 2426 20. The siting and construction of all child care facilities (electrical installation, plumbing,
2427 etc.) must conform to all applicable municipal and county building, fire and zoning codes.
2428 Design and construction of a new child care facility or modifications to an existing facility must
2429 meet the requirements of the applicable local governing body. The facility must provide current
2430 written approval from the local governing body to verify compliance with building requirements,
2431 which include construction of a new building; renovation of an existing building; or after a natural
2432 disaster causing significant structural damage, to properly evaluate and where necessary, remediate
2433 or avoid sites where’s children’s health could be compromised. The written approval must include
2434 assessments of:
- 2435 a. Potential air, soil, and water contamination on facility site and outdoor play areas;

- 2436 b. Potential toxic or hazardous materials in building construction, such as lead and asbestos;
- 2437 and
- 2438 c. Potential safety hazards in the community surrounding the site.
- 2439
- 2440 21. Child care facilities shall be located on well-drained sites and shall be easily accessible.
- 2441 They shall not be located where excessive noise, odors, dust, smoke, traffic or other unsafe
- 2442 or harmful environmental elements interfere with the children's comfort and safety.
- 2443 22. The building and property shall be free from fire hazards, including lint or dust build-up in
- 2444 heating and air conditioning vents, filters, exhaust fans, ceiling fans, and dryer vents.
- 2445 Improper storage of flammable or combustible materials, and unnecessary materials or
- 2446 equipment shall be prohibited.
- 2447 23. All openings to the outer air shall be effectively screened. When the windows or doors are
- 2448 open, buildings must have and maintain screens to prevent entrance of insect or rodent.
- 2449 Seals, gaskets, or casings around windows and doors must be free from gaps or openings
- 2450 that will allow the entry into the building of insects and rodents when the doors or windows
- 2451 are closed. Crawl spaces and soffit vents shall be screened to prevent the entry of rodents
- 2452 and other vermin. All areas of the facility must be free from infestations of insects, rodents,
- 2453 and other vermin.
- 2454 24. Floors shall have washable, easily cleanable surfaces. Floors subject to flood washing shall
- 2455 be provided with floor drains.
- 2456 25. Walls and ceilings of all rooms shall be kept clean and in good repair. Toilet room walls
- 2457 shall be of impervious material or shall be painted with enamel paint to splash level.
- 2458 26. There shall be a sanitary storage space for cots and equipment if a separate sleeping room
- 2459 is not provided, and adequate individual storage space provided for each child's personal
- 2460 belongings. Sleep mats shall be stored at a minimum of six (6) inches off the floor, and in
- 2461 a clean and orderly manner.
- 2462 27. Adequate on-site laundry facilities are to be provided as necessary: In facilities not
- 2463 providing specialized care for mildly ill children, on-site laundry facilities may be used
- 2464 provided that there is added one quarter cup of bleach per gallon of water to the final rinse
- 2465 cycle of the wash, in an effort to eliminate children's exposure to disease microorganisms.
- 2466 Arrangements with a commercial laundry are acceptable for such facilities. Facilities
- 2467 providing specialized care for mildly ill children shall not utilize an on-site laundry. In a
- 2468 facility that provides care for both well children and mildly ill children, linens and laundry
- 2469 activities for these programs shall be separate.
- 2470 28. A well-lighted and ventilated dining area shall be provided. Tables, benches, and chairs
- 2471 shall be of a convenient size and well constructed.
- 2472 29. All rooms shall be ventilated by windows or mechanical means sufficiently to prevent all
- 2473 objectionable odors and excessive condensation, and in such a manner as to avoid direct
- 2474 drafts on the children. All windows, which can be opened, and doors which may be left
- 2475 open, shall be provided with a mesh fly screen. Screens are not required for open air
- 2476 classrooms and picnic areas.
- 2477 30. The premises, both inside and out, shall be maintained in a clean and sanitary condition,
- 2478 free from health and safety hazards, and in good repair at all times.
- 2479 31. Pest control shall not take place while rooms are occupied by children or during hours of
- 2480 operation of the child care facility. Child care operators shall adopt an integrated pest
- 2481 management (IPM) program to ensure long-term environmentally sound pest suppression
- 2482 through a range of practices including pest exclusion, sanitation and clutter control, and
- 2483 elimination of conditions that are conducive to pest infestations.
- 2484 32. Stairways with a series of steps of three (3) or more must have hand-rails on each side and
- 2485 be equipped with non-skid treads. Similarly, stairs, ramps, platforms or other elevated

- 2486 walking surfaces from which there is more than a 30-inch vertical fall distance shall be
2487 protected by an effective guardrail or protective barrier.
- 2488 33.Electric fans shall be permanently installed, screened and out of the children's reach.
- 2489 34.All accessible electrical outlets shall have safety covers when not in use or be ‘tamper-
2490 resistant electrical outlets’ that have internal mechanisms to prevent children sticking
2491 objects into the receptacles.
- 2492 35.Fire extinguishers, as required by the Fire Authority having jurisdiction, shall be provided.
- 2493 36.Fire drills shall be conducted periodically, but not less than every month. A fire plan shall
2494 be posted conspicuously in each occupiable room, hallway or area, and near each
2495 telephone.
- 2496 37.Extension cords shall not be used as permanent wiring. No electrical device or apparatus
2497 accessible to children shall be located in a place that can be plugged into an electrical outlet
2498 while a person is in contact with a water source, such as a sink, tub, shower area, water
2499 table, or swimming pool.
- 2500 38.Power cords from appliances shall not be readily accessible to children. Strangulation
2501 hazards such as strings and cords on toys and window coverings which are long enough to
2502 encircle a child’s neck must be inaccessible to children in care.
- 2503 39.The use of safety glazing materials in all glass doors, tubs, shower enclosures and other
2504 hazardous locations, shall comply with Florida Statutes, §§ 553 Part III, as amended or
2505 replaced and Chapter 24 “Glass” Florida Building Code, currently adopted edition.
- 2506 40.There shall be an adequate supply of potable water, meeting the applicable quality
2507 standards of Chapters 62-550, 62-555, and 64E-8, Florida Administrative Code, as
2508 amended or replaced, and standards of Palm Beach County, as adopted under Palm Beach
2509 County Environmental Rule II.
- 2510 41.All sewage shall be centrally collected and disposed of as required by Chapter 64E-6,
2511 Florida Administrative Code, as amended or replaced, and Palm Beach County
2512 Environmental Control Rule I as amended or replaced. Portable lavatories or sinks are
2513 prohibited.
- 2514 42.There shall be a mop sink or janitorial sink available for use in all child care facilities.
- 2515 43.All child care facilities shall subscribe to a garbage collection service and comply with
2516 Chapter ~~62-701~~ 64E-15, Florida Administrative Code, as amended or replaced. Adequate
2517 garbage or refuse containers with close-fitting covers shall be provided and strategically
2518 located to provide proper storage of solid waste generated by the facility. Refuse containers
2519 must be emptied, cleaned, and disinfected regularly to maintain the premises in a clean and
2520 sanitary manner and free from related objectionable odors.
- 2521 44.Solid Waste. Garbage, trash, and rubbish shall be collected, stored, and disposed of at a
2522 frequency and in a manner that prevents a sanitary nuisance. Wet garbage shall be collected
2523 and stored in impermeable, leak proof, fly tight containers pending disposal. Outdoor waste
2524 containers must be easily cleanable and serviceable. Waste containers and the storage area
2525 shall be cleaned at frequent intervals to prevent odors and breeding places for vermin.
2526 Waste water from the cleaning of garbage containers shall be disposed of as sewage.
- 2527 45.Each child care facility shall have at least one (1) approved drinking fountain for each thirty
2528 (30) children or provide a potable water supply with a dispenser and disposable cups.
- 2529
- 2530 a. Bubbler type fountains or any arrangement whereby water falls back on the
2531 mouthpiece shall not be used.
- 2532
- 2533 b. The water jet shall be adjusted so that water clears the mouthpiece but does not
2534 splash on floor or wall.
- 2535

- 2536 c. The drain from the fountain shall not have a direct physical connection to a waste
- 2537 pipe unless the drain is trapped. Sink and water fountain combinations are
- 2538 prohibited.
- 2539
- 2540 d. All drinking fountains shall be cleaned at least daily with a germicidal or
- 2541 bacteriostatic cleaner containing no objectionable odor.
- 2542
- 2543 e. The mouthpiece, basin and exterior shall be effectively cleaned and sanitized at
- 2544 least daily. The fountain and its attachments must be maintained in good repair
- 2545 and sanitary condition at all times.
- 2546
- 2547 f. The floor and wall adjacent to the fountain shall be kept dry and clean.
- 2548
- 2549 g. Disposable cups shall not be reused.
- 2550

2551 46. Exits from the facility shall open onto safe, protected, fenced areas, or shall have active,

2552 audible alert mechanisms to alert staff as to when such doors are opened. This requirement

2553 is separate and apart from the fencing requirement in Article X (C) herein

2554 47. Control Point: For security purposes, the facility shall be configured to have a central

2555 control point to monitor persons entering or leaving the facility. Alternatively, the facility

2556 shall have a written plan for the control of persons entering and leaving the facility. Such

2557 plan shall be maintained on site at the facility, and shall be available to the Department for

2558 review upon request.

2559 48. For each child in care, there shall be a minimum of thirty-five (35) square feet of usable

2560 indoor space as herein defined. Useable indoor floor space is calculated by measuring at

2561 floor level between interior walls and by deleting space for stairways, hallways, toilets and

2562 bath facilities, permanent fixtures and non-moveable furniture. Kitchens, offices, laundry

2563 rooms, storage areas and other areas not used by children in normal day-to-day operations

2564 are not included when calculating useable indoor floor space.

- 2565 a. Indoor recreation facilities must have, at a minimum, 3,000 square feet of usable
- 2566 indoor floor space designated for indoor play or fitness activities. Such designated
- 2567 indoor play space shall be in addition to the minimum thirty-five (35) square feet
- 2568 per child of useable space per child licensed capacity.
- 2569

2570 49. Multipurpose Rooms

- 2571 A. Space that is used as a common dining area or for large group assemblies/activities
- 2572 is included in the usable indoor floor space for purposes of determining overall facility
- 2573 capacity.
- 2574 B. Common area (i.e., multiple purpose rooms or dining rooms) square footage may not
- 2575 be counted in such a manner as to expand the capacity of individual rooms in the facility.
- 2576 C. Square footage per child and room capacity are determined on a room-by-room
- 2577 basis.
- 2578 D. While a common area is being used for dining or specific large group
- 2579 assemblies/activities (special events), the applicable 35- square foot requirement of
- 2580 usable indoor floor space does not apply, although supervision and ratios must still be
- 2581 maintained. This means that for special events, the overall room capacity may be
- 2582 greater than it would be under normal use; however, the facility must maintain minimum
- 2583 square footage per child in accordance with the local fire authority requirements.
- 2584 E. Common area square footage may not be counted toward the facility's overall
- 2585 capacity unless the space is used regularly and other classroom capacity requirements
- 2586 are not exceeded.
- 2587

2588 B. Outdoor play areas.

- 2589 1. There shall be a minimum of 75 square feet of outdoor play area per non-infant child, for
- 2590 at least one-half of the total number of non-infant children for which the center is
- 2591 licensed. However, a child care facility shall not have less than 1500 square feet of
- 2592 outdoor play area.

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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 in good repair, 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. Fencing, including gates, must be continuous and must not have gaps or opening larger than 3½ inches that would allow children to exit the outdoor play area. These areas must have at least two exits, with at least one being remote from the buildings. If an outdoor play area was approved for usage by the Department prior to the effective date of this rule, no new exits are required to be added to meet this standard. However, for all new or extensively renovated facilities, or upon a change of ownership, this standard would apply and two exits must be provided.
 6. Outdoor play areas shall be located on facility property and shall be contiguous or adjoining the building or accessible by a route free from safety hazards, including but not limited to water hazards electrical equipment, and busy roadways. 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(AB)(1) of these rules.
 7. The outdoor play area shall be clean, free of litter, nails, glass and other hazards. Safety checks shall be done and documented daily to ensure that all areas of the outdoor play area are clean and free from 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.

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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 6th 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 shall not 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. Air and foam mattresses are prohibited.
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. A maximum of two sides of a napping or sleeping space may be against a solid barrier, such as the wall. The solid side of a crib does not meet the requirements for a solid barrier. 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. 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 1219, 1220 & 1221, Code of Federal Regulations 2014, as amended or replaced.

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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. Written documentation from a physician of this authorization must be on file at the facility. Documentation must include the child's name, child's date of birth, description of sleep position required, description of any equipment needed, and length of time authorization is valid.
 12. Safe Sleep
 - A. All personnel that care for infants must follow safe sleep practices as recommended by the American Academy of Pediatrics (AAP) as referenced in Caring for Our Children Basics Health and Safety Foundations for Early Care and Education, which is incorporated by reference in 65C-22.001(7)(v), F.A.C. Cribs or playpens/play yards must have tight fitted sheets and no excess bedding, which includes but is not limited to: bumper pads, hanging mobiles, quilts, comforters, pillows, stuffed animals and cushions.
 - B. All programs must have a written policy and procedure to identify and prevent shaken baby syndrome and abusive head trauma.
 - C. When napping or sleeping, young infants who are not able to roll over must be positioned on their backs and on a firm surface to reduce the risk of Sudden Infant Death Syndrome, unless an alternate position is authorized by a physician. Written documentation from a physician of this authorization must be on file at the facility. Documentation must include the child's name, child's date of birth, description of sleep position required, description of any equipment needed, and length of time authorization is valid.
 - D. Children must not be placed in the cribs, playpens, play yards or other sleeping and napping bedding with items that could pose a strangulation or suffocation risk. Cribs, playpens, play yards other napping and sleeping bedding must be placed away from window blinds, draperies or any window treatment/cover that pose a strangulation hazard.
- 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. Each child care facility shall provide and maintain toilet and bath facilities that are 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 sanitized or disinfected.
 2. ~~Newly constructed and extensively renovated facilities shall satisfy the bathroom ratios as specified in the Florida Building Code, currently adopted edition.~~ For facilities having a capacity of one to 15 children, there shall be at least one toilet and one lavatory provided exclusively for use by children. For larger facilities, there shall be one additional toilet and sink for every 30 children thereafter.
 3. Lavatories or hand sinks may be located immediately adjacent to toilet rooms and be easily and directly accessible after using the toilet. Lavatories in kitchens and infant rooms are to be supplied with hot and cold running water.
 4. Portable sinks are prohibited in child care facilities. All sinks must be supplied with potable water under pressure and plumbed in accordance with these rules and the local building code.
 5. 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.
- Existing facilities going through change of ownership or capacity increase must meet the requirements of this section.
6. All toilet seats shall be of the open-front type.
 7. Soap and towel dispensers shall be provided at all lavatories

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8. No toilet room shall open directly into a room in which food is prepared. A toilet facility may open directly into an area used by children where food is served, such as into a classroom where tables/chairs have multiple uses.
 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.
 10. The hand wash sink for diaper changing stations shall be immediately adjacent or in close proximity to the diaper change table, and allows direct access from the diaper changing area. The hand sink shall be at adult height (rim at 32 – 34 inches above the floor surface), not be accessible for use by children, and shall be used exclusively for staff’s hand washing following diaper changing activities.
 - a. This diaper changing area shall be located in the classroom, an adjoining toilet room, or area designated for two (2) year olds.
 - b. 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, cleaned and disinfected at least daily.
 11. 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.
 12. 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.
 13. Each basin and toilet must be maintained in good operating condition, and cleaned and disinfected at least daily or more frequently as needed.
 14. 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.
 15. Running water, dispensers containing toilet paper, disposable towels, and liquid or powdered soap, and trash receptacles shall be available and within reach of children using the bathrooms, including those designated for staff use. Hand drying machines are prohibited for use in bathrooms designated for children.
 16. 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.
 17. Trash containers shall be provided in each toilet room or near each lavatory for proper storage of used paper towels and other types of refuse.
- 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

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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. Unless statutorily exempted, 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 at the facility and, and a copy submitted to the Department. If the program is granted a fire inspection exemption by the local fire inspection authority, the exemption must be documented and maintained on file at the program.
2. Fire extinguishers with a minimum rating of 2A:10BC must be properly installed, serviced and maintained with current inspection tags at all times. The distance to the nearest extinguisher shall not be more than 75 feet from rooms occupied by children. A fire extinguisher must be present in areas where food is prepared.
3. Automatic range-top fire suppression systems are required in the kitchen for facilities that deep-fry food. Suppression hood systems must be maintained and inspected by a certified inspector. A copy of the current and approved annual inspection notating compliance with the Florida Fire Prevention Code as adopted in Chapter 69A-60, F.A.C, must be on file with the licensing authority.
4. 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.
5. 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 or corded 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:		561-983-9239
• Weekends, Holidays, and after normal business hours:		561-842-8811.

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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.

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4. Exits shall be clearly identified and visible at all times during operation of the child care facility. The exits shall be clearly marked, identifying the path to safety in case of an emergency. The exits must not be blocked at any time while children are in the room.
 - a.
- G. Additional Requirements for Infant care.
1. The facility shall develop and maintain written policies and operating procedures on infant care, including diapering, napping, sleeping, and feeding procedures.
 2. 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.
 3. 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.
 4. The infant room ~~is to~~ 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.
 5. 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.
 6. Potty chairs, if used, shall be in addition to the toilet requirements, and shall be cleaned and sanitized or disinfected after each use.
 7. 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.
 8. 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.
 9. 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.
 10. 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.
 11. 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.
 12. Hands shall be washed and dried thoroughly after each diapering or toileting procedure, and all surfaces touched shall be cleaned and sanitized or disinfected to prevent the spread of germs.
 13. ~~++~~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.

2950 H. Equipment -- Indoor and outdoor, furnishings and supplies.

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A child care facility shall have sufficient age-appropriate 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 enough equipment and supplies available 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. Absorbent toys, furnishings, supplies, and equipment that cannot be routinely cleaned and sanitized are prohibited.
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 minimum of 6 inches in depth of loose ground cover (such as but not limited to: mulch, shredded rubber chips, or sand) or other shock absorbing protective surface under the equipment and within the fall zone that provides resilience, and is maintained to reduce the incidence of injuries to children in the event of falls. Asphalt, concrete, hard packed dirt, hay, grass or leaves are unsuitable for use in the fall zone area.
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.
5. Equipment used for climbing shall not be placed over, or immediately next to, hard surfaces such as asphalt, concrete, dirt, grass, or flooring covered by carpet or gym mats not intended for use as surfacing for climbing equipment. All pieces of playground equipment should be placed over and surrounded by a shock-absorbing surfacing in the use zone.
6. ~~Before any new equipment is added to a previously approved play area, the equipment and its placement must be approved by the Department.~~
7. Play equipment-maintenance shall include routine checks at least daily, 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 two (2) year, and shall make such records available to the Department upon request.
8. 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.
9. All equipment used in the outdoor area shall be constructed and maintained to allow for water drainage.
10. 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. All water play equipment shall be of safe and sanitary construction, and design, location, and use approved by the Department prior to its installation.
11. 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

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A. Food Preparation Area

A food preparation area is a designated room, such as a kitchen or a designated space in a facility not normally used or accessible to the children in daily operations for indoor play, classroom, work or nap spaces, and not included when calculating usable indoor floor space.

1. A food preparation area is required for facilities that choose to prepare food in a manner consistent with the definition of "preparation of food". Specific requirements for the food preparation area include:
 - a. Ventilation provided either by mechanical or natural means to provide fresh air and control of unpleasant odors, such as a fan, vent, or open window with a screen.
 - b. Smooth, nonabsorbent food contact surfaces with no unsealed cracks or seams. Food-contact surfaces are surfaces of equipment, countertops, utensils, etc., that food comes into contact with during food preparation.
 - c. Food equipment maintained and stored in a sanitary manner and out of the reach of children.
 - d. Shielded lighting.
 - e. Nonabsorbent and easily-cleaned walls, flooring, and floor covering.
 - f. Easily cleanable and replaceable ceiling in the event of water and other damage, mildew or mold.
 - g. A separate handwashing station with hot running water, a minimum of 100 degrees Fahrenheit. The handwashing station must include a sink with running water and drainage, soap, trash can, and disposable towels or hand-drying machines that are properly installed and maintained. A handwashing sink shall not be used for any purpose other than handwashing. Handwashing stations must include posted signs visible to employees and children, demonstrating proper handwashing technique. Portable sinks shall not be used for handwashing, dishwashing, or food preparation.
 - h. Leak-proof, non-absorbent containers, covered with a tight-fitting lid, for all food waste stored inside the facility. The container must be emptied, cleaned, and sanitized or disinfected daily.
 - i. A food preparation area shall be clean and free of dust, dirt, food particles, and grease deposits.
2. Employees, volunteers, and substitutes, while working in the food preparation area, must wear proper head covering, such as a hair net or hat. To prevent contact with ready-to-eat foods, staff must use clean disposable gloves, utensils, or similar items in the food preparation area.
3. For safety, children must not be present in the food preparation area when meals and snacks are prepared unless being supervised or participating in a cooking activity.

B. Food Storage

1. Proper storage of food is essential to prevent food contamination, as well as, insect and rodent infestation. Correct handling and storage of all food is a key component in preventing food-borne illnesses. To prevent bacteria growth, cold food must be kept at or below 41 degrees Fahrenheit and hot foods at or above 135 degrees Fahrenheit.
2. Facilities choosing to prepare food must have a designated space for food storage within the designated food preparation area or in a room not calculated as part of indoor floor space, and in an area not used for diapering. Off-site food storage is permissible only if the site of storage is a licensed child care facility under the same ownership that includes a food preparation area that meets licensing standards.
 - a. Food containers, such as cans, plastic containers, boxes and bags must be stored above the floor on clean surfaces protected from splash and other contamination.
 - b. Stored food must be consumed or discarded on or before the expiration dates listed by the manufacturer.
 - c. Poisonous/toxic chemicals or cleaning products must be stored separately from food. Products must not be stored on shelves above food preparation areas and/or food products intended for human consumption, unless placed in bins that are impermeable.
 - d. Opened packages of perishable or leftover food items must be properly covered or sealed in containers or bags, labeled with the date, and properly stored and discarded within seven calendar days.
 - e. Opened packages of dried goods must be properly covered/sealed, properly stored, and discarded according to the manufacturer's recommended date or if the quality of the food has been compromised.

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- f. Refrigerators/freezers:
1. An accurate alcohol thermometer designed to measure cold storage temperature must be placed inside each refrigeration and freezer unit. Thermometers in refrigerators must show a reading of 41 degrees Fahrenheit or below, and thermometers in freezers must show a reading of 0 degrees Fahrenheit or below. The thermometer must be located in the center of the unit and be readily accessible. Thermometer temperature readings higher than specified above require further temperature testing of food samples stored in the unit using a probe type thermometer; and adjustments to the unit setting to reach and maintain the required readings must be made.
 2. Food may be frozen prior to the expiration date, but when thawed, it must be labeled with the date it was removed from the freezer and discarded within seven calendar days.
 3. Frozen food must be labeled by date and type and stored accordingly.

C. Food Safety

1. Handling of food in a safe and careful manner prevents the spread of bacteria, viruses and fungi. Outbreaks of foodborne illnesses have occurred in many settings, including child care facilities.
2. Children are at a higher risk for contracting food-borne illness, as their bodies are in the process of growing, developing, and building adequate immune systems to fight illness. While some food-borne illnesses originate at farms or food manufacturing plants, the majority are the result of poor food handling practices.
3. Foods that are associated with young children's choking incidents must not be served to children under 4 years of age; such as, but not limited to, whole/round hot dogs, popcorn, chips, hard pretzels or pretzel nuggets, whole grapes, nuts, cheese cubes and any food that is of similar shape and size of the trachea/ windpipe. Food for infants must be cut into pieces ¼ inch or smaller, food for toddlers must be cut into pieces ½ inch or smaller to prevent choking.
4. If a facility chooses to provide food to children directly or by contact with an outside source such as a caterer, the food must be free from spoilage and handled in a sanitary manner at all times. The facility must have adequate equipment available to maintain food safety.
 - a. Meat, poultry, fish, dairy products, and processed foods must have been inspected under the United States Department of Agriculture requirements.
 - b. No raw milk or unpasteurized juice may be served without the written consent of the parent or legal guardian.
 - c. No home-canned food may be served.
 - d. No homegrown eggs may be served.
 - e. Recalled food items must be discarded and removed from the facility.
 - f. All raw fruits and vegetables must be washed thoroughly before being served or cooked.
 - g. To prevent food from becoming potentially hazardous, hot foods must be maintained at a temperature of 135 degrees Fahrenheit or above, and cold foods must be maintained at temperature of 41 degrees Fahrenheit.
 - h. Food must be thoroughly cooked and/or reheated according to the following table:

Food	Minimum Internal Temperature
Fruits, Vegetables, Grains, and Legumes	135° F
Roasts (Fresh Beef, Pork and Lamb)	145° F (with a 3 minute rest time)
Fish	145° F
Eggs	Cook until yolk and white are firm
Egg dishes	160° F
Ground meats (beef, pork, and lamb) and fresh ham (raw)	160° F
Poultry- whole, parts, or ground	165° F
Leftovers	165° F
Foods cooked in microwave	165° F
Sauces, gravy, soups, casseroles	165° F

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5. If a facility chooses to provide or make available food to children in care from an outside source, such as a caterer, or a licensed child care facility under the same ownership that

- 3115 includes a food preparation area that meets licensing standards, or as the result of a
 3116 learning activity provided by a child care program, such as a garden, it is the
 3117 responsibility of the provider to ensure all food intended for consumption by a child in
 3118 care is free from spoilage and contamination and safe for human consumption.
- 3119 a. A log must be maintained for all prepared meals being transported into the
 3120 facility. The log must be retained for a minimum of 4 months. The log must
 3121 include the delivery date, time of arrival, quantity and types of food, verification
 3122 by the recipient of adequate temperatures of food, and the name and signature of
 3123 the recipient. The facility shall not accept food that is not at the appropriate
 3124 holding temperature.
 - 3125 b. If food delivered by an outside source does not meet licensing standards, the
 3126 facility must have an alternate plan for meals.
 - 3127 c. Parents and legal guardians must be advised in advance of each food-related
 3128 activity, such as special occasions and learning activities that include food
 3129 consumption. Written parental permission may be obtained in the form of a
 3130 general or specific permission slip. Documentation of parent permission for food
 3131 activities must be maintained for a minimum of four months from the date of each
 3132 activity.
- 3133
 - 3134 6. If a facility chooses not to provide meals and snacks, arrangements must be made with
 3135 the custodial parent or legal guardian to provide nutritional food for the child. In the
 3136 event that a child's parent fails to provide nutritious meals/snacks, the program must
 3137 provide supplemental food items to complete the child's meal.
 - 3138 7. If a special diet is required for a child by a physician, a copy of the physician's order, a
 3139 copy of the diet, and a sample meal plan for the special diet must be maintained in the
 3140 child's file and followed. If the custodial parent or legal guardian notifies the program of
 3141 any known food allergies, written documentation must be maintained in the child's file
 3142 for as long as the child is in care. Special food restrictions must be shared with staff
 3143 posted in an easily seen location and followed.
 - 3144 8. Meal and snack menus must be planned, written, dated, and posted at the beginning of
 3145 each week in an easily seen place, accessible to the parents. Any menu substitutions must
 3146 be noted on the menu. A generalized menu of possible snack choices for programs that
 3147 receive food donations is acceptable. All meals and snacks prepared outside of the
 3148 facility's kitchen or designated food preparation area, such as catered food, must be listed
 3149 along with the source. Daily meal and snack menus must be maintained for a minimum of
 3150 four months for licensing purposes. Operators who participate in the Child and Adult
 3151 Care Food Program (DACFP) must keep menus in accordance with the requirements of
 3152 the Department of Health and USDA.
- 3153 **D. Dishwashing and Sanitization**
- 3154 1. For facilities that prepare food, non-disposable food equipment, tableware, and utensils
 3155 utilized for food preparation must be properly cleaned by pre-rinsing or scraping,
 3156 washing, rinsing, sanitizing, and air drying. If the child care facility lacks adequate
 3157 dishwashing and sanitation described in this section for dishes, equipment and utensils,
 3158 only disposable single-use items may be used.
 - 3159 2. All single service items must be discarded after each use. Food equipment, tableware
 3160 and utensils used to prepare food must be washed and sanitized on-site except when a
 3161 catered is used and the caterer is responsible for dishwashing as evidenced by a written
 3162 agreement.
 - 3163 3. Dishwashing and sanitization must be accomplished by one of the following:
 3164 a. A dishwasher with a sanitizing cycle.
 3165 i. The dishwasher must use heat or chemical injection for sanitization.
 3166 ii. If chemical sanitization is used, the wash water temperature must be set at a
 3167 minimum of 120 degrees Fahrenheit, and the rinse water must be maintained
 3168 at 75 degrees Fahrenheit.
 3169 iii. Automatic sanitizing dispenser must be properly installed and maintained.
 3170 iv. A test kit or other device that accurately measures the concentration of the
 3171 sanitizing solution must be available and used to confirm appropriate
 3172 concentration of solution during one full cycle per day.
 3173 v. If hot water is used for sanitization, the dishwasher must achieve a
 3174 temperature of 160 degrees Fahrenheit on the surface of the
 3175 equipment/dishes/utensils being washed.
 3176 vi. The facility must have a means for measuring the required temperature either
 3177 by an irreversible registering temperature indicator (heat strip) or an external
 3178 temperature display built into the machine.

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- b. An installed three compartment sink or an installed two-compartment sink with commercial dishwashing machine:
 - i. Installed three-compartment sinks may be used to fill cooking pots and pans with water when not in use for dishwashing.
 - ii. Sinks must be sanitized before and after each use.
 - iii. The first compartment must be used for washing; the second compartment must be used for rinsing; and the third compartment must be used for sanitizing.
 - i. Chemical Sanitization.
 - a. If chemical sanitization is used, an exposure time of at least 7 seconds is required for a chlorine solution of 50 mg/L that has a pH of 10 or less and a temperature of at least 75 degrees Fahrenheit.
 - b. If other sanitizers are used, the manufacturer instructions must be strictly followed.
 - c. A test kit or other device that accurately measures the concentration of the sanitizing solution must be available and used to confirm appropriate concentration of solution during each use.
 - ii. Hot water sanitization.
 - a. If hot water is used for sanitizing, equipment/dishes/utensils must be immersed for a period of at least one-half minute in hot water at a temperature of 170 degrees Fahrenheit or above.

E. Food Handling

1. Bottles and sippy cups provided by the facility must be washed, rinsed, and sanitized between each use and shall be labeled when used to feed children.
2. Bottles and sippy cups brought from home shall be individually labeled with the child's first and last name and shall be returned to the custodial parent or legal guardian daily.
3. Milk and food must not sit out for longer than 15 minutes prior to the beginning of the meal to avoid contamination and spoilage. Food must not be served to children at more than 110 degrees Fahrenheit. Allow time for food to cool before serving to children that does not exceed 15 minutes.
4. Employees, volunteers, and substitutes, while distributing snacks and serving food, must use disposable gloves, utensils, or similar items to prevent skin contact with food.
5. Food provided by parents must be properly stored and handled in a sanitary manner at all times to prevent contamination or spoilage. If food is supposed to be kept cold, the food must be stored in a refrigerator until eaten, or parents must include ice packs to keep food cold.

F. Breastmilk, Infant Formula, and Food

1. Breastmilk and formula must be handled in a sanitary manner at all times and according to manufacturer's instructions and instructions by parents. If instructions are not readily available, child care personnel must obtain information from the World Health Organization's Safe Preparation, Storage and Handling of Powdered Infant Formula Guidelines, as referenced in Caring for Our Children Basics Health and Safety Foundations for Early Care and Education, which is incorporated by in 65C-22.001(7)(v), F.A.C.
2. The provider must make sure all formula and food brought from home are labeled with the child's first and last name. The provider is responsible for the label; therefore, if the label is not completed by the parent, the facility staff must put the label on when the formula or food is received.
3. Breastmilk or infant formula provided for a specific infant by a parent or guardian should not be fed to other children. In the event that the wrong breastmilk or formula is given to an infant in care, the provider must immediately inform the child's parent or legal guardian of the incident, as well as the parent or legal guardian of the infant that the formula or breastmilk was intended for. These incidents must be documented as an accident/incident.
1. Prepared bottles must be placed in the refrigerator immediately and used within 48 hours. All breastmilk and infant formula left in bottles after feedings must be discarded within one hour after serving an infant. Unused breastmilk may be returned to the parent in the bottle or container provided.
4. Previously opened baby food jars must not be accepted at the center. If food is fed directly from the jar by the caregiver, the jar can be used for only one feeding and the remainder discarded.
5. Providers must develop and follow procedures for the preparation and storage of expressed breastmilk that ensures the health and safety of all infants, as outlined by the Academy of Breastfeeding Medicine Protocol, and prohibits the use of infant formula for a breastfed infant without parental consent, as referenced in Caring for Our Children

Basics Health and Safety Foundations for Early Care and Education, which is incorporated by in 65C-22.001(7)(v), F.A.C.

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3249 **G. Bottle Warming**

- 3250 For optimum digestion, breastmilk and infant formula should be served at body temperature.
3251 2. Bottle warming devices and crock pots, including cords, must be kept inaccessible to
3252 children at all times.
3253 3. Devices must be maintained on the lowest possible temperature setting and must be
3254 secured in such a way as to prevent them from tipping over, splashing, or spilling.
3255 4. Any bottle warming device that has a water reservoir must be emptied, washed, and
3256 refilled each day.
3257 5. Microwave ovens shall not be used for directly warming bottles. Microwave ovens may
3258 be used to warm water in a separate container for placing the bottle in the heated water
3259 to obtain a safe and desired temperature, provided that the container of water is no more
3260 than one hundred and twenty (120) degrees Fahrenheit. Alternatively, bottles and infant
3261 foods may be warmed under running warm tap water.
3262 6. If a slow-cooking device, such as a crock pot is used for warming infant formula,
3263 breastmilk, or infant food, this slow cooking device shall not be accessible to children,
3264 shall contain water that does not exceed one hundred and twenty (120) degrees
3265 Fahrenheit. After warming, bottles and heated foods shall be mixed gently and the
3266 temperature of the contents tested before feeding to prevent injury to children.
3267 7. A caregiver shall not hold an infant or be in contact or within reach of an infant while
3268 removing a bottle or infant food from the container of warm water or while preparing a
3269 bottle or stirring infant food that has been warmed. All cooking/warming devices shall be
3270 inaccessible to children.
3271 8. Heated bottles and foods must be tested before feeding to ensure heat is evenly
3272 distributed and to prevent injury to children.
3273 9. A bottle can only be warmed once. A warmed bottle cannot be returned to the
3274 refrigerator or re-warmed.

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3276 **H. Drinking Water**

3277 Potable water shall be readily accessible in indoor and outdoor areas, throughout the
3278 day. On hot days, bottle fed infants may be given additional breastmilk or formula mixed
3279 with water provided by their parent/legal guardian. Infants should not be given plain
3280 water in the first six months of life unless directed to by the child's physician. Sink/water
3281 fountain combinations are prohibited.
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3283 **I. Other Requirements**

- 3284 1. In addition to the requirements listed above all licensed facilities shall meet requirements
3285 as specified in Chapter 64E-11, Florida Administrative Code, as amended or replaced,
3286 and other applicable state and local regulations, which relate to food preparation and food
3287 services, and must have an approved inspection report by the Department. This includes
3288 facilities participating in the Child Care Food Program or Afterschool Meals Program,
3289 and facilities, which bulk-dispense or otherwise prepare food for service. In addition, the
3290 following shall apply:
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3292 a. All cooking equipment must be provided with a hood, fan, filters and fire
3293 extinguishing equipment in compliance with applicable building and fire codes.
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3295 b. Catering service is acceptable as defined in Chapter 64E-11, Florida Administrative
3296 Code, as amended or replaced. The catering agreement between the facility and the
3297 caterer shall be maintained on site at the facility and be available for review upon
3298 request by the Department. The agreement must include details of the menus, delivery
3299 times, and delivery procedures.
3300
3301 c. Facilities constructed after September 22, 1996 must have a dispensing pantry
3302 consisting of a three-compartment sink, hand washing sink supplied with hot and cold
3303 running water, soap and towel dispenser and a refrigerator.
3304
3305 d. Where there is food preparation and or bulk dispensing, there shall be at least one
3306 person on staff with primary responsibility for food preparation, and who has
3307 completed and has current, the Food Manager's Certification, with evidence of
3308 certification on file at the facility. Pursuant to Chapter 64E-11, Florida Administrative
3309 Code, as amended or replaced, such person or persons shall complete this certification
3310 within ninety (90) days from the date of appointment. Such person or persons shall be

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on site at the facility at all times during food preparation and food dispensing activities. To ensure that the facility can maintain compliance with this requirement, there shall be more than one person on staff with current Food Manager's Certification.

- e. 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 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.
- f. The temperature of foods catered to the facility shall be checked at the time of delivery, and recorded in a log. 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 135 degrees Fahrenheit or above, and cold foods shall be held at 41 degrees Fahrenheit or lower, pursuant to, Chapter 64E-11, Florida Administrative Code, as amended or replaced.

2. The following regulations are an exception to Chapter 64E-11, Florida Administrative Code, as amended or replaced, and are required for child care facilities:

- a. Required for child care facilities is a three-compartment sink or a two-compartment sink and commercial dishwasher with an effective automatic sanitizing cycle. Machine sanitation can be accomplished by the use of chemical solutions, hot water, or hot air. After sanitization, utensils shall be air dried and properly stored. Other types of devices may be approved by the Department.
- b. Facilities preparing food onsite shall provide a food preparation sink to be used exclusively for food preparation. This sink shall be large enough for the required food preparation activities and shall be located within the food preparation area in such a manner as to facilitate sanitary food preparation activities. The food preparation sink shall be supplied with hot and cold running water under pressure, and the waste plumbed to the sanitary sewer as required.
- c. 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.
- d. Children may be allowed in the food preparation area for educational purposes and if provided direct and constant supervision.

ARTICLE XII. NUTRITION

- A. 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 2015-2020 *Dietary Guidelines for Americans*, 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. Facilities are encouraged to use guidelines in *MyPlateMyState* to incorporate the use of local and seasonal foods in menu choices.
- B. Nutrition Plan. There shall be a written agreement signed by the parent and operator and kept on file at the facility with a copy given to the parent. This agreement shall define the responsibilities of the parent and the operator for meeting the child's nutritional needs. If meals

- 3373 and/or snacks are furnished by the child's parents, this alternate nutrition plan shall be indicated
3374 in the written agreement.
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- 3376 C. Meal schedules may vary based on the duration of time the child is in care, but shall be at a
3377 minimum as follows:
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- 3379 1. Children in care for eight (8) and fewer hours shall be offered at least one (1) meal
3380 and two (2) snacks, or two (2) meals and one (1) snack;
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 - 3382 2. Children in care for more than eight (8) hours shall be offered at least two (2) meals
3383 and two (2) snacks, or three (3) snacks and one (1) meal;
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 - 3385 3. Children shall be offered food at intervals at least two (2) hours apart and not
3386 more than three (3) hours apart unless the child is asleep.
3387
 - 3388 4. All facilities shall assure that each child is provided with a mid-morning and mid-
3389 afternoon snack in addition to the number of meals necessary to meet the child's
3390 nutritional needs as stated in Article XII (A) above. Such snacks shall be served
3391 regardless of whether they are eligible for reimbursement under the Federal Food
3392 Program.
3393
 - 3394 5. Mid-morning snacks may be deleted if breakfast is served, provided that the
3395 routine mid-morning snack period is two (2) hours or less away from the time that
3396 breakfast is served. Young infants may require to be fed at shorter intervals than
3397 every two (2) hours to meet their nutritional needs, and shall be fed accordingly.
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 - 3399 6. For drop-in child care, where children are in care for three (3) or more hours, a
3400 nutritious snack shall be provided.
- 3401 D. Arrangements shall be made between the operator and parent for a child's modified diet when
3402 prescribed by a physician. The physician's order and a copy of the diet shall be in the child's
3403 records.
- 3404 E. If a custodial parent or legal guardian informs the child care facility that the child has any food
3405 allergies, written documentation must be maintained in the child's file for as long as the child
3406 remains in care. All staff members must be informed about any special food restrictions, and
3407 the information must be posted in a conspicuous location.
3408
- 3409 F. Meals and snack menus shall be planned, written and posted at the beginning of each week.
3410 Menus shall be dated and conspicuously posted on a weekly basis in the food service area and
3411 accessible to parents. Any menu substitution shall be posted and entered on a log book used
3412 for this purpose.
- 3413 G. Infants shall be individually fed or supervised at during feeding times, and offered foods
3414 appropriate for their age. Cereal shall not be mixed with formula in infant bottles unless
3415 directed by a physician. The physicians order shall be kept in the child's file.
3416
- 3417 H. Infants shall be held for bottle feedings until they are developmentally ready to sit in a high
3418 chair with good head control. Children shall not be left in high chairs or other types of feeding
3419 chairs outside of feeding times. The use of safety straps to prevent falls is required whenever
3420 children are placed in high chairs.
- 3421 I. There shall be no propped bottles. If a child cannot hold the bottle, then a staff person or
3422 volunteer must hold the bottle during feeding. There shall be no automatic feeding devices
3423 unless medically prescribed and documented in the child's file.
3424
- 3425 Formula and beverage shall be prepared, individually labeled and capped by the parent.
3426 Alternatively, formula and beverage for infants may be prepared, labeled and capped by
3427 the facility staff. Where the facility provides the formula and beverage, only pre-mixed,
3428 ready-to-feed formula and beverage may be utilized, and the facility shall meet the
3429 requirements as set forth in Article XI of these rules. The child care facility shall
3430 refrigerate and handle the formula and/or beverage in a sanitary manner.
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- 3433 J. Facilities shall provide sufficient seating at tables, such as chairs and benches, so that all children
3434 while eating can sit at tables for meal time and snack time.

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3436 **ARTICLE XIII. MEDICINE, FIRST-AID AND EMERGENCY PROCEDURES**
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3438 **A. First aid.**
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- 3440 1. At least one first aid kit must be maintained on the premises of the child care
3441 facility at all times. Child care staff must take a first aid kit with them on all
3442 field trips. A first aid kit must be in the vehicle at all times during transportation
3443 of children.
- 3444 2. Each first aid kit shall be in a closed container, labeled "First Aid," and kept in a
3445 designated location where it is easily accessible for child care personnel.
- 3446 3. Each first aid kit must, at a minimum, contain soap, band-aids or equivalent,
3447 sterile gauze squares and rolls, cotton balls or applicators, adhesive tape,
3448 thermometer, tweezers, blunt tipped scissors, pre-moistened wipes, a minimum
3449 of four (4) disposable medical examination gloves maintained in a puncture
3450 proof protector, and. a current resource guide on first-aid and CPR procedures.
- 3451 4. Any child showing symptoms of illness during the day shall be removed from
3452 the group to the isolation area where the child shall receive necessary attention
3453 until the child is ready to return to the group.
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3455 **B. Emergency procedures.**
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- 3457 1. Emergency Preparedness Plan: Each facility shall develop a written Emergency
3458 Preparedness Plan to include, at a minimum:
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- 3460 a. Procedures to be taken by the child care facility during fire, lockdown,
3461 evacuation of the area, and inclement weather including tornadoes, tropical
3462 storms, hurricanes, and thunderstorms.
- 3463 b. The plan shall identify weather conditions requiring action and supply a
3464 response appropriate to the weather conditions.
- 3465 c. Each plan shall specifically include immediate removal of all children from
3466 outdoor play areas during rainfall or whenever lightning is visible on the
3467 horizon or thunder is audible.
- 3468 d. Each plan shall include taking and recording attendance of children in the event
3469 of evacuation or relocation.
- 3470 e. Each plan shall include responses to violent weather, accidents, and other
3471 emergencies during field trips and transportation of children.
- 3472 f. The plan shall describe how the facility will meet the needs of all children,
3473 including children with special needs, during and following an emergency
3474 event.
- 3475 g. The plan must include requirements for drills, and staff orientation and training.
3476 h. This plan shall be available on site for review by the Department.
3477
- 3478 2. During the facility's license year, fire drills shall be conducted monthly.
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- 3480 a. Fire drill must be conducted on various days and at times when children are in
3481 care, including naptime.
- 3482 b. A current attendance record must accompany staff out of the building during a drill
3483 or evacuation, and be used to account for all children.
- 3484 c. At least one fire drill per year must be conducted using an alternate evacuation
3485 route.
- 3486 d. At least one fire drill per year must be conducted in the presence and at the request
3487 of the Department in coordination with the operator or designee.
- 3488 e. The operator shall maintain a written record of fire drills showing the date, time,
3489 number of children and staff in attendance, evacuation route used, time taken for
3490 all individuals to evacuate the premises, and any unusual findings or problems
3491 encountered. This record must be maintained for not less than one year from the
3492 date of the drill.
- 3493 3. Emergency preparedness drills shall be conducted when children are in care.
3494 Each drill, excluding the fire drill, outlined in the Emergency Preparedness Plan

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- must be practiced at least one time per year, documentation of which must be maintain at the facility for two years. A current attendance record must accompany staff during the drill or actual emergency, and must be used to account for all children. Lockdown and inclement weather drills shall be conducted a minimum of one time each per operating year when children are in care and the documentation of these drills must be maintained for two years. A lockdown or inclement weather drill may substitute for one monthly fire drill. No more than three fire drills may be substituted for during a 12 month period. Documentation of this substitution must be maintained for two years.
4. 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.
 5. 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.
 6. 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.
 7. After a fire, man-made or natural disaster, or any other event which adversely affects the normal operation of the facility or program, the operator must notify the Department within twenty-four (24) hours, so that the Department can assist to that 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 the Department's after-hours answering service at 561-842-8811 or the Palm Beach County Emergency Operations Center for further information.
 8. 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.
 9. Facilities must have a procedure for responding to situations when an immediate emergency response is required. A contingency plan for emergency or disaster situations need to be in place when it may not be possible to follow standard emergency procedures. Emergency procedures must be posted and readily available. All providers and staff must be trained to manage in an emergency.
 10. The facility must have a written plan for reporting and managing any incident or unusual occurrence that is threatening to the health, safety, or welfare of the children, staff or volunteers to the licensing authority. The following types of incidents must be addressed:
 - a. Lost or missing child;
 - b. Any suspected maltreatment of a child;
 - c. Injuries or illnesses requiring emergency treatment or hospitalization;
 - d. Death of child or staff member;
 - e. Presence of a threatening individual who attempts or succeeds in gaining entrance to the facility.
 11. 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.
 12. 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

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- legal guardian cannot be reached, the operator shall contact those persons designated by the custodial parent or legal guardian on the enrollment form.
13. 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.
 14. 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.
 15. Failure to perform the duties of a mandatory reporter pursuant to Section 39.201, F.S., constitutes a violation of these rules and regulations.
 16. The facility shall report any unusual incidents to the Department within 24 hours of occurrence. These unusual incidents include, but are not limited to, the following:
 - i. Serious accidental injuries or death of a child.
 - ii. A child missing from a group and the caregiver is unaware of the child's whereabouts.
 - iii. A child transported and dropped off at the wrong address.
 - iv. A child left in a vehicle after transportation.
 - v. A child left behind in a building, classroom, outdoors, or other location while in care.
 - vi. A child delivered to an unauthorized person.
 - vii. Any serious unexplained injuries or illness of a child.
 - viii. Disciplinary action that is severe, harsh, or demeaning.
 - ix. Signs of maltreatment of a child.
 - x. Signs of neglect of a child.
 - xi. Inadequate supervision of a child by a caregiver.
 17. 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.

C. Medication.

For child care facilities that chose to 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.

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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.
9. Any known allergies to medication or special restrictions must also be documented, maintained in the child's file, shared with staff and posted with the child's stored medication.

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

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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 communicable disease or other disease conditions 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

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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.

3. The facility operator shall comply with **guidance** given by the Department of Health in response to reported outbreaks or cases of communicable diseases in the facility. Failure to report outbreaks or follow recommendations for control and prevention of cases of communicable diseases constitutes a violation of these rules.

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 in keeping with the manufacturer's instructions.
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 Safety Data Sheets (MSDS) for those products. Such product shall be registered with the US Environmental Protection Agency (EPA) and be described as a sanitizer or disinfectant.
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

F. Child care personnel and volunteers must thoroughly wash their hands with soap and running water at the beginning of each day, before and after the administration of medications, when they are dirty, after toileting or assisting children with toileting, after changing a diaper, before and after food handling or eating, after handling pets or other animals, after contact with any bodily secretion or fluid, and after coming in from outdoors, and at other times as listed in section G, below.

1. Caregivers and volunteers must ensure that children thoroughly wash their hands or assist children with thoroughly washing their hands with soap and running water when they are dirty, after toileting, before and after food handling or eating, after handling pets or other animals, after contact with any bodily secretion or fluid, and after coming in from outdoors.
2. For diapered children, caregivers and volunteers must ensure that adequate steps are taken to clean the child after each change of diaper.
3. Caregivers must assist children in keeping clean and comfortable, and in learning appropriate personal hygiene practices.
4. Children in night care shall have a routine that encourages good personal hygiene practices.
5. To prevent the spread of infections among children especially when there are reported cases, or symptoms of infections among children in care, the facility should:

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- a. Limit the use of hand toys to a single child between cleaning and sanitizing.
- b. Ensure that food is served in individual portions
- c. -Prohibit use of swimming pools
- d. -Prohibit playing with shared dough or clay
- e. Regularly clean tables and other contact surfaces during the day using an appropriate germicide.
- f. Clean and sanitize potty chairs after each use.
- g. Clean frequently during the day and sanitize at least once a day.
- h. Implement the control measures recommended by the County Health Department.

6. Blood Precautions:

Safety precautions relating to blood must be observed by all caregivers and volunteers as follows:

(i) Disposable gloves must be immediately available and worn whenever there is a possibility for contact with blood, including but not limited to:

(a) changing diapers where there is blood in the stool;

(b) touching blood or blood-contaminated body fluids;

(c) treating cuts that bleed; and

(d) wiping surfaces stained with blood.

(ii) In an emergency, a child's well-being must take priority. A bleeding child must not be denied care because gloves are not immediately available.

(iii) Disposable gloves must be discarded after each use.

(iv) If blood is touched accidentally, the exposed skin must be thoroughly washed with soap and running water.

(v) Clothes contaminated with blood must be placed in a securely tied plastic bag and returned to the parent at the end of the day.

(vi) Surfaces that have been blood stained must be cleaned and then disinfected with an Environmental Protection Agency (EPA) registered product that has an EPA registration number on the label.

7. Sufficient and suitable clothing must be available so that children who dirty or soil their clothing may be changed. All such clothing must be returned to parents for washing or must be washed by the caregiver.

8. Children must be kept clean and comfortable at all times. Diapers must be changed when wet or soiled. The diaper changing area must be as close as possible to a sink with soap and hot and cold running water. This area or sink must not be used for food preparation. Diaper changing surfaces must be cleaned and disinfected after each use with an Environmental Protection Agency (EPA) registered product that has an EPA registration number on the label.

9. The program must make arrangements with the parent to provide an adequate supply of disposable or cloth diapers. When cloth diapers are used they must be supplied by a parent or commercial diaper service.

G. Handwashing

1. Handwashing is one of the most effective methods of preventing the transmission of communicable diseases, and is important in keeping

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children, caregivers, and household members healthy. Wearing gloves or using hand sanitizers is never a substitute for hand washing. Caregivers shall wash their hands as often as possible, including:

- a. Upon arrival and before beginning work.
- b. After using the bathroom.
- c. After helping a child use the bathroom.
- d. After diaper changing.
- e. Before handling food or food utensils.
- f. Before and after administering medication.
- g. After handling uncooked meats, or eggs.
- h. After handling unwashed fruits and vegetables.
- i. Before and after eating.
- j. After any hand contact with bodily fluids including vomit, drool, blood, stool, or discharge from the eyes or nose.
- k. After handling any pets or animals.
- l. After cleaning activities.
- m. After handling garbage and garbage containers.
- n. After coming back from break.
- o. After removing gloves.

H. Diapering Requirements

1. When children in diapers are in care, a hand-washing station that includes a sink with running water, soap, trash receptacle, and disposable towels or hand drying machines that are properly installed and maintained shall be provided in the room or in an adjoining area which opens into the room.
2. Hands must be washed and dried thoroughly after each diapering or toileting procedure, and all surfaces that have been touched must be cleaned and sanitized or disinfected to prevent the spread of germs.
3. Handwashing sinks must not be used for food service preparation, dishwashing, or food clean up.
4. The diaper changing area must be physically separated from the food preparation, food service, and feeding area.
5. When children in diapers are in care, there must be a diaper changing area with an impermeable surface that is cleaned and sanitized or disinfected after each use.
6. Children must be directly attended at all times when being diapered or when changing clothes. Child care personnel must not leave children unattended on a table or countertop. A safety strap or harness must not be used on the diaper changing table/surface.
7. Items unrelated to diaper changing shall not be stored in the diaper changing area nor shall they be placed on the diaper changing table.
8. There must be a supply of clean diapers, clothing, and linens at all times.
9. When diapers, clothing or linens that are being used become soiled or wet, they are to be changed immediately, and properly disposed.
10. Soiled or wet disposable diapers must be disposed of in a plastic lined, securely covered container that is not accessible to the children. The container must be emptied, cleaned and sanitized or disinfected, at least, daily. ~~K~~. Soiled cloth diapers must be emptied of feces in the toilet and soiled or wet cloth diapers shall be placed in a securely covered container that is not accessible to the children. The container must be emptied, cleaned and sanitized or disinfected, at least, daily.
11. Diaper changing procedure must be posted in the changing area and followed to protect the health and safety of children and staff.

I. Cleaning and Sanitizing Toys, Objects, and Equipment

Toys and other objects handled by children play a key role in spreading disease-causing germs in child care facilities. This happens when children put these toys or objects in their mouths, or share them with other children after touching them with contaminated hands.

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1. Toys that cannot be easily cleaned and sanitized are prohibited in the child care facility.
2. Toys that have been contaminated by children’s body secretions or excretions shall be washed, rinsed, sanitized, and air-dried between uses by different children.
3. Children shall be closely supervised when playing with toys or other items such as play utensils or play food that are likely to be mouthed by children, to prevent the same item from being mouthed by different children.
4. Washable cloth toys shall be used by one child at a time, and shall be washed, rinsed, sanitized, and dried before being used by another child.
5. Indoor toys assigned to one group of infants shall be washed and sanitized before being used by a different group of infants.
6. The facility shall develop a written routine schedule for cleaning, sanitizing, and disinfecting various toys, equipment, utensils, and surfaces in the child care facility. The schedule shall specify the frequency with which various objects or surfaces should be cleaned, sanitized, or disinfected, namely, before use, after each use, daily, weekly, biweekly or monthly. This schedule shall include, but not limited to, the following items: food preparation surfaces, food utensils, tables and trays, countertops, appliances, refrigerators, drinking fountains, infant toys, hats and clothes, door and cabinet handles, computer keyboards and touch screens, phone receivers, changing tables, potty chairs, hand sinks and faucets, toilets, diaper pails, toilet floors, floors in other areas, toilet walls, kitchen walls, walls in other areas, linen, blankets and mats.

DRAFT

3910 **ARTICLE XV. ADMISSION, ASSESSMENT, AND RECORD KEEPING**

3911
3912 A. Access to records.

3913
3914 At all times during operating hours a facility must allow the Department access to records
3915 required to be made or kept by these rules and regulations. This includes records for personnel,
3916 children and the facility. Copies of the required records are acceptable for documentation.
3917 Original documents are the property of the party providing the information.

3918
3919 B. Enrollment information.

3920
3921 Prior to providing care to a child, the operator shall obtain, update and keep current at the facility
3922 the following enrollment information from the child's parent or guardian:

- 3923
- 3924 1. The child's full legal name, birth date, current address and preferred name.
 - 3925
 - 3926 2. The name and address of the parents or guardians.
 - 3927
 - 3928 3. Telephone numbers or instructions as to how the parent may be reached during the
3929 hours the child is in the facility.
 - 3930
 - 3931 4. Names, addresses, and telephone numbers of persons sixteen (16) years of age or
3932 older authorized by the parent to take the child from the child care facility, and
3933 persons to be contacted who are authorized to remove the child from the facility in
3934 case of illness, accident or emergency if for some reason the parents cannot be
3935 reached.
 - 3936
 - 3937 5. The facility shall obtain written authorization from the parent or guardian to seek
3938 emergency medical treatment should the need arise. The name, address, and
3939 telephone number of a physician or health resource that can be called in case of
3940 emergency, and the parent's written permission to consult that physician or health
3941 resource if the parents cannot be reached.
 - 3942
 - 3943 6. If the child's condition requires it, a written plan must be on file at the child care
3944 facility. This plan will be developed with a cooperative effort between the child's
3945 parents, the operator and the supervising physician and/or other specialist. This plan
3946 shall specify the special needs and the special provisions, which will be made to
3947 meet the needs of the child in compliance with state and federal regulations.
 - 3948
 - 3949 7. The child's parent shall provide written consent before a child may participate in
3950 activities conducted by a child enrichment service provider that are not part of the
3951 regular program of the child care facility.
 - 3952
 - 3953 8. If the parent or legal guardian notifies the facility of any known allergies, written
3954 documentation shall be maintained in the child's file. In addition, such information
3955 shall be shared with the child's caregivers. Food allergies and special food
3956 restrictions must be posted in a conspicuous location.
 - 3957
 - 3958 9. Signed statements that the child care facility has provided the following information
3959 to parents:
 - 3960 (a) The "Know Your Child Day Care Center" child care facility brochure (CF/PI
3961 #175-24, English version or CF/PI #175-25, Spanish version) or the applicable
3962 local licensing agency's brochure. The statement included in the brochure or an
3963 equivalent statement on the child's enrollment form must be used for this
3964 purpose.
 - 3965
 - 3966 (b) The child care facility's written disciplinary practices.
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 - 3968
 - 3969 (c) The procedures for verification of a child's whereabouts, should the child not
3970 show for after-school or school age programs. Such information may be

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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 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.

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Completed forms shall be submitted to the Department no later than the 15th 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. Certification by a physician that upon completing a professional health assessment the staff person is physically qualified to care for children, including freedom from tuberculosis.
- 3. Person to contact in an emergency.
- 4. Position and date of employment.

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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. . Such documentation include the following:
 - a. A copy of the employment history check including the three (3) letter of reference and documentation of the results of the check.
 - b. Each personnel record must have a completed CF-FSP Form 5131, Background Screening and Personnel File Requirements, which is incorporated by reference in paragraph 65C-22.001(7)(b), F.A.C.
 - c. CF Form 1649A, Child Care Attestation of Good Moral Character, which is incorporated by reference in 65C-22.001(7)(a), F.A.C., must be completed for all child care personnel at the time of initial screening or upon change in employers. CF Form 1649A may be obtained from the department's website at www.myflfamilies.com/childcare.
 - d. A copy of the eligible results, for the Level 2 screening, generated from the Clearinghouse must be on record for each personnel.
 - e. A copy of the DCF letter/email informing of search conducted of the Florida's child abuse and neglect registry must be on record for each personnel screened between July 1st and December 15th of 2016.
 - f. A copy of each request made to out of state child abuse and neglect registries for individuals who lived outside the state of Florida in the preceding five years.
 - g. A copy of each search conducted for out of state sexual offender/predator registries for individuals who lived outside the state of Florida in the preceding five years.
7. The employer/owner/operator must add child care personnel to their Employee/Contractor Roster in the Clearinghouse when the individual has received a child care eligible result and has been hired at the facility. The owner or operator must add an end date for individuals on the Employee/Contractor Roster in the Clearinghouse within 10 days of the employment termination.
8. Copies of credentials and training information recorded on designated training forms that are provided by the Department.
9. Copies of driver's license and driver physical examination documentation for staff whose duties include driving to transport children in care. 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.
10. Documentation that identified staff members have met the first aid and infant and child cardiopulmonary resuscitation training requirement.
11. Child care facilities must maintain written documentation of directors' and other personnel's work schedules. Examples of written documentation are employee timesheets, personnel work schedules, and employment records.
12. Prior to beginning volunteering in a child care facility, a CF-FSP 5217, Volunteer Acknowledgment which is incorporated by reference in 65C-22.001(7)(e), F.A.C. and is available at www.myflfamilies.com/childcare, must be completed and be on file at the child care facility for the volunteer. Written documentation of volunteer hours must be maintained at the facility and available for review by the licensing authority.

E. Other records.

- 4158 1) Attendance logs.
- 4159 a) Daily sign in and sign out of children shall be recorded by the child care facility personnel
4160 or the person who drops off the child, documenting the time when each child enters the
4161 facility or program. The custodial parent, guardian, or the authorized person who picks up
4162 the child shall be required to sign the child out, documenting the time the child was picked
4163 up. Persons authorized to pick up the child should be 16 years of age or older in keeping
4164 with Article XV(B)(4) of these rules.
- 4165 b) An attendance log shall be maintained for each class or group. This log must contain the
4166 names of all children assigned to the class or group, and shall show all children present in
4167 the class or group, and those students absent from the class, at any given time.
- 4168 c) To assure adherence to these rules, each child care facility, shall maintain and keep at the
4169 facility for no less than one (1) year, a daily attendance log as well as a sign-in/sign-out
4170 log.-
- 4171 d) Drop-in child care facilities shall also maintain a sign-in/sign-out daily attendance log,
4172 including day, date, time of arrival and departure, and signatures of the parent obtained
4173 at drop-off and pick-up.
- 4174 e) Child care personnel shall ensure that attendance records are complete and accurate,
4175 since these records are important in accounting for children during emergency
4176 evacuations and other incidents.
- 4177
- 4178 2) Record of unusual incidents.
4179 A written record of unusual incidents affecting the program or the facility including, but
4180 not limited to, accidental injuries to children, employees, and volunteers must be kept on
4181 file at the facility. The written report of the incident must be completed on the day the
4182 incident occurred, and shared with the parent or person receiving the affected child on the
4183 same day. The record shall include the name of the affected person, date and time of
4184 occurrence, description of event, actions taken and by whom, as well as appropriate
4185 signatures of staff. A signature of an affected child's parent or guardian shall be requested
4186 to verify that the parent or guardian saw and received a copy of the incident report. Where
4187 the parent, guardian or other authorized person refuses to sign the completed incident
4188 report, the date and time of the refusal to sign must be written on the report in lieu of the
4189 signature, and a copy of the unsigned report shall be offered to the parent/guardian or
4190 authorized person receiving the child.
- 4191
- 4192 3) Record of fire drills.
4193 A written record must be kept at the child care facility each month for a fire drill showing
4194 date, number of children in attendance and time taken to evacuate the premises, on a Fire
4195 Drill Record Form as provided by the Department. To assure accountability of all children
4196 in the child care facility, a current daily attendance log must accompany staff during a fire
4197 drill and in the event of an emergency resulting in the evacuation of the child care facility.
4198 The log is to be used to account for all children during a drill or actual evacuation. This
4199 record must be maintained for one (1) year. Drop-in child care facilities shall be exempt
4200 from this requirement but shall be required to have on file at the facility an emergency
4201 evacuation plan approved by the Fire Authority having jurisdiction, and shall maintain
4202 documentation on file of related training provided to child care facility staff.
4203
- 4204 4) Menus & Food Temperature Logs:
4205 Records of menus served shall be placed on file at the facility and kept for a minimum of
4206 6 months. Food Temperature logs shall be kept on file at the child care facility for a
4207 minimum of 6 months.
- 4208
- 4209 5) Daily Schedule:
4210 A general daily time schedule for meals, snacks, nap, indoor and outdoor periods shall be
4211 conspicuously posted at the child care facility. Drop-in child care facilities shall be exempt
4212 from this requirement.
4213
- 4214 6) Field trips:
4215 Each facility shall keep at the facility for no less than one (1) year a copy of each field trip

4216 manifest, parental permission slip, parental swimming consent, and such other documents
4217 required to be retained pursuant to Article XVIII of these rules.
4218

4219 7) After School & School Age Child Care Programs - Attendance & Absentee Policy:
4220 Attendance should be taken for all children at the beginning of the program daily. They
4221 must be signed out upon leaving. Programs shall establish and maintain a written
4222 procedure for accountability when a child fails to show for the program.
4223

4224 8) Safety Data Sheets (SDS)
4225 These shall be obtained and kept on file at the child care facility for each sanitizing agent
4226 or disinfectant that may be used instead of bleach water solutions. SDS shall be kept on
4227 file for a period of twelve (12) months following the cessation of use of the product,
4228 should the facility revert to using bleach water solutions. A SDS should be on file for all
4229 proprietary chemicals used in the facility.
4230

4231 9) Where the child care facility utilizes bedding assignments, such record shall be available
4232 to the Department for review.
4233

4234 10) The most recent licensing inspection report shall be conspicuously posted in the reception
4235 area of the facility.
4236

4237 **F) Admission and Assessment for Specialized Child Care for the Mildly Ill Programs** 4238

4239 In addition to the admission and record keeping requirements set forth in Article XV (A)
4240 through (E), the following shall apply to facilities providing specialized child care for mildly
4241 ill children:
4242

4243 (1) General Requirements.

4244 (a) A child care facility for mildly ill children shall have at a minimum an ongoing
4245 agreement with a Health Provider Consultant, as defined in these rules, for continuing
4246 medical or nursing consultation. The health provider consultant shall perform the
4247 following services:
4248

- 4249 i. Oversee the development of written policies and procedures.
- 4250 ii. Review, approve, and update annually, such policies and procedures.
- 4251 iii. Provide at least quarterly on-site monitoring of the implementation of such
4252 policies and procedures.
- 4253 iv. Provide ongoing consultation to the child care facility in its overall operation and
4254 management.
4255

4256 (b) A child care facility for mildly ill children shall have at a minimum one (1) licensed
4257 health caregiver, as defined in these rules. The licensed health caregiver shall be
4258 responsible for performing the written physical assessment, and periodic child
4259 evaluations, as set forth herein; provide ongoing daily oversight; make decisions as to the
4260 exclusion of any child; and be present at the facility at all times during the hours of
4261 operation.
4262

4262 (2) Admission.

4263 (a) No child shall be accepted to a child care facility for mildly ill children without written
4264 parental permission. However, permission may be obtained by telephone if a child in
4265 attendance at a regular child care facility becomes mildly ill and is admitted to that same
4266 facility's program for mildly ill children. Where the child is in care under telephone
4267 permission, written parental permission must be obtained prior to the child's admittance
4268 to the program for mildly ill children the following day.
4269

4270 (b) The program director or licensed health caregiver shall have the authority to require a
4271 written medical evaluation for a child to include diagnosis, treatment and prognosis, if
4272 such evaluation is necessary to determine the appropriateness of a child's attendance
4273 prior to admission and upon worsening of the child's symptoms.
4274

4275 (c) Prior to admission, the child care facility providing for mildly ill children exclusively
4276 shall require a written description, signed by the parent, of the child's current and recent
4277 illnesses; immunization history, habits, special diets, allergies, medication needs;

- 4278 symptoms requiring notification of parent or health care provider, and where and how
 4279 the parent or health care provider is to be notified.
 4280
- 4281 (d) An initial written physical assessment on each child shall be completed by the licensed
 4282 health caregiver, as defined in these rules, based on the inclusion and exclusion criteria
 4283 outlined herein to determine appropriateness of admission to the child care facility. A
 4284 parent must remain on the premises until admission has been determined.
 4285
- 4286 (e) The written physical assessment shall at a minimum include vital signs and observation
 4287 of the child's general appearance, head, eyes, nose, mouth, ears, skin, abdomen, arms
 4288 and legs, and breathing pattern for symptoms of illness.
 4289
- 4290 (f) Once admitted, children shall be periodically monitored by the licensed health
 4291 caregiver and evaluated according to policies and procedures established and approved
 4292 by the child care facility operator and the health provider consultant. Evaluations on
 4293 each child's condition shall be documented, and shall include the following plus
 4294 additional information that the facility operator and the health provider consultant may
 4295 add if they deem it is necessary to evaluate the children:
 4296
- 4297 i. Temperature
 - 4298 ii. Respiration
 - 4299 iii. Pulse
 - 4300 iv. Amount of food or fluid intake
 - 4301 v. Color, consistency and number of stools
 - 4302 vi. Color of urine and frequency of urination
 - 4303 vii. Skin color and alertness
 - 4304 viii. Activities such as amount of sleep, rest, and play
 - 4305
- 4306 (g) The condition evaluations must be maintained in each child's record and retained by the
 4307 facility for a minimum of four (4) months. Copies shall be provided to parents daily.
 4308
- 4309 (h) Children with communicable illnesses (e.g., chicken pox) may be accepted in a child
 4310 care facility for mildly ill children, only if there is an isolation area as defined herein,
 4311 and provided the isolation area has a separate outside entrance from the rest of the child
 4312 care facility.
 4313
- 4314 (3) Inclusions.
 4315 A child care facility for mildly ill children may consider for admission, and accept children
 4316 exhibiting illnesses or symptoms for which they can be excluded from child care provided for
 4317 well children, but who do not meet exclusion criteria as outlined in these rules. Children
 4318 exhibiting the following symptoms or illnesses, or disabilities, shall be deemed eligible to
 4319 participate in child care facilities for mildly-ill children:
 4320
- 4321 (a) Not feeling well, unable to participate in regular child care activities, or has other
 4322 activity restrictions;
 - 4323
 - 4324 (b) Recovering from prior day surgical procedure or hospital admission;
 - 4325
 - 4326 (c) Controlled fever of 102° F orally; 101° F axillary, or 103° F rectally, or below. If the
 4327 child's temperature is higher than the temperatures listed above a physician must give
 4328 written approval for admission; or verbal approval with written follow up for admission;
 4329
 - 4330 (d) Respiratory infections such as cold or flu virus;
 - 4331
 - 4332 (e) Vomiting less than three (3) times without dehydration;
 - 4333
 - 4334 (f) Diarrhea {more than one (1) abnormally loose stool within a twenty four (24) hour
 4335 period} without signs of dehydration, and without blood or mucus in the stool;
 - 4336
 - 4337 (g) Gastroenteritis without signs of severe dehydration;
 - 4338

- 4339 (h) Diagnosed asthma;
- 4340
- 4341 (i) Urinary tract infections;
- 4342
- 4343 (j) Ear infections;
- 4344
- 4345 (k) Orthopedic injuries;
- 4346
- 4347 (l) Diagnosed rash;
- 4348
- 4349 (m) Tonsillitis; or
- 4350
- 4351 (n) Strep throat or conjunctivitis after twenty four (24) hours of appropriate medication, if
- 4352 isolation is unavailable. Strep throat or conjunctivitis prior to twenty four (24) hours of
- 4353 appropriate medication is included only if isolation area is available.
- 4354

4355 (4) Exclusions.

4356 Any child exhibiting the following symptoms or combination of symptoms, shall be excluded from
 4357 child care facilities for mildly ill children:

- 4358 (a) Unresponsive temperature of 104° F orally;
- 4359
- 4360 (b) Undiagnosed or unidentified rash;
- 4361
- 4362 (c) Respiratory distress;
- 4363
- 4364 (d) Major change in condition requiring further care;
- 4365
- 4366 (e) Contagious diseases, if no isolation room is available:
- 4367
- 4368 i. Strep throat or Conjunctivitis prior to twenty four (24) hours of treatment,
- 4369 ii. Diarrhea due to diagnosed Shigella, Salmonella, Rota-virus, Giardia,
- 4370 Campylobacter, or E. coli,
- 4371
- 4372 iii. Chicken pox, mumps, measles, rubella, pertussis, diphtheria,
- 4373
- 4374 iv. Head lice, scabies prior to twenty four (24) hours of treatment, or
- 4375
- 4376 v. Other conditions as determined by the director or health provider
- 4377 consultant.
- 4378

4379 **ARTICLE XVI. CHILD CARE DURING NIGHTTIME HOURS**

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 4381 The minimum standards for child care facilities set forth herein shall continue to apply to child
 4382 care facilities which offer care during nighttime hours (6 P.M. to 7 A.M.) with the additional
 4383 application of the following standards as set forth in this section. For the purposes of this rule,
 4384 night-time care is the equivalent of evening child care, as referenced in Florida Statutes
 4385 402.302(7).

- 4386
- 4387 A. Prior to providing night-time care, a child care facility shall procure written approval
- 4388 of the Child Care Advisory Council subsequent to the recommendation of the
- 4389 Department.
- 4390
- 4391 B. Children who have not been served an evening meal before arrival, must be served
- 4392 an evening meal that is consistent with these rules. Children who stay beyond 6
- 4393 A.M. must be provided a morning meal consistent with these rules.
- 4394
- 4395 C. Each child shall have a separate bed or cot with his own linens covering the bedding.
- 4396 Air and foam mattresses are prohibited.
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- D. It shall be a 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. A maximum of two sides of a napping or sleeping space may be against a solid barrier, such as the wall. The solid side of a crib does not meet the requirements for a solid barrier
- F. Napping and sleeping spaces must not be under furniture or up against furniture that creates a hazard.
- G. Napping and sleeping areas must not be in exit areas. All exits must remain clear in accordance with fire safety requirements
- H. 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.
- I. 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.
- J. Staff shall comply with safe sleep requirements outlined in Article X.C. above during nighttime hours.

DRAFT

4428 **ARTICLE XVII. TRANSPORTATION**

4429
4430 For the purposes of these rules, “vehicles” refer to those vehicles owned or operated or regularly
4431 used by the child care facility, and vehicles that provide transportation through a contract or
4432 agreement with an outside entity. Driver, as used in this section, includes all volunteers as well
4433 as personnel of the child care facility who drive vehicles transporting children to and or from the
4434 child care facility and on field trips.

4435
4436 *A. General.*

- 4437
4438 1. When private passenger automobiles, vans or station wagons are used for
4439 transportation of children by child care facilities, the driver must be at least eighteen
4440 (18) years of age, and have the following:
- 4441 a. A valid Florida driver’s license including the proper endorsement.
 - 4442 b. An annual physical examination which grants medical approval to drive, and
 - 4443 c. Valid certificate(s) of course completion for first aid training and cardiopulmonary
4444 resuscitation (CPR) procedures.
- 4445 2. Vehicles must have the name of the child care facility on each side panel in six (6) to
4446 eight (8)-inch letters. The back panel must have the wording “Caution Transporting
4447 Children” in a minimum of 4-inch letters.
- 4448 3. Prior to offering child care transportation services of any type, directly or by contract,
4449 all new and existing child care facilities must provide written notice to the Department.
4450 The written notice to the Department must provide the following information:
- 4451 a. The type of transportation service that will be offered, for example, after school
4452 pick up, home pick up, or field trips, including points of pick-up and drop-off.
 - 4453 b. Listing and description of the vehicles that will be used for transportation of the
4454 children, to include make, model, year, color, and tag number.
 - 4455 c. Any contract, agreements, or arrangements with any third parties for the provision
4456 of transportation services.
- 4457
4458 4. A copy of the facility’s policies, procedures, and staff training plans for maintaining
4459 compliance with the responsibilities for loading, unloading, and tracking each child
4460 during transportation must on file at the facility and be available for review by the
4461 Department.
- 4462 5. When a vehicle is regularly used by a child care facility to provide transportation, the
4463 driver shall comply with the provisions of Florida Statutes, § 316.615(3), as amended
4464 or replaced, Physical Requirements of Drivers. Each driver must have an annual
4465 physical examination documented on a form provided by the Department. The
4466 physician’s certification signed by a physician or other qualified health care provider
4467 must be posted in the vehicle.
- 4468 6. All child care facilities must comply with the inspection and insurance requirements
4469 found in Florida Statutes, § 316.615(4), as amended or replaced. All facilities must file
4470 a certificate of insurance with the Board through the Department.
- 4471 7. All child care facilities shall, on an annual basis, have all vehicles regularly used to
4472 transport children inspected by a National Institute for Automotive Service Excellence
4473 (ASE) certified mechanic to certify proper working order. Documentation by the
4474 mechanic shall be maintained in the vehicle on forms provided by the Department.
4475 The annual report/certification must contain the name and certification number of the
4476 ASE-certified mechanic who performed the inspection. Vehicles used to transport
4477 children must be maintained in proper working condition at all times. The interior
4478 temperature of the vehicle must be maintained at 72⁰F – 82⁰F during transportation of
4479 children.
- 4480 8. All child care facilities must comply with the Florida safety belt laws in accordance
4481 with Florida Statutes, §§ 316.613 and 316.72 as amended or replaced. Each child,
4482 when transported, must be seated in a back seat in an individual factory installed seat
4483 belt or federally approved child safety restraint. The child safety restraint must be
4484 installed, secured and used in accordance with the manufacturer’s instructions and a
4485 copy of such instructions must be maintained (in the vehicle and/or on file). Child
4486 safety restraint must be replaced if they have been recalled, are past the manufacturer’s
4487 “date of use” expiration date, or have been involved in a crash that meets the U.S.
4488 Department of Transportation crash severity criteria or the manufacturer’s criteria for
4489 replacement of restraints after a crash, as referenced in Caring for Our Children Basics

- 4490 Health and Safety Foundations for Early Care and Education, which is incorporated
4491 by in 65C- 22.001(7)(v), F.A.C.
- 4492 a. Children aged birth to one year old must be secured in a rear-facing car safety
4493 seat.
 - 4494 b. For children aged one through 3 years, the restraint device must be a separate
4495 carrier or a vehicle built-in child seat.
 - 4496 c. For children aged 4 years, a separate carrier, a vehicle built-in child seat, or a
4497 child booster seat must be used with appropriate seat belt.
 - 4498 d. All children 5 and older must be in seat belts.
 - 4499 e. When applicable, any vehicle used for transporting children must
4500 accommodate the placement of wheelchairs with four tie-downs affixed
4501 according to the manufactures' instructions in a forward-facing direction and
4502 the wheelchair occupant must be secured by a three-point tie restraint during
4503 transport; or the child must be placed in a federally approved child safety
4504 restraint or factory installed seatbelt when transported, in accordance to the
4505 child's needs. Manufacturers' specifications must be followed to ensure that
4506 safety requirements are met.
- 4507 9. An annual inspection of the child care facility's vehicles or vans used to transport
4508 children will be conducted by the Department to establish the maximum seating
4509 capacity. The maximum seating capacity of the vehicle is based on the manufacturer's
4510 designated seating capacity specifications or the number of working seat belts or child
4511 restraint devices. Vehicles used to transport children must be maintained in a clean
4512 and sanitary condition at all times. The interior of vehicles shall be free of hazards
4513 such as sharp edges, loose or broken seats, torn or exposed seat cushion, hazardous
4514 materials, build-up of solid waste, and storage of unnecessary articles.
 - 4515 10. Volunteers of a child care facility using their vehicles or any other vehicles to transport
4516 children must comply with the seat belt and child restraint requirements specified in
4517 subsection 7. of this section.
 - 4518 11. Each vehicle shall be equipped with contact information for all children being
4519 transported. When transporting children with chronic medical conditions (such as
4520 asthma, diabetes, or seizures), their emergency care plans and supplies or medication
4521 shall be available. The responsible adult shall be trained to recognize and respond
4522 appropriately to the emergency.
 - 4523 12. When transporting children, staff to child ratios must be maintained at all times. The
4524 driver may be included in the staff to child ratio, however, when infants are being
4525 transported, there must be at least one other staff member in the vehicle who can see
4526 and hear all the children. At no time shall the driver alone transport infants or children
4527 under 5 years of age. In addition, the facility must also take into consideration the
4528 children's individual and group behavioral characteristics, special medical conditions,
4529 travel distances, and other relevant factors in deciding whether additional adult(s) is
4530 necessary to ensure the safety of children during transportation.
- 4531
- 4532 B. Supervision of Children During Transportation
- 4533 1. An adult must be in the vehicle whenever a child is in the vehicle.
 - 4534 2. An adult must be seated behind the steering wheel if the motor is running and
4535 children are being loaded and/or are on board.
 - 4536 3. An adult staff member, in addition to the driver, is required on the vehicle when
4537 transporting children under 5 years of age.
 - 4538 4. The second adult staff member shall be seated in the vehicle in the back seat or in a
4539 position which allows:
 - 4540 a. Each child to be seen with a quick glance;
 - 4541 b. Each child to be heard at all times;
 - 4542 c. Each child's activities to be observed; and
 - 4543 d. The staff member to respond immediately should there be an emergency.
- 4544
- 4545 C. Responsibility for Loading, Unloading, and Tracking Each Child
- 4546 1. Transportation Log:
 - 4547 a. A transportation log shall be used to track each child during transportation.
 - 4548 b. The first and last name of each child received for transport shall be recorded
4549 on the log.
 - 4550 c. Either the driver or second staff member shall be designated by management
4551 as the person responsible for completing the log.

- 4552 2. Loading Procedures:
- 4553 a. As each child is loaded on the vehicle, the time the child was placed on the
- 4554 vehicle shall be recorded onto the transportation log by the person designated
- 4555 to complete the log.
- 4556 b. If the child was loaded from home, the parent or other authorized person will
- 4557 additionally sign the log indicating that the child was placed on the vehicle.
- 4558 3. Unloading Procedures:
- 4559 a. The individual designated by the agency as responsible for the log shall
- 4560 update it immediately upon the child being released from the vehicle. The
- 4561 designated staff member shall update the log by:
- 4562 i. Recording the time the child was released; and
- 4563 ii. Initialing next to the time of release.
- 4564 b. When the child was released to a parent or other authorized person, that
- 4565 person must sign the log indicating that the child was released to them.
- 4566 4. Confirming that Every Child is Off the Vehicle
- 4567 a. Driver Responsibilities: Immediately upon unloading the last child and to
- 4568 ensure that all children have been unloaded the driver shall:
- 4569 i. Physically walk through the vehicle;
- 4570 ii. Inspect all seat surfaces, under all seats, and in all compartments or
- 4571 recesses in the vehicle's interior;
- 4572 iii. Sign the log, with the driver's full name, indicating the children are all
- 4573 unloaded; and
- 4574 iv. Give the log to the second staff member.
- 4575 b. Second Staff Member Responsibilities: The second staff member shall:
- 4576 i. Physically walk through the vehicle;
- 4577 ii. Inspect all seat surfaces, under all seats, and in all compartments or
- 4578 recesses in the vehicle's interior;
- 4579 iii. Sign the log with the staff person's full name indicating the children
- 4580 are all unloaded.
- 4581 5. Loading Children at School
- 4582 a. When children are picked up at school they shall be loaded on the vehicle at
- 4583 the location designated by the school using all applicable procedures for
- 4584 logging of children's presence on the vehicle.
- 4585 b. The facility must develop written policies approved by the Department that:
- 4586 i. Specify procedures for the driver to follow in the event that a child
- 4587 scheduled to be picked up does not report to the vehicle; and
- 4588 ii. Ensure that children will have adult supervision should the driver or
- 4589 additional staff member need to try to locate a missing child.
- 4590 6. Loading and Unloading Children for Field Trips
- 4591 a. Prior to and during field trips the relevant procedures outline in Article XVII
- 4592 (C) above must be followed.
- 4593 b. Tracking of each child and related documentation is required for each time
- 4594 children enter and leave the vehicle, whether at the destination, or at rest stops
- 4595 during the trip.
- 4596 7. Unloading Children at the End of the Day: When children are unloaded at the end of the
- 4597 day and the vehicle does not return to the facility for the additional review that confirms
- 4598 every child is off the vehicle, the facility shall develop procedures to:
- 4599 a. Verify all children are off the vehicle; and
- 4600 b. Verify that each child was released to a responsible person authorized by the
- 4601 parent.
- 4602
- 4603 D. Child Safety Alarm Device
- 4604 All vehicles used by or on behalf of the child care facility for the transportation of
- 4605 children and that are designed to transport six (6) or more passengers must be equipped
- 4606 with a child safety alarm device that prompts the driver to inspect the vehicle for children
- 4607 upon vehicle shut off. The device must be properly maintained in working order at all
- 4608 times. The child care facility must comply with the following standards for the
- 4609 installation and performance of such devices:
- 4610 1. Any vehicle designed or used to transport six (6) or more passengers and one (1) driver
- 4611 must have an approved child safety alarm device installed. The alarm device must be

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- properly maintained in working order at all times. For the purposes of these standards, alarm device and alarm system shall have the same meaning.
2. The alarm system must be designed and installed so that the vehicle's horn, siren, or other type of audio alarm will sound if the driver/staff member does not walk to the rear, or, in the case of a passenger van, the side entry point of the vehicle, to manually shut off or deactivate the alarm. The alarm must be audible from a distance of 500 feet from the vehicle.
 3. The alarm system must be armed or activated automatically when the vehicle's ignition is turned on. The driver must not have the option of activating the system. That is, once the child care vehicle is used to transport children, the system must activate automatically.
 4. The time delay from the time the ignition is turned off after activation of the alarm system until the alarm sounds shall be no longer than one minute. This will ensure that the driver would not get far away from the vehicle before the alarm sounds.
 5. The alarm system shall be installed so that the driver or adult deactivating the system must be able to observe the rearmost seats to reach the switch that deactivates the alarm. To ensure that no child is left on the vehicle, the driver or a staff member must be able to physically inspect each seat before deactivating the alarm and leaving the vehicle.
 6. To ensure the safety of children, the child safety alarm must be used in conjunction with other requirements described in Palm Beach County Rules and Regulations Governing Child Care Facilities, Article XVII. The driver or the staff member who conducted the walk-through inspection required by Article XVII, Section C. must sign the transportation log to verify that all children have exited the vehicle.
 7. The alarm system may be installed by any certified technician or mechanic employed by a recognized electronics or automotive business in accordance with the device manufacturer's recommendations.
 8. It is the child care provider's responsibility to determine which product best meets the facility's needs while satisfying the performance standards.
 9. The Department may provide a listing of child care safety alarm devices marketed for this purpose that appear to meet the intent of this rule. The list, if provided, shall not be considered a product approval, or an endorsement of any product(s). There may be other, non-listed products available in the marketplace that are suitable for the intended purpose and meet the performance standards contained herein. The provider shall be responsible for ensuring that the selected alarm device meets the performance standards and is installed and maintained per the manufacturer's specifications.

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4649 **ARTICLE XVIII. FIELD TRIPS AND SWIMMING ACTIVITIES**
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4651 **A. Field trips**
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- 4653 1. Parents must be advised of field trip activities. Before any child may attend a field
4654 trip, parental permission must be obtained either in the form of a general permission
4655 slip or specific permission slip obtained prior to a particular field trip. Permission
4656 slips must be included in the child's record. In addition, the date, time and location
4657 of the field trip must be posted in a conspicuous location at least two (2) working
4658 days prior to the field trip. If special circumstances arise where notification of an
4659 event cannot be posted for two (2) working days, then signed individual permission
4660 slips must be obtained from a parent of each child participating notwithstanding the
4661 existence of a general permission slip.
4662
- 4663 2. For all field trips, a manifest shall be kept at the facility with a copy brought with
4664 staff attending the field trip. Such manifest shall include the names of the children,
4665 staff persons, and volunteers attending the field trip; current telephone numbers
4666 where parent(s) may be reached in the event of an emergency; and for each child the
4667 name of the specific person assigned to supervise that child. The manifest and any
4668 field trip permission slips must be maintained by the facility and kept on file at the
4669 facility for no less than one (1) year from the date of the field trip.
4670
- 4671 3. In addition to the minimum staff to child ratio requirements of Article VIII and
4672 Article XVIII (B) of these rules, while engaged in a field trip each facility shall
4673 provide an extra staff person who shall be required to directly supervise children
4674 attending the field trip.
4675
- 4676 4. Each facility shall take along with it on any field trip a first aid kit and a cellular
4677 phone or similar two-way communication device that will allow staff persons to
4678 independently summon emergency assistance. Two-way radios, citizen band radios
4679 and other means of instant communication are accepted. The two-way
4680 communication device and the first aid kit shall be readily available to staff
4681 responsible for children during all field trips.
4682
- 4683 5. Potable water and toileting facilities shall be available on all field trips. If the field
4684 trip extends beyond 2 hours, there shall be a meal provided in accordance with
4685 Article XII of these rules.
4686

4687 **B. Swimming activities.**
4688

- 4689 1. Swimming activities and water play are prohibited at all fresh water bodies not
4690 permitted by the Department for such purposes. Water play, on land, is prohibited
4691 unless the water used is in facilities and from a source approved by the Department.
4692 During swimming activities, each child shall be directly supervised with physical or
4693 visual contact maintained at all times by a staff member or qualified volunteer
4694 assigned to watch such child.
4695

4696 Staff members and qualified volunteers shall be assigned to a specific child or group
4697 of children according to the minimum ratios set forth below. For the purposes of
4698 such assignment, groups shall be no larger than the number that one (1) qualified
4699 adult may watch.
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AGE	MINIMUM ADULT TO CHILD RATIO
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

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In the event of a group with mixed ages, the ratio for the youngest child shall apply. The facility must comply with applicable water activity supervision requirements in Article VII.C above.

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 that children from the child care facility remain 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.
7. All swimming pools and other water play facilities used by children in care shall be approved by the Department and meet local code requirements. The use of unapproved swimming or water play facilities is prohibited. The child care facility operator shall verify that the swimming or water play facility is in compliance with required codes and regulations before allowing children in care to use such facilities.

**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.

- 4762 (b) Facilities providing both regular child care for well children and child care for mildly
 4763 ill children must procure and maintain two (2) separate licenses.
 4764
 4765 (c) Hospitals maintaining current Joint Commission for the Accreditation of Healthcare
 4766 Organizations (JCAHO) accreditation, operating hospital based child care for mildly
 4767 ill children, shall be exempt from licensure under this rule.
 4768

4769 (3) Staff Ratios

- 4770 (a) The following staff to child ratios are based on primary responsibility for the
 4771 supervision of children and applies at all times, when mildly ill children are in
 4772 care:
 4773

AGE OF CHILDREN	STAFF RATIOS FOR CHILD CARE
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

4780 (b) Mixed Age Groups.

- 4781
 4782 i. In groups of mixed age ranges, where one (1) or more children under one
 4783 (1) year of age are in care, one (1) child care personnel shall be
 4784 responsible for a maximum of three (3) children of any age group.
 4785 ii. In groups of mixed age ranges, where one (1) or more children one (1)
 4786 year of age and older are in care, the staff to child ratio shall be based on
 4787 the age of the largest numbers of children within the group. When equal
 4788 numbers of children in each group are in care, the most restrictive staff to
 4789 child ratio shall apply.
 4790

- 4791 1. Infants shall not be commingled with non-infants.
 4792

4793 (4) Schedule of Activities.

- 4794 (a) The facility shall include a daily schedule tailored to each child's symptoms, energy level,
 4795 and parent's instructions.
 4796
 4797 (b) The daily schedule shall be flexible and provide age appropriate activities without over
 4798 stressing the children.
 4799

4800 **B. Physical Environment.**

4801 (1) Sanitation and Safety.

- 4802 (a) A child care facility for mildly ill children, if located in a regular licensed child care
 4803 facility, shall utilize rooms or areas which are physically separated by floor to ceiling
 4804 walls, from all other components of the regular licensed child care facility.
 4805
 4806 (b) The physical indoor and outdoor space, and equipment designated for use by the mildly
 4807 ill children, shall not be used by children and child care staff from any other component
 4808 of the regular licensed child care facility.
 4809
 4810 (c) Child care facilities for mildly ill children, which serve children with contagious
 4811 diseases as defined herein, shall have separate isolation areas, ventilation systems, and
 4812 entrances.
 4813
 4814 (d) Child care programs for mildly ill children shall make provisions to prevent the
 4815 participating mildly ill children from coming in contact with all other areas and
 4816 components of the child care facility where well children are in care.
 4817
 4818 (e) No animals shall be allowed on the premises of programs caring for mildly ill children.
 4819
 4820 (f) No narcotics, alcohol, or other impairing drugs shall be present or allowed on the
 4821 premises, unless prescribed for any of the children in care.
 4822

4823 (2) Outdoor play space.

4824 Child care facilities for mildly ill children are not required to provide outdoor play space.
4825 Should a facility choose to provide outdoor play space, it shall be physically separated from
4826 that space provided for well children. The play area and all equipment shall meet all safety
4827 requirements as specified in Article X(C) and Article X(I) of these rules.

4828 (3) Napping and Sleeping Space

- 4829
- 4830 (a) Linens, if provided by the facility, must be sanitized daily, and more often if
4831 soiled or dirty. Linens and blankets must be provided when children are napping
4832 or sleeping.
- 4833
- 4834 (b) A minimum of 3 feet separation between bedding must be maintained at all times
4835 bedding is in use. Exit areas must remain clear in accordance with fire safety
4836 regulations.

4837

4838 (6) Toilet and Bath Facilities.

- 4839 (a) Child care facilities for mildly ill children shall provide toilet and bath facilities,
4840 which are easily accessible and at a height usable by the children. Platforms are
4841 acceptable when safely constructed and easily cleaned and sanitized.
- 4842
- 4843 (b) The facility shall provide a minimum of one (1) toilet and one (1) hand wash sink
4844 for every ten (10) children.
- 4845
- 4846 (c) Toilet and bath facilities shall be designated for the exclusive use of the mildly ill
4847 children in care and their caregivers, and shall be accessible from within the room
4848 where care is being provided. If the specialized child care facility for mildly ill
4849 children is located within a child care facility, the toilet and bath facilities used by
4850 the mildly ill children and their caregivers shall be separate from those utilized by
4851 children and caregivers from other components of the child care facility. Staff
4852 bathrooms shall be located within the mildly ill care area and shall be designated
4853 and separate from those bathrooms used by children.
- 4854
- 4855 (d) Toilet and bath facilities shall provide privacy to all users.
- 4856
- 4857 (e) Children must receive direct supervision and care in accordance with required
4858 needs and be accounted for at all times, including but not limited to periods while
4859 bathing or using the toilet facilities.
- 4860
- 4861 (f) Running water, disposable towels, liquid soap and trash receptacles shall be
4862 available at each handwash sink, and be available to and within reach of children.
4863 Toilet paper shall also be available to and within reach of children using the toilet
4864 facility.
- 4865
- 4866 (g) Each basin and toilet must be sanitized after each use.
- 4867
- 4868 (h) Hand washing sinks shall not be used for food service preparation or food clean
4869 up.
- 4870
- 4871 (i) There shall be a handwash sink supplied with hot and cold running water in any
4872 room where the dispensing of medicines or portioning of nutritional supplements
4873 occurs. This sink shall not be used for handwash following diaper changing
4874 activities.
- 4875

4876 C. Personnel Requirements.

4877 (1) Minimum Age Requirements.

4878 No person under the age of eighteen (18) shall be allowed to provide care for mildly ill
4879 children.
4880

4881 (2) Minimum Training Requirements.

- 4882 (a) All child care personnel caring for mildly ill children shall have current certification in
4883 infant and child cardiopulmonary resuscitation and first aid prior to caring for the
4884 children at the facility.
4885
- 4886 (b) In addition to the forty (40) hour child care course, all child care personnel caring for
4887 mildly ill children shall complete eight (8) hours of annual in-service training relating to
4888 care of sick children and the prevention of communicable diseases. Operators or
4889 Directors shall complete at least two (2) hours of training relating to sick children as
4890 part of their eight (8) hours annual in-service training.
4891

4892 D. Health and Safety

4893 (1) General Requirements.

- 4894 (a) Following personal hygiene procedures for themselves or when assisting others,
4895 employees, volunteers, and children shall wash their hands with soap and running
4896 water, drying thoroughly with disposable towels. Only soap from a liquid soap
4897 dispenser shall be used for hand washing.
4898
- 4899 (b) A child care facility for mildly ill children shall ensure that safe drinking water and
4900 other fluids consistent with the child's physical condition are available at all times to all
4901 children in care. Drinking fountains shall not be used.
4902
- 4903 (c) Only single-service articles may be used for eating and drinking. Children may bring
4904 labeled items for their exclusive use, which must be returned to the parent or legal
4905 guardian on a daily basis.
4906

4907 (2) Diapering Requirements

- 4908 (a) A changing table with an easily cleanable impervious surface and hand washing
4909 facilities, which include a basin with hot (not to exceed 110 degrees Fahrenheit) and cold
4910 running water, disposable towels, towel dispenser, disposable gloves, liquid soap, and
4911 plastic-lined trash receptacle, shall be available in the infant room or in the room where
4912 children with special needs in diapers are in care. Such hand wash sink shall be
4913 immediately adjacent to the changing table, inaccessible to children, and shall be used
4914 exclusively for staff's hand washing following diaper changing activities.
4915
4916 Hands shall be washed and dried thoroughly after each diapering or toileting procedure
4917 to prevent the transmission of diseases or illnesses to other children in the facility's care
4918
- 4919 (b) Diaper changing shall be in a separate area from the feeding or food service area.
4920
- 4921 (c) When children require cloth diapers, only those brought from the child's home may be
4922 used, and must be returned to the parent at the end of the day.
4923
- 4924 (d) Soiled cloth diapers shall be emptied of feces in the toilet and placed in a securely
4925 covered, plastic-lined container which is not accessible to children. The container shall
4926 be emptied and sanitized daily.
4927
- 4928 (e) Disposable gloves shall be used during all diaper changing activities. Gloves shall be
4929 discarded after use on each child, following disposal of disposable diapers or rinsing and
4930 sanitizing of cloth diapers. After gloves are discarded, personnel shall wash their hands
4931 and the hands of the child prior to sanitizing the diaper changing station.
4932

4933 (3) Equipment and Furnishings - Indoor Equipment

- 4934 (a) A child care facility for mildly ill children shall make available toys, equipment and
 4935 furnishings suitable to each child's age and development and of a quantity for each
 4936 child to be involved in activities.
 4937
- 4938 (b) Toys, equipment and furnishings must be safe and maintained in a sanitary condition.
 4939 All furnishings shall be made of impervious materials, smooth and easily cleanable.
 4940
- 4941 (c) All washable toys, equipment and furniture used for one (1) group of children with
 4942 similar diagnosis in a child care facility for mildly ill children shall be washed and
 4943 disinfected before being used by another group of children.
 4944
- 4945 (d) Non-washable toys brought from home may not be shared, and shall be sent home daily.
 4946
- 4947 (e) All trash receptacles and waste paper bins within the facility shall be of the hands-free
 4948 type.
 4949
- 4950 (4) Fire Safety.
- 4951 (a) Unless statutorily exempted, all child care facilities for mildly ill children shall conform
 4952 to state standards adopted by the State Fire Marshal, Chapter 69A-36, Florida
 4953 Administrative Code, Uniform Standards for Life Safety and Fire Prevention in Child
 4954 Care Facilities, as amended or replaced, and shall be inspected annually by the Fire
 4955 Authority having jurisdiction. A copy of the current and approved annual fire inspection
 4956 report by a certified fire inspector must be on file with the Department.
 4957
- 4958 (b) Child care facilities for mildly ill children shall conduct monthly fire drills when children
 4959 are in care, in accordance with the requirements contained in Article X (G)(5) of these
 4960 rules. However, subject to local fire authority's approval, evacuation of the premises
 4961 shall not be required. However, facilities shall ensure that the children are taken at least
 4962 to the point of exit. A current attendance record must accompany staff during a drill or
 4963 actual evacuation and be used to account for all children.
 4964
- 4965 (5) Emergency Procedures.
- 4966 (a) At least one (1) first aid kit containing materials to administer first aid must be
 4967 maintained on the premises of all child care facilities for mildly ill children, at all times.
 4968 Each kit shall be in a closed container and labeled "First Aid". The kit(s) shall be
 4969 accessible to the child care staff at all times and must include components and be
 4970 maintained as specified in Article XIII (A) of these rules.
 4971
- 4972 (b) Procedures and Notification
 4973
- 4974 (i) Parents shall be notified immediately in the event of any significant change in a
 4975 child's illness or symptoms, accident or injuries sustained at the facility, which
 4976 are more serious than minor cuts and scratches, and their specific instructions
 4977 regarding action to be taken under such circumstances shall be obtained and
 4978 followed. If the parent cannot be reached, the facility operator will contact those
 4979 persons designated by the parent to be contacted under these circumstances, and
 4980 shall follow any written instructions provided by the parent on the enrollment or
 4981 registration form.
 4982
- 4983 (ii) Child care facilities for mildly ill children shall make arrangements with the
 4984 parent for obtaining medical evaluation or treatment for a child, if necessary as
 4985 determined by the licensed health caregiver and program policies.
 4986
- 4987 (iii) Child care facilities for mildly ill children shall obtain emergency medical
 4988 treatment without specific parental instruction when the parent cannot be
 4989 reached, and the nature of the illness or symptoms or injury is such that there
 4990 should be no delay in obtaining medical treatment, as determined by the licensed

- 4991 health caregiver or other qualified health professional.
4992
4993 (iv) Child care facilities for mildly ill children shall call the parent immediately when
4994 a child's illness or symptoms worsen to the degree that the child meets criteria for
4995 exclusion from the program, as previously outlined herein.
4996
- 4997 (6) Dispensing of Medication.
- 4998 Medication shall be returned to the parent or legal guardian at the end of each day. Medication
4999 shall be dispensed and stored in accordance with Article XIII(C)(1 & 2) of these rules.
5000
- 5001 E. Food and Nutrition
- 5002 (1) Nutrition
- 5003 (a) If a child care facility for mildly ill children chooses to supply food, it shall provide
5004 nutritious meals and snacks of a quantity and quality to meet the daily nutritional needs
5005 of the children.
5006
- 5007 (b) If a facility chooses not to provide meals and snacks, arrangements must be made with
5008 the custodial parent to provide nutritional food for the child.
5009
- 5010 (c) Child care facilities for mildly ill children shall ensure that menus for children can be
5011 modified to meet the individual needs of each child in care. If a special diet is required
5012 for a child by a physician, a copy of the physician's order, a copy of the diet, and a
5013 sample meal plan for the special diet shall be maintained in the child's facility file.
5014
- 5015 (2) Food Preparation Area.
- 5016 (a) All licensed child care facilities for mildly ill children, approved by the Department to
5017 prepare food, shall meet the applicable requirements as specified in Rule 64E-11, Florida
5018 administrative Code, Food Hygiene, as amended or replaced.
5019
- 5020 (b) A kitchen area may be shared with other components of the facility. However, staff
5021 providing child care for the mildly ill children shall not be involved in food preparation.
5022
- 5023 (3) Food Service.
- 5024 (a) Children shall be individually fed or supervised at feeding and offered foods appropriate
5025 for their ages and physical condition.
5026
- 5027 (b) All meals and snacks provided for children participating in child care facilities for mildly
5028 ill children must be served on single-service articles.
5029
- 5030 (c) Where the facility shares kitchen amenities with the well-childcare program onsite, and
5031 food is satellited to the mildly ill childcare section, such food shall be individually plated
5032 on disposable ware, and shall not be returned to the well child care area.
5033
- 5034 (d) There shall be a handwash sink with hot and cold running water for staff use in each area
5035 where liquid nourishment and or medications are dispensed.
5036
- 5037 F. Record Keeping
- 5038 (1) Children's Records.
- 5039 (a) Each child's record shall contain a signed statement from the parent, attesting to the
5040 child's immunization status, either current or religiously exempt from immunization, as
5041 required by Rule 64D-3, Florida Administrative Code, as may be amended or replaced.
5042 (b) Enrollment/Registration Information: The facility operator shall obtain enrollment
5043 information from the child's custodial parent or legal guardian, prior to accepting a child

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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.

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- 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.
 - (f) An unusual event involving serious injury or death of a child, failure to provide direct supervision resulting in a child left unsupervised, or abuse or neglect of a child at the facility.

ARTICLE XXI. ENFORCEMENT

- A. In addition to the license denial, suspension, and revocation procedures set forth above, any violation of Chapter 2010-249, Laws of Florida, as amended, these rules and regulations, or Florida Statutes, §§ 402.301--402.319, as amended or replaced, or the rules and regulations promulgated thereunder, is subject to enforcement by the Department through the Palm Beach County Environmental Control Officer pursuant to Chapter 77-616, Laws of Florida, as amended. Pursuant to Chapter 77-616, Laws of Florida, the Environmental Control Hearing Board is authorized to issue fines of up to \$500 per violation per day of violation.
- B. The Department will use a progressive enforcement matrix (incorporated by reference) which may be revised from time to time by the Department, to make recommendations to the Environmental Control Hearing Board for such fines. Enforcement of disciplinary sanctions shall be applied progressively for each standard violation. In addition, owners/operators will be offered technical assistance in conjunction with disciplinary sanction. The Department shall take into consideration the actions taken by the facility to correct the violation when determining the appropriate disciplinary sanction.
- C. A grace period is provided wherein a violation of a standard that has occurred more than two years prior to a subsequent violation of the same standard will not be counted for purposes of progressive discipline. However, for the purposes of continued licensure or certification, the program's violation history will be considered.
- D. Each standard violation has an assigned classification based on the nature or severity of the violation(s) as identified within the Department's Child Care Facilities Standard Classification Summary, which may be revised from time to time. A violation of a Class II standard that results in death or serious harm to a child shall escalate to a Class I violation.
- E. Disciplinary sanctions for licensing violations that occur within a two-year period shall be progressively enforced in keeping with the Department's progressive enforcement matrix

- 5165 which may be revised from time to time. Disciplinary sanctions include fines, probationary
5166 license, and suspension, denial, or revocation of license.
- 5167 F. In accordance with the procedures outlined in Article V above, the Department will make
5168 recommendations to the Child Care Advisory Board for issuing a probationary license or
5169 certificate in keeping with the progressive enforcement matrix or as a remedy for serious
5170 violations upheld by the Environmental Control Hearing Board.
- 5171 ~~G. A violation that has been withdrawn by the Department or has been dismissed by the~~
5172 ~~Environmental Control Hearing Board will not be counted for purposes of progressive~~
5173 ~~discipline.~~
- 5174 ~~H. A Class I violation that was upheld by the Environmental Control Hearing Board as having~~
5175 ~~occurred which was not dismissed, but was reduced from a Class I violation to a lower class,~~
5176 ~~shall still be counted as a Class I violation for purposes of progressive discipline.~~
- 5177 I. Violations of these rules may result in the issuance of an order requiring the owner/operator
5178 of the facility to appear before the Environmental Control Hearing Board and show cause
5179 why a civil penalty should not be imposed or corrective action ordered. Thereafter, the
5180 Environmental Control Hearing Board will convene, hear the matter, and, if a violation is
5181 found to have occurred, issue an order that may require corrective action and payment of a
5182 fine.
- 5183 J. Failure to pay any such fine may result in the filing of a lien against any and all property of
5184 the facility owner. The provisions of this paragraph describe an additional and supplemental
5185 means of enforcement. Nothing contained in this paragraph shall prohibit the County from
5186 enforcing these rules and regulations by any other means, including, but not limited to the
5187 institution of time-limited corrective action plans for the child care facility and/or referral to
5188 the State Attorney's Office for criminal prosecution, pursuant to Chapter 77-616, Laws of
5189 Florida, as amended or replaced.
- 5190
- 5191 K. Each day of violation shall be considered a separate and distinct violation.
- 5192
- 5193 L. Right of Entry:
5194 Members of the Child Care Facilities Board and its representatives may enter and inspect child
5195 care facilities, child boarding homes, large family child care homes, or family day care
5196 facilities at reasonable hours, and may question such persons and investigate such facts,
5197 conditions, and practices or matters as may be necessary or appropriate to determine whether
5198 any person has violated any provision of Chapter 59-1698, Special Acts, Laws of Florida, as
5199 amended, or of any rule and regulation issued hereunder. The right of entry and inspection
5200 shall also extend to any premises which the Department has reason to believe are being
5201 operated or maintained as a child care facility without a license, but no such entry or inspection
5202 of any premises shall be made without the permission of the person in charge thereof unless a
5203 warrant is first obtained from the circuit court authorizing same. Any application for a license
5204 or certificate or renewal made pursuant to these rules, or any advertisement to the public of
5205 child care as defined herein shall constitute permission for entry or inspection of any premises
5206 for which such license or certificate is sought in order to facilitate verification of the
5207 information submitted on or in connection with the application. In the event that a licensed or
5208 certified facility refuses permission for entry or inspection to the Department, a warrant shall
5209 be obtained from the circuit court authorizing same prior to such entry or inspection.
5210 Disciplinary action may also be instituted pursuant to Article XXI (A) herein.
- 5211
- 5212 M. In addition to conspicuously posting the license, certificate of substantial compliance, or
5213 certificate of compliance, the child care facility shall post with the license or certificate:
5214
- 5215 1) Each citation for a violation of any standard or requirement of these rules and
5216 regulations that has resulted in disciplinary action mandated by the Environmental
5217 Control Hearing Board.
 - 5218
 - 5219 2) An explanation, written in simple language, of the corrective action, if any, taken
5220 by the facility for each citation. Included in the description shall be the dates on
5221 which the corrective action was taken.
 - 5222
 - 5223 3) Each citation, explanation, and description of corrective action shall remain posted
5224 for one (1) year after the Environmental Control Hearing Board's effective date.
 - 5225

5226 N. Should the Department determine that any child care personnel make any misrepresentation
5227 in violation of Article XX (E) above to a parent who has placed a child in the child care
5228 facility, and the parent or guardian relied upon the misrepresentation, and the child suffers
5229 great bodily harm, permanent disfigurement, permanent disability, or death as a result of an
5230 intentional act or negligence by the child care personnel, then such matter may be referred to
5231 the State Attorney's Office for criminal prosecution, pursuant to Chapter 77-616, Laws of
5232 Florida, as amended or replaced.
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