

LICENSING REGULATIONS
GOVERNING
PINELLAS COUNTY
CHILDREN'S CENTERS



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Pinellas County License Board for Children's Centers
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LICENSING REGULATIONS GOVERNING PINELLAS COUNTY CHILDREN'S CENTERS

Standards contained within these regulations meet or exceed Florida state child care law including, but not limited to, Chapter 402, Sections 26-319, Florida Statutes and Chapter 65C-22, Florida Administrative Code.

Citations contained to the left of a Pinellas County Regulation contained herein are for origin and reference purpose only and do not indicate that the regulation set forth herein is verbatim to the left hand citation.

Chapter 61-2681 Amended by Chapters 70-893 and 2007-277, Laws of Florida

Ch 61-2681 AN ACT DEFINING AND REGULATING CHILDREN'S CENTERS AND FAMILY DAY CARE HOMES IN PINELLAS COUNTY; REQUIRING THE PROCUREMENT OF LICENSES AND THE PAYMENT OF AN APPLICATION FEE FOR THE OPERATION OF SUCH CENTERS AND HOMES AND PROVIDING FOR THE GROUNDS AND THE PROCEDURE FOR THE SUSPENSION OR REVOCATION THEREOF; CREATING PINELLAS COUNTY LICENSE BOARD FOR CHILDREN'S CENTERS AND FAMILY DAY CARE HOMES, AND PRESCRIBING ITS MEMBERSHIP, POWERS AND DUTIES, PRESCRIBING MINIMUM STANDARDS FOR THE OPERATION OF SUCH CENTERS AND HOMES AND PROVIDING A PENALTY FOR VIOLATION; AUTHORIZING TAX AND APPROPRIATION BY THE BOARD OF COUNTY COMMISSIONERS; REPEAL CHAPTER 57-1738, LAWS OF FLORIDA; PROVIDING A GRACE PERIOD.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF FLORIDA

Chapter 61-2681 became a law without the Governor's approval.
Filed in Office Secretary of State June 22, 1961.

Chapter 70-893, amending the above became a law without the Governor's approval.
Filed in Office Secretary of State June 21, 1970.

Chapter 2007-277, amending the above became a law with the Governor's approval on
June 19, 2007.

Ch 61 S.23 It is declared to be the intent of the legislature that, if any section, subsection, sentence, clause, or provision of this act is held invalid, the remainder of the act shall not be affected.

KEY for LICENSING REGULATIONS Left Margin References

- INF** Standards denoted with **INF** in the left margin are for programs which include children aged two (2) months to two (2) years. Standards for infants are in addition to other licensing regulations.
- SA** Standards denoted with **SA** in the left margin are for school age centers.
- TPP** Any Standard denoted by **TPP** is an exception to the preceding standard and is for Teen Parenting Child Care Programs. All other standards including those for infants (**INF**) must be met.

PURPOSE

Ch 61 S.1.

The purpose of this act is to protect the health, safety, and mental development of children cared for in children's centers and family day care homes in Pinellas County as defined below.

DEFINITIONS

Ch 61 S.2.(1)
8/1/07

Children's Center - A children's center includes any day nursery, nursery school, kindergarten, or other facility whatsoever which provides child care, with or without compensation. A children's center provides care for five (5) or more children under thirteen (13) years of age, not related to the operator by blood, marriage, or adoption for less than 24 hours per day per child. This term shall not be construed to include any center under the jurisdiction of the state board of education, except 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 No. 94-142 or Public Law No. 99-457.

Ch 61 S.2.(2)
3/9/05

Day Nursery - A day nursery means a children's center consisting of improved realty, equipment, and staff, conducted for children ranging in age from two (2) months through six (6) years, for the purpose of providing shelter, food, rest, and care and training. Such centers may accept school age children under seventeen (17) years before and after school hours.

Ch 61 S.2.(3)

Nursery School - A nursery school means a children's center consisting of improved realty, equipment and staff, conducted for children ranging in age from two (2) years through six (6) years for the purpose of offering an educational program of directed, organized play, and training at the level of the children's growth and development, and providing shelter, food, rest, and care for from two (2) to seven (7) hours per day per child.

Ch 61 S.2.(4)

Kindergarten - A kindergarten means a children's center consisting of improved realty, equipment and staff, conducted for children ranging from five (5) years through seven (7) years in age, for the purpose of offering an educational program of directed, organized play and training at the level of the children's growth and development, and providing shelter, food, rest, and care for from two (2) to seven (7) hours per day per child.

11/19/84

Kindergarten entrance age shall conform to the kindergarten entrance age of the public schools. To enter kindergarten, a child must be five (5) years old on or before September 1 of that school year.

12/4/02
8/1/07

School Age Center - A school age center means a children's center that provides child care for only school age children, for less than 24 hours a day outside regular school hours. To enroll a child younger than a school age child, the children's center must also be licensed as a day nursery.

Ch 65C-22.008(2)(c)

A program serving school age children before and/or after school is not required to be licensed if the program meets one of the following criteria, and complies with the minimum background screening requirements provided in ss. 402.305 and 402.3055, Florida Statutes.

Ch 65C-22.008(2)(c)1.
8/3/05

1. Program is located on public/nonpublic school sites, operated and staffed directly by that school. These programs exclusively serve those children who attend the public/nonpublic school during the school day. 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. Pursuant to Section 402.305(5), F.S., programs operated in public school facilities, regardless of the operator, shall follow the standards set forth by the Florida Building Code State Requirements for Public Educational Facilities; or

Ch 65C-22.008(2)(c)2.

2. Program provides activities that are strictly instructional or tutorial/academic in nature. These programs cannot extend beyond the instructional, and tutorial/academic activities of that program and do not serve or prepare meals or snacks. However, the program may choose to provide drinks and snacks that do not require refrigeration or vending machine items that do not require refrigeration. Some examples of these programs include, but are not limited to computer class; ballet; karate; gymnastics; baseball, and other sports; or

Ch 65C-22.008(2)(c)3.
8/3/05

3. Programs meet all the following criteria:
 - a. Operate for a period not to exceed a total of four (4) hours in any one (1) day; however, 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. Allow children to enter and leave the program at any time, without adult supervision; and
 - c. Do not provide any transportation; directly or through a contract or agreement with an outside entity, for the purpose of field trips, during the hours or operation; and
 - d. Do not serve or prepare any meals or snacks, however the program may choose to provide drinks, snacks, and vending machine items that do not require refrigeration; or

Ch.65C-22.008(2)(c)4

4. Program provides after school care exclusively for children in grades six (6) and above.

Ch 65C-22.008(2)(b)

Programs that choose to expand their program beyond the parameters in 1. through 4., above, must be assessed to determine if licensure is required.

Ch 65C-25.001(2)

Specialized Children's Centers for Mildly-Ill Children - Specialized Children's Centers for Mildly-Ill Children means a specialized children's center that provides child care for mildly-ill children. A children's center may separately license a distinct and separate part of the premises as a specialized children's center for mildly-ill children.

Ch 65C-22.003(1)(a)

Active - Active means the status of a candidate's awarded credential or certification in which requirements have been successfully met.

Ch 65C-22.003(1)(c)

Begin Training - Begin training for child care staff means a candidate's commencement of at least one (1) of the child care training courses listed in s. 402.305(2)(d), F.S. This may be accomplished by classroom attendance in a department-approved training course, acquiring an educational exemption from a department approved training course, beginning a department-approved online child care training course, or by receiving results from a department - approved competency examination within the first 90 days of employment in the child care industry in any licensed Florida child care center. The children's center is responsible for obtaining documentation from child care staff.

8/3/05

Capacity - Capacity means license capacity which is the maximum number of children allowed in attendance at any given time.

12/3/03
8/1/07

Child Care - Child care as it pertains to children's centers and family day care homes means the care, protection and supervision of a child under thirteen (13) years of age, away from his or her home for a period of less than 24 hours a day on a regular basis, with or without compensation. Child care supplements parental care, health supervision, and safety, and may include enrichment and/or education for the child, in accordance with his or her needs. For the purpose of licensure, child care does not include occasional or sporadic care. Child care as it pertains to children's centers and family day care homes does not include statutorily exempt programs.

Ch 65C-25.001(1)
6/4/03

Child Care for Mildly-III Children - Child Care for Mildly-III Children means the care of children with short term illness or symptoms of illness or disability, provided in a Specialized Children's Center for Mildly-III Children either as an exclusive service in a children's center specialized for this purpose, or as a component of other child care services offered in a distinct part of a regularly licensed children's center, for a period of less than 12 hours a day. (Refer to *Licensing Regulations Governing Pinellas County Specialized Children's Centers for Mildly-III Children.*)

Ch 402.302(3)

Child Care Personnel - Child care personnel means all owners, operators, employees, and volunteers working in a children's center. The term does not include persons who work in a children's center after hours when children are not present or parents of children in a children's center.

Ch 402.302(3)

For purposes of screening, the term includes any member, over the age of twelve (12) years, of a children's center operator's family, or person, over the age of twelve (12) years, residing with a children's center operator if the children's center is located in or adjacent to the home of the operator or if the family member of, or person residing with, the children's center operator has any direct contact with the children in the children's center during its hours of operation. Members of the operator's family or persons residing with the operator, who are between the age of twelve (12) years and eighteen (18) years shall not be required to be fingerprinted but shall be screened for delinquency records. For purposes of screening, the term also includes persons who work in child care programs which provide care for children fifteen (15) hours or more each week in public or nonpublic schools, summer day camps, family day care homes, or those programs for which the License Board has granted religious exemption. The term does not include public or nonpublic school personnel who are providing care during regular school hours, or after hours for activities related to a school's program for grades kindergarten through twelve (12).

Ch 402.302(3)
8/3/05

A volunteer who assists on an intermittent basis for less than ten (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 s. 402.305(2) is always present and has the volunteer in his or her line of sight. A volunteer who is included in the adult-child ratio must meet child care staff requirements.

Ch 402.302(3)

Students who observe and participate in a children's center as part of their required course work shall not be considered child care personnel, provided such observation and participation are on an intermittent basis and a person who meets the screening requirement of s. 402.305(2) is always present and has the student in his or her line of sight.

Ch 61 S.2.(8)

Child Care Staff - Child care staff means all persons who participate daily in direct care, teaching or training children cared for by any children's center.

- Ch 402.3054(1)* **Child Enrichment Service Provider** - Child enrichment service provider means an individual who provides enrichment activities, such as language training, music instruction, educational instruction, and other experiences, to specific children during a specific time that is not part of the regular program in a children's center.
- Ch 402.3054(2)* The child's parent shall provide written consent before a child may participate in activities conducted by a child enrichment service provider that are not part of the regular program of the children's center. A child enrichment service provider receives compensation from the child's parent or from the children's center, and shall not be considered a volunteer or child care personnel.
- Ch 65C-22.003(1)(d)* **Continuing Education Unit (CEU)** – Continuing Education Unit (CEU) means a standard unit of measure of coursework used for training and credential purposes. The department will accept CEUs from education institutions accredited and recognized by the U.S. Department of Education, or nationally affiliated state professional organizations.
- Ch 402.302(4)* **Department** - Department means the Department of Children and Family Services.
- Ch 65C-22.003(1)(e)* **Director** - Director as consistent with the statutory definition of operator means the onsite administrator or individual who has the primary responsibility for the day-to-day operation, supervision and administration of a children's center.
- Ch 65C-22.003(1)(f)* **Director Credential** - Director credential means a department-approved comprehensive credential that consists of education and experiential requirements as referenced in Licensing Regulations I.B.3.
- Ch 402.302(5)* **Drop-in Child Care** - Drop-in child care means child care provided occasionally in a children's center, in a shopping mall or business establishment where a child is in care for no more than a four (4) hour period and the parent remains on the premises of the shopping mall or business establishment at all times. Drop-in child care arrangements shall meet all requirements for a children's center unless specifically exempted.
- Ch 65C-22.003(1)(g)* **Early Childhood Education** - Early childhood education refers to coursework, certification, a credential or degree specific to children ages birth through eight (8).
- 8/3/05* **Enforcement Plan** - Enforcement plan means a plan of progressive enforcement actions approved by the Board, consisting of incremental steps of intervention when reoccurring noncompliance is documented or an incident of serious risk to a child(ren) has occurred in a children's center, family day care home, and/or a large family child care home.
- 8/3/05* **Evening Care** - Evening care means child care provided between 6:00 pm - 12:00 am.

12/6/00
Ch 402.301(5)
Ch 402.302(2)(d)
8/3/05

Exemption from Licensing of Religiously Affiliated Children's Centers - Exemption from Licensing of Religiously Affiliated Children's Centers means a children's center that may request religious exemption if it is an integral part of a church or parochial school conducting regularly scheduled classes, courses of study or educational programs accredited by or a member of an organization which publishes and requires compliance with its standards for health, safety, and sanitation; provided, however, that such a center shall meet minimum requirements of the Pinellas County License Board, the applicable local governing body, as to health, safety, and sanitation, and the screening requirements as published in *Licensing Regulations Governing Pinellas County Children's Centers*, and that the center submits proof of membership in an organization which publishes and requires compliance with its standards for health, safety, and sanitation. The exemption shall be in effect as long as compliance with these guidelines is maintained. Nothing shall give any governmental agency jurisdiction or authority to regulate, supervise, or in any way be involved in any Sunday School, Sabbath School, Bible Schools normally conducted during vacation periods, or religious services or any nursery service or other program conducted during religious or church services primarily for the convenience of those attending such services.

~~Ch 61 S.2.(5)(a)
8/1/07~~

~~**Family Child Care Home** - A family child care home means an occupied place of residence of a family, person, or persons who regularly provide child care and training for children from at least two (2) unrelated households, with or without compensation, for no more than five (5) children at any given time under thirteen (13) years of age who are not related to such person or persons by blood, marriage, or adoption. This includes preschool household members whether present or not and children of any age who are in the operator's care and do not reside in the family child care home. Of those five (5) children, no more than three (3) of the five (5) children may be under two (2) years of age, or no more than three (3) of the five (5) children may be under 18 months of age if the provider has proof of completion of an approved training course. A family child care home shall provide child care for a period less than 24 hours per day per child.~~

Ch 65C-22.003(1)(h)

Florida Child Care Professional Credential (FCCPC) - Florida Child Care Professional Credential (FCCPC), pursuant to s. 402.305(3)(b), F.S., means a Department of Children and Family Services approved training program that consists of a minimum of 120 hours of early childhood instruction, 480 contact hours with children ages birth through eight (8) and at least two (2) methods of formal assessment that offers two (2) areas of certification; "Birth Through Five (formerly the department approved CDA Equivalency training programs)" and "School-Age (formerly the Florida School-Age Certification). Credentials must be documented on CF-FSP Form 5270, April 2006, Florida Child Care Professional Credential Certificate, which is incorporated by reference. A copy of CF-FSP 5270 may be obtained from the Department of Children and Families website at www.myflorida.com/childcare. Active credentials are valid for five (5) years from the date of issuance. A list of approved and recognized FCCPC programs may be obtained on the Department of Children and Family Services' website at www.myflorida.com/childcare.

Ch 65C-22.003(1)(j)

Florida Department of Education Child Care Apprenticeship Certificate (CCAC) - Florida Department of Education Child Care Apprenticeship Certificate (CCAC) means a Department of Children and Family Services approved child care credential that consists of a minimum of 120 hours of early childhood instruction and 480 contact hours with children ages birth through eight (8) and meets or exceeds the requirements outlined in s. 402.305(3)(c), F.S. A list of approved and recognized DOE programs may be obtained on the Department of Children and Family Services' website at www.myflorida.com/childcare. Active credentials are valid for five (5) years from the date of issuance. Credential renewal certificates must be documented on CF-FSP Form 5270, April 2006, Florida Child Care Professional Credential Certificate.

Ch 65C-22.003(1)(k)

Florida Department of Education Early Childhood Professional Certificate (ECPC) - Florida Department of Education Early Childhood Professional Certificate (ECPC) means a Department of Children and Family Services approved child care credential that consists of a minimum of 120 hours of early childhood instruction and 480 contact hours with children ages birth through eight(8) and meets or exceeds the requirements outlined in Section 402.305(3)(c), F.S. A list of approved and recognized DOE programs may be obtained on the Department of Children and Family Services' website at www.myflorida.com/childcare. Active credentials are valid for five (5) years from the date of issuance. Credential renewal certificates must be documented on CF-FSP Form 5270, April 2006, Florida Child Care Professional Credential Certificate.

Ch 65C-22.003(1)(l)

Florida Department of Education School-Age Professional Certificate (SAPC) - Florida Department of Education School-Age Professional Certificate (SAPC) means a Department of Children and Family Services approved child care credential that consists of a minimum of 120 hours of early childhood instruction and 480 contact hours with school-age children and meets or exceeds the requirements outlined in Section 402.305(3)(c), F.S. A list of approved and recognized DOE programs may be obtained on the Department of Children and Family Services' website at www.myflorida.com/childcare. Active credentials are valid for five (5) years from the date of issuance. Credential renewal certificates must be documented on CF-FSP Form 5270, April 2006, Florida Child Care Professional Credential Certificate.

Ch 65C-22.003(1)(m)

Foster Grandparents – 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 shall be required to have 100% attendance in the following Department of Children and Family Services' training courses: Child Care Facility Rules and Regulations; Health, Safety, and Nutrition; Identifying and Reporting Child Abuse and Neglect; and Special Needs Appropriate Practices. 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.

Ch 65C-22.003(1)(n)

High School Diploma, GED and /or College Degree - High School Diploma, GED and /or College Degree means a diploma or degree obtained from institutions accredited and recognized by the U.S. Department of Education. High school diplomas issued by private schools that are registered with the Florida Department of Education will be accepted. If a high school diploma is earned outside the U.S., it must be translated by someone who is a member of the American Translators Association, an approved credential evaluation agency approved by the Bureau of Educators Certification, or an accredited college/university. If a college degree is earned outside the U.S., it must be evaluated by an approved credential evaluation agency approved by the Bureau of Educators Certification or an accredited college/university to be equivalent to a U.S. degree.

Ch 65C-22.003(1)(o)

Inactive - Inactive means the status of a candidate's awarded credential or certification that is no longer active; however remains eligible for renewal.

Ch 402.302(9)

Indoor Recreational Children's Center - Indoor recreational children's center means 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 food service and which provides child care for a particular child no more than four (4) hours on any one day. An indoor recreational children's center must be licensed as a children's center under Licensing Regulations, but is exempt from the minimum outdoor-square-footage-per-child requirement specified, if the indoor recreational children's center has, at a minimum, 3,000 square feet of usable indoor floor space.

9/21/87

Infant - In a children's center, the term infant means a child from two (2) months to two (2) years. For teen parenting child care programs, the term "infant" is defined as a child from birth to two (2) years of age.

~~Ch 402.302(8)(a)(b)~~

~~**Large Family Child Care Home** - A large family child care home means a large family child care home which must first have operated as a licensed family day care home for two consecutive years in Pinellas County, with an operator who has had a child development associate credential or its equivalent for one year, before seeking licensure as a large family child care home. A large family child care home shall be allowed to provide care for one of the following groups of children, which shall include those children under 13 years of age who are related to the caregiver:~~

~~8/3/05~~

~~1. a maximum of 8 children from birth to 24 months of age~~

~~2. a maximum of 12 children, with no more than 4 children under 24 months of age~~

~~Ch 65C-20.013(2)(c)~~

~~Large family child care homes must meet and comply with all standards of this rule at all times unless there are insufficient numbers of children in care to meet the definition of a large family child care home in which case an additional employee is not required.~~

~~Ch 402.302(8)~~

~~When operating as a Large Family Child Care Home there must be at least two full-time child care personnel on the premises during the hours of operation. One of the two full-time child care personnel must be the owner or occupant of the residence.~~

Ch 61-2681

License Board - License Board means Pinellas County License Board for Children's Centers and Family Day Care Homes, a special district established by Chapter 61-2681, Amended by Chapter 70-893, [2007-277](#) Laws of Florida.

8/3/05

Licensing Regulations - Licensing Regulations means *Licensing Regulations Governing Pinellas County Children's Centers*.

Ch 61 S.2.(9)

Maintenance Staff - Maintenance staff means all persons engaged by any children's center, full or part time, in preparation of food, cleaning, janitor service, chauffeuring, or non-supervisory assistance with children.

Ch 402.301(6)

Membership Organizations - Membership organizations means 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 annual membership fee, which are not 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 children's centers and therefore, their personnel shall not be required to be screened.

- Ch 65C-22.003(1)(p) **National Early Childhood Credential (NECC)** - National Early Childhood Credential (NECC) pursuant to s. 402.305(3)(c), F.S., means an early childhood credential approved by the Department and recognized by licensing authorities in at least five (5) states that incorporates 120 hours of early childhood instruction, 480 contact hours with children ages birth through eight (8) and includes at last two (2) methods of formal assessment. This includes the Child Development Associate (CDA) credential issued by the Council for Professional Recognition in Washington, DC. A list of approved and recognized NECC programs may be obtained on the Department of Children and Family Services' website at www.myflorida.com/childcare.
- Ch 402.3025(2)(a)(b)(c) **Nonpublic School** - Nonpublic school means that programs for children under three (3) years of age shall be deemed to be child care and subject to the provisions of *Licensing Regulations Governing Pinellas County Children's Centers*. Programs for children in five-year-old kindergarten and grades one or above shall not be deemed to be child care and shall not be subject to Licensing Regulations. Programs for children who are at least three (3) years of age, but under five (5) years of age, shall not be deemed to be child care and shall not be subject to Licensing Regulations provided the programs in the schools are operated and staffed directly by the schools, provided a majority of the children enrolled in the schools are five (5) years of age or older, and provided there is compliance with the screening requirements for personnel pursuant to Licensing Regulations I.A.1. A nonpublic school may designate certain programs as child care, in which case these programs shall be subject to the provisions of *Licensing Regulations Governing Pinellas County Children's Centers*.
- Ch 402.3025(2)(d)(1) Programs for children who are at least three (3) years of age, but under five (5) years of age, which are not licensed under *Licensing Regulations Governing Pinellas County Children's Centers* shall substantially comply with the minimum child care standards promulgated pursuant to *Licensing Regulations Governing Pinellas County Children's Centers*.
- Ch 402.302(15) "Substantial compliance" means that level of adherence 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.
- For requirements, contact the License Board.
- Ch 402.302(13) **Operator** - An operator means any onsite person ultimately responsible for the overall operation of a children's center as previously defined, whether or not he or she is the owner or administrator of the children's center. The operator is sometimes referred to as the "director."
- Ch 61 S.2.(6)
8/1/07 **Overnight Care** - Children's centers licensed hereunder shall not provide regular overnight care for children. Overnight care on New Year's Eve and other similar occasions to be specified by the License Board for a number not in excess of the total enrollment authorized on its license is permissive, subject to the determination by the License Board that such overnight care is reasonable under the circumstances.
- Ch 65C-22.003(1)(q) **Professional Contribution** – Professional contribution, for the purpose of Director Credential renewal, demonstrates a dedication to early childhood or school-age education outside the child care program responsibilities.
- Ch 65C-22.008(1)(a) **School Age Child** - School age child means a child who is at least five (5) years of age by September 1 of that school year and who attends kindergarten through grade five (5).

- Ch 402.302(15) **Screening** - Screening means the act of assessing the background of child care personnel and volunteers and includes, but is not limited to, employment history checks, local criminal records checks through local law enforcement agencies, fingerprinting for all purposes and checks in this subsection, statewide criminal records checks through the Department of Law Enforcement, and federal criminal records checks through the Federal Bureau of Investigation, ~~except that screening for volunteers included under the definition of personnel includes only local criminal records checks through local law enforcement agencies for current residence and residence immediately prior to employment as a volunteer, if different, and statewide criminal records correspondence checks through the Department of Law Enforcement.~~
- Ch 402.302(16) **Secretary** - Secretary means the Secretary of the Department of Children and Family Services.
- Ch 409.175 **Summer Day Camp** - Summer day camp means recreational, educational and other enrichment programs operated during summer vacations for children who are five years of age on or before September 1 or older. Summer day camps are not licensed.
- Ch 402.302(2)(c) **Teen Parenting Child Care Program** - A teen parenting child care program means a program developed to provide child care for children of teen parents for the purpose of preventing school dropout and for facilitating early bonding of infant and parent. The program must be affiliated with a public or nonpublic school. Parenting activities must be a part of the program's curriculum.
- 10/14/89 **Teen Parenting Child Care Program** - A teen parenting child care program means a program developed to provide child care for children of teen parents for the purpose of preventing school dropout and for facilitating early bonding of infant and parent. The program must be affiliated with a public or nonpublic school. Parenting activities must be a part of the program's curriculum.
- Ch 65C-22.003(1)(r) **Training Transcript** - Training transcript means the electronic documentation of statutorily mandated training and staff credentialing requirements for all child care staff. Training transcripts may be downloaded on the Department of Children and Family Services' website at www.myflorida.com/childcare.
- Ch 509.031(10)
Ch 402.302(2)(e) **Transient Establishment** - Transient establishment means any public lodging establishment that is rented or leased to guests by an operator whose intention is that such guest's occupancy will be temporary. Operators of transient establishments, as defined in Chapter 509, which provide child care services solely for the guests of their establishment or resort provided that all child care personnel of the establishment are screened according to the Level 2 screening requirements of Chapter 435. Transient establishments are not licensed.
- Ch 402.305(14) **Urban Children's Center** - Urban children's center means a children's center that substitutes indoor play space for outdoor play space, if outdoor play space is not available in the area, and must set forth additional requirements that apply to a children's center which makes that substitution, including, but not limited to, additional square footage requirements for indoor space; air ventilation provision; and a requirement to provide facilities and equipment conducive to physical activities appropriate for the age of the children. For requirements, contact the License Board.
- Ch 65C-22.003(1)(s) **Weighted Score** - Weighted score means a scaled score, rather than a percentage score, based on the difficulty of the exam and determined by competency exam professionals in consultation with subject matter experts.
- Ch 65C-22.003(1)(t) **Year of Experience** - A year of experience is equivalent to a minimum of 1040 hours of paid and or nonpaid documented work experience.

LICENSE REQUIRED

- Ch 61 S.3.(1)* It is unlawful for any person, firm, corporation, or any other group to operate or maintain a children's center or family day care home without first obtaining a license or temporary permit as provided by Chapter 61-2681 Amended by Chapters 70-893 and 2007-277, Laws of Florida.
- Ch 61 S.3.(3)* Separate licenses shall be required for children's centers maintained and operated on separate premises, even though under the same ownership or management.

LICENSE BOARD CREATION

- Ch 61 S.4.* There is created in Pinellas County the License Board for Children's Centers and Family Day Care Homes herein called the License Board, which shall be composed of:
- Ch 61 S.4.(1)* (1) A member of the Board of County Commissioners, said member to be designated by action of the Board of County Commissioners.
- Ch 61 S.4.(2)* (2) The director of the district division of family services or a person delegated by him.
- Ch 61 S.4.(3)* (3) A member of the Juvenile Welfare Board, or the director of said Board, said member to be designated by action of the Juvenile Welfare Board.
- Ch 61 S.4.(4)* (4) The district school superintendent or a teacher in elementary preschool education delegated by him.
- Ch 61 S.4.(5)* (5) The county health officer or a person delegated by him.
- Ch 61 S.4.(6)*
5/5/04 (6) Two (2) members in good standing from the preschool association, Pinellas Early Childhood Association, selected by majority vote of the elected officers of said association.

- Ch 61 S.4.* The License Board as constituted by this section shall proceed to elect a chairman from its membership who shall serve as administrative officer of the License Board. The License Board shall hold quarterly meetings. Meetings may be called by the chairman whenever he deems it necessary or by a quorum of the members of the License Board.

RULES AND REGULATIONS

- Ch 61 S.5.* The License Board shall have the power and duty to promulgate and adopt rules and regulations for the purposes of administering and enforcing minimum standards prescribed in this act. In the event the License Board determines it reasonable to decrease the requirements of any particular standard, it may do so by the action of the Board only. In the event the License Board determines that there is a reasonable necessity to supplement or increase any particular standard, it may do so according to the following procedure:
- Ch 61 S.5.(1)* (1) There shall be a finding of necessity, not merely desirability.
- Ch 61 S.5.(2)* (2) There must be a notice of the finding, the old standard, the proposed new standard, the reason for the change and a hearing date mailed to all licensees.
- Ch 61 S.5.(3)* (3) There must be a hearing at which all affected persons are given an opportunity to present their views.
- Ch 61 S.5.(4)* (4) The proposed new standard may not be considered again by the Board until a meeting at least ninety (90) days after the hearing, at which time, if approved by five-sevenths (5/7) of the membership of the Board, it shall be adopted.
- Ch 61 S.5.(5)* (5) Any new standard must provide that it shall not become effective for a particular period of time specified in it, which is reasonable considering the particular standard involved.

Ch 61 S.5.(6) (6) No rule or regulation shall require medical examination or immunization for admission to a children's center of a child whose parent or guardian files a letter with the operator stating that such medical examination and/or immunization is contrary to his or her religious beliefs, or provide for the exclusion of a child from the center because of parent or guardian having filed such a letter; provided however, that whenever there is good cause to believe that a child is suffering from a recognized contagious or infectious disease, the child may be temporarily excluded from the center until the operator is satisfied that any contagious or infectious disease does not exist.

Ch 61 S.5.(7) (7) After the meeting approving the standard, within thirty (30) days, notice of the new standard and the effective date of it shall be mailed to all members.

ADVISORY COMMITTEE

*Ch 61 S.19.
6/4/03* The License Board shall appoint a committee to serve in an advisory capacity. Such committee shall consist of three (3) operators in good standing, representing privately-operated children's centers, school age centers, and faith-based children's centers and two (2) other persons qualified by education and experience in the field of early childhood education. The License Board shall consult with the committee before changing rules and regulations and in matters dealing with policy.

APPROPRIATION

Ch 61 S.22. The board of county commissioners is authorized to levy an annual tax to be used as an appropriation for the License Board in accordance with its needs. Such appropriation shall be in addition to the revenue derived from the application fees paid to the License Board. Further, the License Board is authorized to accept any financial gift or grant from any source, and shall properly account for same.

LICENSING REGULATIONS
Governing
Pinellas County Children's Centers

I. PERSONNEL

A. General qualifications. Child Care Personnel in children's centers:

Ch 61 S.6.(1) &
 Ch 402.301(2)
 Ch 402.305(2)(a)

1. Shall be of good character.

Good moral character based upon screening. This screening shall be conducted as provided in chapter 435, using Level 2 standards for screening set forth in that chapter. All Level 2 background screening requirements as set forth in F.S. 435 must be complied with at all times.

Ch 435.04

a. 435.04 Level 2 Screening Standards

Ch 435.04(1)

(1) All employees required by law to be screened must in positions designated by law as positions of trust or responsibility shall be required to undergo security background investigations as a condition of employment and continued employment which. For the purposes of this subsection, security background investigations shall include, but need not be limited to, fingerprinting for all purposes and checks in this subsection, statewide criminal and juvenile history records checks through the Florida Department of Law Enforcement, and federal national criminal records checks through the Federal Bureau of Investigation, and may include local criminal records checks through local law enforcement agencies.

Ch 435.04(2)

(2) The security background investigations under this section must ensure that no persons subject to the provisions of this section have been arrested for and are awaiting final disposition of, have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or have been adjudicated delinquent and the record has not been sealed or expunged for, any offense prohibited under any of the following provisions of the Florida Statutes state law or under any similar statute law of another jurisdiction:

- | | | |
|-----|--------------------|--|
| (a) | Sections: 393.135 | relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct. |
| (b) | 394.4593 | relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct. |
| (c) | 415.111 | relating to abuse, neglect, or exploitation of aged persons or disabled adults. |
| (d) | 782.04 | relating to murder. |
| (e) | 782.07 | relating to manslaughter, aggravated manslaughter of an elderly person or disabled adult, or aggravated manslaughter of a child. |
| (f) | 782.071 | relating to vehicular homicide. |
| (g) | 782.09 | relating to killing of an unborn child by injury to the mother. |
| (h) | Chapter 784, | <u>relating to assault, battery, and culpable negligence, if the offense was a felony.</u> |
| (i) | 784.011 | relating to assault, if the victim of the offense was a minor. |
| (i) | 784.021 | relating to aggravated assault. |
| (j) | 784.03 | relating to battery, if the victim of the offense was a minor. |
| (k) | 784.045 | relating to aggravated battery. |
| (l) | 784.075 | relating to battery on a detention or commitment facility staff. |
| (k) | 787.01 | relating to kidnapping. |
| (l) | 787.02 | relating to false imprisonment. |
| (m) | <u>787.025</u> | <u>relating to luring or enticing a child.</u> |
| (n) | 787.04(2) | relating to taking, enticing, or removing a child beyond the state |

(op)	787.04(3)	limits with criminal intent pending custody proceedings. relating to carrying a child beyond the state lines with criminal intent to avoid producing a child at a custody hearing or delivering the child to the designated person.
(pa)	790.115(1)	relating to exhibiting firearms or weapons within 1,000 feet of a school.
(qf)	790.115(2)(b)	relating to possessing an electric weapon or device destructive device, or other weapon on school property.
(re)	794.011	relating to sexual battery.
(st)	Former s 794.041	relating to prohibited acts of persons in familial or custodial authority.
(t)	794.05	relating to unlawful sexual activity with certain minors.
(u)	Chapter: 796	relating to prostitution.
(v)	Section: 798.02	relating to lewd and lascivious behavior.
(w)	Chapter: 800	relating to lewdness and indecent exposure.
(x)	Section: 806.01	relating to arson.
(y)	Section 810.02	relating to burglary.
(z)	Section 810.14	relating to voyeurism, if the offense is a felony.
(aa)	Section 81.0145	relating to video voyeurism, if the offense is a felony.
(bby)	Chapter: 812	relating to theft, robbery, and related crimes, if the offense is a felony.
(ccz)	Sections: 817.563	relating to fraudulent sale of controlled substances, only if the offense was a felony.
(ddaa)	825.102	relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult.
(eebb)	825.1025	relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult.
(ffee)	825.103	relating to exploitation of an elderly person or disabled adult, if the offense was a felony.
(ggdd)	826.04	relating to incest.
(hhee)	827.03	relating to child abuse, aggravated child abuse, or neglect of a child.
(iiff)	827.04	relating to contributing to the delinquency or dependency of a child.
(jigg)	Former s 827.05	relating to negligent treatment of children.
(kkhh)	827.071	relating to sexual performance by a child.
(llii)	843.01	relating to resisting arrest with violence.
(mmjj)	843.025	relating to depriving a law enforcement, correctional, or correctional probation officer means of protection or communication.
(nnkk)	Sections 843.12	relating to aiding in an escape.
(oo!!)	843.13	relating to aiding in the escape of juvenile inmates in correctional institutions.
(ppmm)	Chapters: 847	relating to obscene literature.
(qqnn)	874.05(1)	relating to encouraging or recruiting another to join a criminal gang.
(rree)	893	relating to drug abuse prevention and control, only if the offense was a felony or if any other person involved in the offense was a minor.
(sspp)	Section: 916.1075	relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.
(tteq)	944.35(3)	relating to inflicting cruel or inhuman treatment on an inmate resulting in great bodily harm.
(uu#)	944.46	relating to harboring, concealing, or aiding an escaped prisoner.
(wwss)	944.47	relating to introduction of contraband into a correctional facility.
(xx##)	985.7014045	relating to sexual misconduct in juvenile justice programs.
(yyuu)	985.7114046	relating to contraband introduced into detention facilities.

~~Ch 435.04(4) (3) Standards must also ensure that the person:~~

~~Ch 435.04(4)(a)~~ (a) For employees or employers licensed or registered pursuant to chapter 400, does not have a confirmed report of abuse, neglect, or exploitation as defined in: s. 415.102(6), which has been uncontested or upheld under s. 415.103.

~~Ch 435.04(4)(b)~~ (b) Has not committed an act that constitutes domestic violence as defined in s. 741.30.

Ch. 435.04(3) (3) The security background investigations under these regulations must ensure that no person subject to Level 2 background screening has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense that constitutes domestic violence as defined in s. 741.28, whether such act was committed in this state or in another jurisdiction.

~~Ch 435.04(5)~~ (4) Under penalty of perjury, all employees in such positions of trust or responsibility shall attest to meeting the requirements for qualifying for employment and agreeing to inform the employer immediately if convicted of any of the disqualifying offenses while employed by the employer. Each employer of employees in such positions of trust or responsibilities which is licensed or registered by a state agency shall submit to the licensing agency annually, under penalty of perjury, an affidavit of compliance with the provisions of this section.

Ch 65C-22.006(4)(d) 2.

b. **Background Screening Information**

(1) An employment history check must include the previous two (2) years, which shall include the applicant's job title and a description of their regular duties, confirmation of employment dates, and level of job performance. Failed attempts to obtain the employment history must be documented in the personnel file, and include date, time, and the reason the information was not obtained.

Ch 65C-22.006(4)(d) 3..

(2) **Affidavit Attestation of Good Moral Character** – CF Form 1649A, October, 2011 January 2007, Child Care **Affidavit Attestation** of Good Moral Character, which is incorporated by reference, must be completed at the time of initial screening or upon a change in Employers. on the hire date and

~~9/11/09~~ annually during the month of August for all child care personnel and may be obtained from the Child Care Licensing Program's, or by going to the Department of Children and Family Services' website at www.pclb.org. www.myflorida.com/childcare/training.

Ch 435.05

c. **Requirements for Covered Employees**

(1) Except as otherwise provided by law, the following requirements shall apply to covered employees:

Ch 435.05(1)(a)

(a) Every person required by law to be screened must submit a complete set of information necessary to conduct a screening as required by law. employed in a position for which employment screening is required must, within five (5) working days after starting to work, submit to the employer a complete set of information necessary to conduct a screening under this section.

Ch 435.05(1)(c)

- (b) For level 2 screening, the employer or License Board must submit the information necessary for screening to the Florida Department of Law Enforcement within five (5) working days after receiving it. The Florida Department of Law Enforcement shall perform ~~will conduct~~ a criminal history record check of its search of its criminal and juvenile records and will request that the Federal Bureau of Investigation perform ~~conduct~~ a national criminal history record check search of its records for each employee for whom the request is made. The Florida Department of Law Enforcement and the Department of Children and Family Services will respond to the employer or License Board, and the employer or License Board will inform the employee whether screening has revealed disqualifying information.

Ch 435.05(1)(d)

- (c) The person whose background is being checked must supply any missing criminal or other necessary information to the employer within thirty (30) days after the employer makes a request for the information or be subject to automatic disqualification.

Ch 435.05(2)

- (2) Unless otherwise prohibited by state or federal law, new employees may be placed on probationary status pending a determination of compliance with minimum standards set forth in this chapter.

Ch 435.05(3)

- (3) Each employer required to conduct level 2 background screening must sign an affidavit annually, under penalty of perjury, stating that all covered employees have been screened or are newly hired and are awaiting the results of the required screening checks.

435.05(2)

- (2) Every employee must attest, subject to penalty of perjury, to meeting the requirements for qualifying for employment that they do not have any Level 2 disqualifying offenses and agree to inform the employer immediately if arrested for any of the disqualifying offenses while employed by the employer.

435.05(3)

- (3) The Employer must ensure that all employees and volunteers (if required to be screened) have passed Level 2 background screening and must submit to the agency annually or at the time of license renewal, under penalty of perjury, a signed affidavit attesting to compliance.

Ch 402.3054(3)

d. **Child Enrichment Service Provider**

A child enrichment service provider shall be of good moral character based upon screening. This screening shall be conducted as provided in chapter 435, using the level 2 standards for screening set forth in that chapter. A child enrichment service provider must meet the screening requirements prior to providing services to a child in a children's center. 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.

Ch 402.3057

e. **Persons Not Required To Be Refingerprinted Or Re-screened**

Any provision of law to the contrary notwithstanding, human resource

personnel who have been fingerprinted or screened pursuant to chapters 393, 394, 397, 402, and 409, and teachers and non-instructional personnel who have been fingerprinted pursuant to chapter 1012, who have not been unemployed for more than ninety (90) days thereafter, and who under the penalty of perjury attest to the completion of such fingerprinting or screening and to compliance with the provisions of this section and the standards for good moral character as contained in such provisions as ss. 110.1127(3), 393.0655(1), 394.457(6), 397.451, 402.305(2), and 409.175(6), shall not be required to be re-fingerprinted or re-screened in order to comply with any caretaker screening or fingerprinting requirements.

Ch 435.06

f. **Exclusion From Employment**

435.06(2)(a) (1) An employer may not hire, select, or otherwise allow an employee to have contact with children until the screening process is completed and demonstrates the absence of any grounds for the denial or termination of employment. If the screening process shows any grounds for the denial or termination of employment, the employer may not hire, select or otherwise allow the employee to have contact with children unless the employee is granted an exemption for the disqualification as provided under 435.07.

435.06(2)(b) (2) If the Employer or becomes aware that an employee or volunteer (if required to be screened) has been arrested for a disqualifying offense, the Operator must remove the employee or volunteer from all contact with child care children until the arrest is resolved in a way that the Employer determines that the employee is still eligible to be employed or the volunteer is still eligible to have contact with child care children pursuant to these regulations.

435.06(2)(c) (3) The Employer must terminate the employment (or the volunteer services if the volunteer is required to be screened) of any employees or volunteers (if required to be screened) found to be in noncompliance with Level 2 background clearance requirements unless the employee or volunteer is granted an exemption from disqualification pursuant to 435.07.

Ch 435.06(1) (1) When an employer or License Board has reasonable cause to believe that grounds exist for the denial or termination of employment of any employee as a result of background screening, it shall notify the employee in writing, stating the specific record which indicates noncompliance with the standards in this section. It shall be the responsibility of the affected employee to contest his or her disqualification or to request exemption from disqualification. The only basis for contesting the disqualification shall be proof of mistaken identity.

Ch 435.06(2) (2) The employer must either terminate the employment of any of its personnel found to be in noncompliance with the minimum standards for good moral character contained in this section or place the employee in a position for which background screening is not required unless the employee is granted an exemption from disqualification pursuant to s. 435.07.

Ch 435.06(3) (4) Any person who is required to undergo employment screening and who refuses to cooperate in such screening or refuses to submit the information necessary to complete the screening, including fingerprints when required, shall be disqualified for employment in such position or, if employed, shall be dismissed.

12/4/02

g. **Re-screening of Child Care Personnel**

Ch 65C-22.006(4)(e) 1.

- (1) Level 2 screening is valid for five (5) years, at which time a statewide re-screening must be conducted in the same manner as the initial screening for all child care personnel.

~~3/9/05~~

~~Ch 65C-22.006(4)(e) 2.~~

- ~~(2) The five (5) year re-screening shall include a local criminal records check and the Florida Department of Law Enforcement screening.~~

~~12/4/02~~

- ~~(3) Five (5) year re-screening shall also be conducted for children's center owners, directors, and any member, over the age of twelve (12) years, of a children's center operator's family, or person, over the age of twelve (12) years, residing with a children's center operator if the children's center is located in or adjacent to the home of the operator or if the family member of, or person residing with, the children's center operator has any direct contact with the children in the children's center during its hours of operation.~~

Ch 65C-22.006(4)(e) 6.

- (2) Child care personnel must be re-screened following a break in employment in the child care industry which exceeds 90 days.

Ch 65C-22.006(4)(e) 7.

If child care personnel takes a leave of absence, such as maternity leave, extended sick leave, migrant child care programs, etc., re-screening is not required unless the 5 year re-screening has come due during the leave of absence.

Ch 435.07

h. Exemptions From Disqualification

Unless otherwise provided by law, the provisions of this section shall apply to exemptions from disqualification for disqualifying offenses revealed pursuant to background screenings required by these regulations regardless of whether those disqualifying offenses are listed specifically in these regulations or other laws.

For the purposes of this subsection, the term "felonies" means both felonies prohibited under any of the Florida Statutes cited in this chapter or under similar statutes of other jurisdictions.

- (1) The Department of Children and Family Services may grant to any employee otherwise disqualified from employment an exemption from disqualification for:
 - (a) Felonies for which at least 3 years have elapsed since the applicant for the exemption has completed or been lawfully released from confinement, supervision, or sanction for the disqualifying felony; committed more than three (3) years prior to the date of disqualification;
 - (b) Misdemeanors prohibited under any of the Florida Statutes cited in this chapter or under similar statutes of other jurisdictions for which the applicant for the exemption has completed or been lawfully released from confinement, supervision, or sanction;
 - (c) Offenses that were felonies when committed but are now misdemeanors and for which the applicant for the exemption has completed or been lawfully released from confinement, supervision, or sanction; or;
 - (d) Findings of delinquency. For offenses that would be felonies if committed by an adult and the record has not been sealed or expunged, the exemption may not be granted until at least 3 years have elapsed since the applicant for the exemption has completed or been lawfully released from confinement, supervision, or sanction for the disqualifying offense.
 - (e) Commissions of acts of domestic violence as defined in

435.07

(2) The term "felonies" means both felonies prohibited under any of the statutes cited in these regulations or under similar statutes of other jurisdiction. For the purpose of issuing a license, any out-of-state criminal offense, which if committed in Florida, would constitute a disqualifying felony offense, shall be treated as a disqualifying felony offense for screening purposes under this rule.

(3) In order to grant an exemption to any employee, the employee must demonstrate by clear and convincing evidence that the employee should not be disqualified from employment. Employees seeking an exemption have the burden of setting forth clear and convincing sufficient evidence of rehabilitation, including, but not limited to, the circumstances surrounding the criminal incident for which an exemption is sought, the time period that has elapsed since the incident, the nature of the harm caused to the victim, and the history of the employee since the incident, or any other evidence or circumstances indicating that the employee will not present a danger if employment or continued employment is allowed. The decision of the Department of Children and Family Services regarding an exemption may be contested through the hearing procedures set forth in chapter 120. The standard of review by the administrative law judge is whether the Department of Children and Family Services' intended action is an abuse of discretion.

Ch. 435.07(4)(b)

(4) Disqualification from employment pursuant to these regulations may not be removed from, nor may an exemption be granted to, any person who is a:

1. Sexual predator as designated pursuant to s. 775.21;
2. Career offender pursuant to s. 775.261; or
3. Sexual offender pursuant to s. 943.0435, unless the requirement to register as a sexual offender has been removed pursuant to s. 943.04354.

(4) Exemptions granted by one licensing agency shall be considered by subsequent licensing agencies, but are not binding on the subsequent licensing agency.

Ch 435.08

i. **Payment for Processing of Fingerprints and State Criminal Records Checks**

Either the employer or the employee is responsible for paying the costs of screening. Payment shall be submitted to the Florida Department of Law Enforcement with the request for screening.

Ch 435.09

j. Confidentiality of Personnel Background Check Information

No criminal or juvenile information obtained under this section may be used for any purpose other than determining whether persons meet the minimum standards for employment or for an owner or director of a covered service provider. The criminal records and juvenile records obtained by the License Board or by an employer are exempt from s. 119.07(1).

Ch 435.10

k. Sharing of Personnel Information Among Employers

Every employer of employees covered by this chapter shall furnish copies of personnel records for employees or former employees to any other employer requesting this information pursuant to this section. Information contained in the records may include, but is not limited to, disciplinary matters and any reason for termination. Any employer releasing such records pursuant to this chapter shall be considered to be acting in good faith and may not be held liable for information contained in such records, absent a showing that the employer maliciously falsified such records.

Ch 435.11

l. Penalties

- (1) It is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, for any person willfully, knowingly, or intentionally to:
 - (a) Fail, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose in any application for voluntary or paid employment a material fact used in making a determination as to such person's qualifications for a position of special trust.
 - (b) Use records information for purposes other than screening for employment or release records information to other persons for purposes other than screening for employment.
- (2) It is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, for any person willfully, knowingly, or intentionally to use juvenile records information for any purposes other than specified in this section or to release such information to other persons for purposes other than specified in this section.
- (3) Exclusion from owning, operating, or being employed by a children's center or other child care program; hearings provided.

Ch 402.3055(2)

Ch 402.3055(2)(a)

- (a) The License Board shall deny, suspend, or revoke a license or pursue other remedies provided in Licensing Regulations XVI, in addition to or in lieu of denial, suspension, or revocation for failure to comply with this section. The disciplinary actions determination to be made by the License Board and the procedure for hearing for applicants and licensees shall be in accordance with Licensing Regulations XVI.

- Ch 402.3055(2)(b) (b) When the License Board has reasonable cause to believe that grounds for denial or termination of employment exist, it shall notify, in writing, the applicant, licensee, or other child care program and the child care personnel affected, stating the specific record which indicates noncompliance with the standards in Licensing Regulations.
- Ch 402.3055(2)(d) (c) When the License Board is the agency initiating the statement regarding noncompliance of an employee with the standards contained in Licensing Regulations XVI, the employee, applicant, licensee, or other child care program has fifteen (15) days from the time of written notification of the agency's finding to make a written request for a hearing. If a request for a hearing is not received in that time, the permanent employee, applicant, licensee, or other child care program is presumed to accept the finding.
- Ch 402.3055(2)(e) (d) If a request for a hearing is made to the License Board, a hearing shall be held within thirty (30) days and shall be conducted by an individual designated by the county commission.
- Ch 402.3055(2)(f) (e) An employee, applicant, licensee, or other child care program shall have the right to appeal a finding of the License Board to a representative of the department. Any required hearing shall be held in the county in which the permanent employee is employed. The hearing shall be conducted in accordance with provisions of chapter 120.
- Ch 402.3055(2)(g) (f) Refusal on the part of an applicant or licensee to dismiss child care personnel who have been found to be in noncompliance with personnel standards in Licensing Regulations I.A., shall result in automatic denial or revocation of the license in addition to any other remedies pursued by the License Board.
- Ch 61 S.6.(1)
Ch 65C-22.001(5)(c)
3/9/05
Ch 65C-22001(5)(c)
Ch 61 S.6.(1)
2/1/06
2. **Shall be in good health and free from impairment of mental illness.**
3. **Shall be free from** the influence of alcohol or other drugs whether narcotic or non-narcotic that impair an individual's ability to provide supervision and safe child care.
- Ch 61 S.6.(1)
12/14/07
4. **Shall not exercise any influence detrimental to the progress, development, health, or safety of children and shall not exhibit or allow any violent, lascivious, or profane conduct to which children in care might be exposed.**
- Ch 61 S.6.(1)
5. **Shall meet minimum age requirements.** The person in charge shall be at least twenty-one (21) years of age, and no employee in direct supervision of children shall be under eighteen (18) years of age.

B. Education/Credentials

1. Education Qualifications

Ch 61 S.6.(2)(a)
8/3/05

- a. **Day Nursery Workers.** Day nursery workers (DNW) caring directly for children in any day nursery shall be high school graduates.

12/4/02

- SA** b. **School Age Center Workers.** School age center workers (SACW) caring directly for children in any school age center shall be high school graduates.

8/3/05

- c. All day nursery workers and school age center workers in the adult-child ratio hired on or after January 1, 2006, must fully meet the education requirement. Staff hired prior to January 1, 2006, will have until January 1, 2007, to satisfactorily complete a GED program or be a high school graduate.

Ch 61 S.6.(2)(a)
11/7/07

- d. **Staff Member In Charge of Day Nursery.** The staff member in charge (SMIC) of the staff and program of a day nursery shall be a high school graduate or have the equivalent of a high school diploma and have completed a minimum of six (6) semester hours of college credits in early childhood education with passing grades.

12/4/02
11/7/07

- SA** e. **Staff Member In Charge of School Age Center.** The staff member in charge (SMIC) of the staff and program of a school age center shall be a high school graduate or have the equivalent of a high school diploma and have completed a minimum of six (6) semester hours of college credits with passing grades in early childhood education, elementary education, physical education activities for children, guidance, recreation, or the eight content areas listed in the Licensing Regulations I.B.1.f.3.

Ch 61 S.6.(2)(b)

- f. **Teacher/Teacher In Charge of Nursery School/Kindergarten.** The nursery school or kindergarten teacher in charge (TIC) of curriculum, staff, and program shall have completed two (2) years of college training including twelve (12) semester credit hours in early childhood education with passing grades and shall have had two (2) years of teaching experience. Teachers (T) working directly under the person in charge of curriculum, staff, and program shall be high school graduates, and in addition shall have completed two (2) years of college training including twelve (12) semester hours credit in early childhood education with passing grades or shall have completed twelve (12) semester hours credit in early childhood education with passing grades and have had two (2) years of teaching experience.

Ch 61 S.6.(2)(d)

3/1/95
8/3/05

- (1) **Teacher In Process.** Child care staff, not in charge of curriculum, staff, or program who does not meet requirements, may be employed temporarily as a teacher of a licensed, nursery school or kindergarten, if said staff member is in the process of acquiring the necessary educational qualifications. A teacher in the process (TIP) of acquiring the necessary educational qualification must meet the experience requirement and one of the following:

- (a) A minimum of three semester credit hours or four-quarter hours of college credits each year toward acquiring the necessary twelve semester credit hours or 16-quarter credit hours; or
- (b) Participation in the Child Development Associate credentialing program; or
- (c) Participation in the Child Care Apprenticeship Program of Pinellas County.

(2) Successful completion of one of the above will qualify the person as a teacher or teacher in charge in a nursery school or kindergarten.

Ch 61 S.6.(2)(c)

(3) All personnel who meet the teacher or teacher in charge education qualifications in nursery schools and kindergartens shall continue professional training by earning at least three (3) semester credit hours or appropriate quarter hours in early childhood education each three (3) years, over and above the minimum requirements herein until a minimum of thirty (30) credits has been earned.

Ch 61 S.6.(2)(f)

g. Members of child care staff in children's centers caring exclusively for mentally or physically handicapped children are not required to meet the college credit requirements outlined herein for nursery school and kindergarten staff. They shall enroll in courses pertinent to work with exceptional children, when such courses are available in the county.

12/4/02

h. Credit to meet the educational requirement for staff member in charge, teacher, teacher in charge, and teacher in process will be accepted from a college or university accredited by the Regional Institutional Accrediting Associations as listed in the *Directory of Postsecondary Institutions*.

(1) The License Board accepts all licensed institutions listed in the Report of the Florida Board of Independent Colleges and Universities, as acceptable for credit if they offer the appropriate courses that are accepted by the License Board.

The License Board accepts all institutions licensed or approved by the Board of Education or appropriate Board of the state where the institution is located; the applicant would have the burden of proof to show that the institution meets this requirement.

(2) Evidence of credit shall be in the form of a transcript (official or unofficial), grade card, college printout, or verification by an instructor of successful course completion. An authentic diploma from a college or university listed in the *Directory of Postsecondary Institutions* showing a major in kindergarten, elementary education, early childhood education, child development, family and consumer sciences (formerly home economics/child development), or full Florida certification in early childhood or elementary education, is acceptable in lieu of a transcript for 12 credits in early childhood education.

- (3) Course work in the following eight content areas will be acceptable for early childhood education and/or school age credit:
- (a) Planning a safe, healthy environment to invite learning for children
 - (b) Steps to advance children's physical and intellectual development
 - (c) Positive ways to support children's social and emotional development
 - (d) Strategies to establish productive relationships with families
 - (e) Maintaining a commitment to professionalism
 - (f) Observing and recording children's behavior
 - (g) Principles of child growth and development
 - (h) Strategies to manage an effective children's program operation
- (4) In lieu of completion of six (6) semester hours of college credits in the eight content areas, a staff member in charge of a day nursery, school age center or nonpublic school may satisfactorily complete a CDA credential, a state approved equivalent, or a Florida School-Age Certification. This may be documented on a transcript, diploma, or certificate.

12/4/02

Ch. 65C-22.003(7)

2. Staff Credentials

Ch 65C-22.008(4)(f)

SA a. School age centers are exempt from the staff credential requirement as outlined in Licensing Regulations I. B. 2.b.

Ch. 65C-22.003(7)(a)

b. **Staff Credential Requirement.** Pursuant to s. 402.305(3), F.S., a licensed children's center must have a minimum of one (1) credentialed staff member for every 20 children.

Ch. 65C-22.003(7)(a)1

(1) A credentialed staff member is defined as a child care professional who has been issued a Staff Credential Verification, documented on the individual's Training Transcript.

Florida law requires that VPK instructional personnel possess an appropriate credential. If the licensing authority identifies that a designed VPK teacher does not have an active credential, the licensing authority will notify the local Early Learning Coalition or its designated representative.

Ch. 65C-22.003(7)(a)2

(2) To apply for a CF-FSP Form 5206, a candidate must complete CF-FSP Form 5211, March 2009, Staff Credential Verification Application, which is incorporated by reference, copies of which may be obtained on the Department of Children and Family Services' website at www.myflorida.com/childcare. The candidate must meet one (1) of the following six (6) qualifications as cited on CF-FSP Form 5211:

- Ch. 65C-22.003(7)(a)2.a. (a) An active National Early Childhood Credential (NECC)
- Ch. 65C-22.003(7)(a)2.b. (b) Formal Educational Qualifications
- Ch. 65C-22.003(7)(a)2.c. (c) An active Birth Through Five Florida Child Care Professional Credential awarded by successful completion of a Birth through Five FCCPC Training Program.
- Ch. 65C-22.003(7)(a)2.c. (d) An active Florida Department of Education Child Care Apprenticeship Certificate (CCAC), Early Childhood Professional Certificate (ECPC) (formerly CDA Equivalent).
- Ch. 65C-22.003(7)(a)2.c. **SA** (e) An active School-Age Florida Child Care Professional Credential (FCCPC) or School-Age Professional Certificate (SAPC).
- Graduates who successfully complete a school-age training program offered by a branch of the U.S. Military will be recognized as having met the School-Age FCCPC requirement.
- A School-Age FCCPC will not be accepted to meet the minimum staff credential requirements for Voluntary Pre-Kindergarten (VPK).
- Ch. 65C-22.003(7)(a)2.e. (f) An Employment History Recognition Exemption will not be accepted to meet the minimum staff credential requirements for Voluntary Pre-Kindergarten (VPK) or towards a Director Credential.
- Applications for Employment History Recognition Exemption will not be accepted after July 1, 2006.
- Ch. 65C-22.003(7)(b) c. **Calculation of Number of Personnel Necessary.** The required number of credentialed staff for a children's center shall be calculated as follows:

- Ch. 65C-22.003(7)(b)1.* (1) Children Centers with nineteen (19) or less children or which operate less than eight (8) hours per week are not subject to the staff credential requirement.
- Ch. 65C-22.003(7)(b)2.* (2) For every 20 children, a children's center must have one (1) child care staff member who meets the staff credential requirement. Based on this formula, children's centers with 20-39 children must have one (1) credentialed staff member, facilities with 40-59 children must have two (2) credentialed staff members, and so on. The License Board will calculate the number of credentialed personnel required based on daily attendance.
- Ch. 65C-22.003(7)(b)3* (3) Child care personnel meeting the staff credential requirement in paragraph 65C-22.003(7)(a), F.A.C., must work at the children's center a minimum of 20 hours per week. A credentialed staff person must be on-site during all operational hours for those children's centers that operate 20 hours or less per week.
- Ch. 65C-22.003(7)(b)4.* (4) Nap time and lunch times are excluded from this calculation.
- Ch. 65C-22.003(7)(b)5.* (5) Volunteers who work at the children's center a minimum of 20 hours per week and meet the credential requirement may be included in calculating the credential ratio.
- Ch. 65C-22.003(7)(b)6.* (6) Children who are five (5) years old and who are enrolled in and attend a kindergarten program or grades one (1) and above are excluded from credential ratio.
- Ch. 65C-22.003(7)(b)7.* (7) An individual with an inactive credential is ineligible to be counted as a credentialed staff member pursuant to paragraph 65C-22.003(7)(a)1., F.A.C., until the credential is renewed or the individual meets one (1) of the qualifications listed in paragraph 65C-22.003(7)(a), F.A.C.
- Ch. 65C-22.003(7)(c)* d. **On-Site Documentation.** A copy of the Training Transcript for each credentialed staff member must be maintained on-site at the children's center, in the employee personnel file, for review by License Board staff. Children's centers must maintain written documentation of credentialed personnel's work schedules. Examples of written documentation are employee time sheets, personnel work schedules, and employment records.

Ch. 65C-22.003(7)(d)

e. **Staff Credential Renewal**

Ch. 65C-22.003(7)(d)1.

- (1) To maintain an active National Early Childhood Credential, it must be renewed through the agency that awarded the original credential. Once renewed, for licensing purposes, individuals must complete a CF-FSP Form 5211, Florida Child Care Staff Credential Verification Application to have the individual's Training Transcript updated with renewed credential information.

Ch. 65C-22.003(7)(d)2.

- (2) A staff credential awarded for formal education qualifications does not need to be renewed to remain active.

Ch. 65C-22.003(7)(d)3.

- (3) To maintain an active Birth Through Five FCCPC or School-Age Child Care Credential, every five (5) years a candidate must complete the renewal Section of the CF-FSP Form 5211; if all criteria are met, the individual's Training Transcript will be updated with renewed credential information.

Ch. 65C-22.003(7)(d)3.

Renewal applications may be submitted by the candidate no earlier than one (1) year prior to the end of the active period of the Birth Through Five FCCPC or School-Age Child Care Credential.

Ch. 65C-22.003(7)(d)3.

An individual with an inactive Birth Through Five or School-Age Child Care Credential may submit a renewal application, but while inactive the individual shall not be counted to meet the staff credential requirement.

Ch. 65C-22.003(7)(d)3.

The application will be reviewed, and if approved, a certificate will be issued with a renewal date of five (5) years from the date the renewal requirements are met.

Ch. 65C-22.003(7)(d)4.

- (4) A staff credential awarded for Employment History Exemption does not require renewal to remain active.

Ch. 65C-22.003(7)(e)

- (a) Florida Child Care Professional Credential Training Program Providers

Ch. 65C-22.003(7)(e)1.

1. Birth Through Five FCCPC Training Providers

Ch. 65C-22.003(7)(e)1.a.

- a. Training providers seeking to offer the Birth Through Five FCCPC training must utilize the criteria approved by the Department of Children and Family Services referenced on CF-FSP Form 5191, March 2009, Birth Through Five Florida Child Care Professional Credential (FCCPC) Training Program Provider Application, which is incorporated by reference. CF-FSP Form 5191 may be obtained from the Department's website at www.myflorida.com/childcare. Training providers must submit a completed CF-FSP Form 5191 to the Department or designated representative for approval.

Ch. 65C-22.003(7)(e)1.b.

- b. Training providers that offer the Birth Through Five FCCPC training shall submit FCCPC training student completion documentation in the format referenced on CF-FSP Form 5191 to the Department for issuance of the Birth Through Five FCCPC, and to update the graduate's child care Training Transcript.

Ch. 65C-22.003(7)(e)1.c.

- c. Training providers approved to offer the Birth Through Five FCCPC training must annually complete, sign, date, and submit the attestation page of CF-FSP Form 5191 to the Department for review and approval based on the provider's anniversary date listed on CF-FSP Form 5191.

Ch. 65C-22.003(7)(e)2.

2. School-Age FCCPC Training Providers

Ch. 65C-22.003(7)(e)2.a.

- a. Training providers seeking to offer the School-Age FCCPC training must utilize the criteria approved by the Department referenced on CF-FSP Form 5257, March 2009, School-Age Florida Child Care Professional Credential (FCCPC) Training Program Provider Application, which is incorporated by reference. CF-FSP Form 5257 may be obtained from the Department's website at www.myflorida.com/childcare. Training providers must submit a completed CF-FSP Form 5257 to the Department or designated representative for approval.

Ch. 65C-22.003(7)(e)2.b.

- b. Training providers that offer the School-Age FCCPC training shall submit FCCPC training student completion documentation in the format referenced on CF-FSP Form 5257, to the Department for issuance of the School-Age FCCPC and to update the graduate's child care Training Transcript.

Ch.65C-22.003(8)

3. Director Credential

Ch.65C-22.003(8)(a)

a. Director Credential Requirements. Pursuant to Section 402.305(2)(f), F.S., every children's center must have a credentialed director. An individual with an inactive Director Credential is ineligible to be the director of a children's center. An applicant for the Director Credential must meet the requirements referenced in CF-FSP Form 5290, March 2009, Florida Child Care Director Credential and Renewal Application, which is incorporated by reference. CF-FSP Form 5290 may be obtained on the Department of Children and Family Services' website at www.myflorida.com/childcare. All applications and documentation will be verified, and if complete, the credential will be issued by the Department or designated representative on CF-FSP Form 5252, April 2006, Florida Director Credential Certificate, incorporated by reference. Form CF-FSP 5252 is issued to participants upon meeting the requirements for issuance of a Director Credential.

Ch.65C-22.003(8)(a)1.

(1) An individual may not be the director of children's centers that overlap in the hours of operation.

Ch.65C-22.003(8)(a)2.

(2) Each children's center must have a credentialed director who is on-site a majority of hours, excluding weekends and evening hours that the children's center is in operation. Documentation of majority of hours must be maintained and available for review by the licensing authority.

Ch.65C-22.003(8)(a)3.

(3) Every applicant for a license to operate a children's center or a license for a change of ownership of a children's center must document that the children's center director has an active Director Credential prior to issuance of the license.

Ch.65C-22.003(8)4.

(4) Children's center owners must notify the Child Care Licensing Program office within five (5) working days of when the children's center loses a credentialed director or when there is a change of director.

Ch.65C-22.003(8)4.a.

(a) The Child Care Licensing Program will then issue a provisional license for a period not to exceed six (6) months for any facility without a credentialed director.

Ch.65C-22.003(8)4.b.

(b) The provisional license will have an effective date of the first day the children's center was without a credentialed director.

Ch.65C-22.003(8)(a)5.

(5) CF-FSP Form 5252 Florida Director Credential Certificate, must be maintained at the children's center for review by the licensing authority.

- Ch.65C-22.003(8)(b)* b. **Exceptions to the Director Credential.** The following exceptions to the Director Credential apply:
- Ch.65C-22.003(8)(b)1.* (1). A credentialed director is not required during evening hours as defined in Section 402.302(6), F.S.
- Ch.65C-22.003(8)(b)2.* (2). Pursuant to Section 402.305(1)(c), F.S., a credentialed director may supervise multiple school age centers as outlined below.
- Ch. 65C-22.003(8)(c)* c. **Director Credential Requirement for School Age Centers**
- Ch.65C-22.003(8)(c)1.* (1). A credentialed director may supervise multiple school age centers for a single organization as follows:
- Ch.65C-22.003(8)(c)1.a.* (a). Three (3) school age centers regardless of the number of children enrolled, or
- Ch.65C-22.003(8)(c)1.b.* (b). More than three (3) school age centers if the combined total number of children enrolled at the centers does not exceed 350. In calculating the total number of children enrolled, the number of children in the school age center shall be calculated and viewed as separate children's centers.
- Ch.65C-22.003(8)(c)1.c.* (c). In counties where the public school district has included four (4) year-old children in public before-school and after-school programs, the school district may participate in the multi-site supervision option. Public school districts which serve four (4) year old children in the before-school and after-school programs are required to have a credentialed staff person pursuant to the credentialing requirements in Licensing Regulations I.B.3. in order to accommodate the four (4) year-old children.
- Ch.65C-22.003(8)(c)2.* (2). When a credentialed director is supervising multiple school age centers, the individual left in charge of the center during the director's absence must meet the following requirements:
- Ch.65C-22.003(8)(c)2.a.* (a). Be at least 21 years of age;
- Ch.65C-22.003(8)(c)2.b.* (b). Have completed the approved 40 clock-hour Introductory Child Care Training approved by the Department of Children and Family Services; and
- Ch.65C-22.003(8)(c)2.c.* (c). Have completed the Department of Children and Family Services' Part II specialized training course, Special Needs Appropriate Practices, or completed a minimum of eight (8) hours of in-service training in serving children with disabilities; or
- Ch.65C-22.003(8)(c)2.d.* (d). Have completed the Department of Children and Family Services' School Age Appropriate Practices specialized training module.

Ch. 65C-22.003(8)(d)

d. Director Credential Renewal

Ch. 65C-22.003(8)(d)1.

(1). To maintain an active Director Credential-at either level, candidates must complete the renewal section of the CF-FSP Form 5290, Florida Child Care Director Credential and Renewal Application which may be obtained on the Department of Children and Family Services' website at www.myflorida.com/childcare.

Ch. 65C-22.003(8)(d)2.

(2). A Director Credential renewal, as documented on CF-FSP Form 5252, Florida Director Credential Certificate is active for five years from the date of issuance. The completed renewal application, including all required documentation, must be submitted to the Department of Children and Family Services for review and issuance of a Director Credential Renewal Certificate no earlier than one (1) year prior to the end of the active period of the Director Credential. The Director Credential renewal date is determined by the end date of the active period.

Ch. 65C-22.003(8)(d)3.

(3). If a renewal application is received after the end of the active period for the Director Credential, the Director Credential Renewal Application will be reviewed, and, if approved, a certificate will be issued with a renewal date of five (5) years from the date the completed renewal application was processed.

Ch. 65C-22.003(8)(e)

(e). Director Credential Training Providers

Ch. 65C-22.003(8)(e)1.

(1). The Department of Children and Family Services is responsible for reviewing and approving "Overview of Child Care Management" courses offered through vocational-technical schools, community colleges and universities to determine if the Director Credential coursework are met. Applications for new coursework will no longer be accepted by the department. A list of approved "Overview of Child Care Management" courses may be obtained on the Department of Children and Family Services' website at www.myflorida.com/childcare.

Ch. 65C-22.003(8)(e)2.

(2). All college level coursework pertaining to the following content areas will be accepted as approved coursework towards the Advanced Level Director Credential requirements:

Ch. 65C-22.003(8)(e)2.a.

(a.) Child Care and Education Organizational Leadership and Management

Ch. 65C-22.003(8)(e)2.b.

(b.) Child Care and Education Financial and Legal Issues

Ch. 65C-22.003(8)(e)2.c.

(c.) Child Care and Education Programming

Ch. 65C-22.003(2) **C. Training Requirements**

- Ch.65C-22.003(2)(a)* 1. Child care staff must successfully complete the Department of Children and Family Services' 40 hour Introductory Child Care Training, as evidenced by successful completion of competency based examinations offered by the Department of Children and Family Services or its designated representative with a weighted score of 70 or better.
- Ch.65C-22.003(2)(a)* (a). Child care staff 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.
- Ch.65C-22.003(2)(a)1.* (b). All child care staff 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 employment in the child care industry in any licensed Florida child care center.
- Ch.65C-22.003(2)(a)2.* 2. **Part I.** The 40 hour Introductory Child Care Training requirement is divided into two (2) parts. Part I is comprised of 30 hours of training that consists of the Department of Children and Family Services' training courses, developed by the Department, identified below:
- Ch.65C-22.003(2)(a)2.a.* (a). Child Care Facility Rules and Regulations;
- Ch.65C-22.003(2)(a)2.b.* (b). Health, Safety, and Nutrition;
- Ch.65C-22.003(2)(a)2.c.* (c). Identifying and Reporting Child Abuse and Neglect;
- Ch.65C-22.003(2)(a)2.d.* (d). Child Growth and Development; and
- Ch.65C-22.003(2)(a)2.e.* (e). Behavioral Observation and Screening.
- Ch.65C-22.003(2)(a)3.* 3. **Part II.** Part II is comprised of 10 hours of training that consists of a selection from the Department of Children and Family Services' specialized training courses developed by the department, identified below:
- Ch.65C-22.003(2)(a)3.a.* (a). Infant and Toddler Appropriate Practices (10 hours)
- Ch.65C-22.003(2)(a)3.b.* (b). Preschool Appropriate Practices (10 hours)
- Ch.65C-22.003(2)(a)3.c.* (c). School Age Appropriate Practices (10 hours)
- Ch.65C-22.003(2)(a)3.d.* (d). Special Needs Appropriate Practices (10 hours)
- Ch.65C-22.003(2)(a)3.e.* (e). Basic Guidance and Discipline (5 hours online)
- Ch.65C-22.003(2)(a)3.f.* (f). Early Literacy for Children Age Birth to Three (5 hours online)
- Ch.65C-22.003(2)(a)3.g.* (g). Early Childhood Computer Learning Centers (5 hours online), or
- Ch.65C-22.003(2)(a)3.h.* (h). Emergent Literacy for Voluntary Pre-Kindergarten (VPK) Instructors (5 hours online).
- Ch.65C-22.003(2)(a)5.* 4. 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.
- Ch.65C-22.003(2)(a)6.* 5. Child care personnel who left the child care industry not in compliance with training requirements must complete required training prior to re-employment.

- Ch.65C-22.003(2)(a)7.* 6. Child care personnel employed at the same children's center 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.
- Ch.65C-22.003(2)4. 10/6/10* 7. Child care personnel in compliance with the school-age Training Requirements in Licensing Regulations Governing Pinellas County Children's Centers shall have 120 days to complete Child Growth and Development and Behavior Observation and Screening, and an approved 5 hour Early Literacy course, if they have not already done so as part of their school-age training requirements. Completion of such training may be counted toward the in-service training requirement.
- Ch 65C-22.008(4)(b)* **SA 8. 40 Hour Training Requirements for School Age Center Staff**
- Ch 65C-22.008(4)(b)* (a). All school age center staff must begin training within 90 days of employment and successfully complete the Department of Children and Family Services' training within 12 months from the date training begins. Training completion may not exceed 15 months from the date of employment in the child care industry in any licensed Florida child care center.
- Ch 65C-22.008(4)(c)* (b). School age center staff hired on or after October 1, 1992, must successfully complete 40 hours of child care training by completing the following Department of Children and Family Services' training as evidenced by successful completion of competency examinations offered by the Department of Children and Family Services or its designated representative with a weighted score of seventy (70) or better. School age center staff who successfully completed the training prior to January 1, 2004, are not required to fulfill the competency examination requirement:
- Ch 65C-22.008(4)(c)1.* (1) Child Care Facility Rules and Regulation;
- Ch 65C-22.008(4)(c)2.* (2) Health, Safety, and Nutrition;
- Ch 65C-22.008(4)(c)3.* (3) Identifying and Reporting Child Abuse & Neglect; and
- Ch 65C-22.008(4)(c)4.* (4) School-Age Appropriate Practices.
- Ch 65C-22.008(4)(c)5.* (c). The remaining hours must be met by successfully completing any combination of other Department of Children and Family Services' training identified below:
- Ch 65C-22.008(4)(c)I.* 1. Child Growth and Development (10 hours),
- Ch 65C-22.008(4)(c)II.* 2. Behavioral Observation and Screening (10 hours),
- Ch 65C-22.008(4)(c)III.* 3. Infant and Toddler Appropriate Practices (10 hours),
- Ch 65C-22.008(4)(c)IV.* 4. Preschool Appropriate Practices (10 hours),
- Ch 65C-22.008(4)(c)V.* 5. Special Needs Appropriate Practices (10 hours),
- Ch 65C-22.008(4)(c)VI.* 6. Basic Guidance and Discipline (5 hours online),
- Ch 65C-22.008(4)(c)VII.* 7. Early Literacy for Children Age Birth to Three (5 hours online),
- Ch 65C-22.008(4)(c)VIII.* 8. Early Childhood Computer Learning Centers (5 hours online), or
- Ch 65C-22.008(4)(c)IX.* 9. Emergent Literacy for Voluntary Pre-Kindergarten (VPK) Instructors (5 hours online), or
- Ch 65C-22.008(4)(c)b..* 10. Completion of 20 hours of specialized school-age training, provided by the Department, a national organization or its affiliates, that requires demonstration of competencies through passage of examination(s) or completion and assessment of a Professional Resource File (portfolio of materials that demonstrate competency).

- Ch.65C-22.008(4)(c)7.* **SA 9.** 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.
- Ch.65C-22.008(4)(c)8.* **SA 10.** Child care personnel who left the child care industry not in compliance with training requirements must complete required training prior to re-employment.
- Ch.65C-22.008(4)16*
10/6/10 **SA 11.** School-age child care personnel in compliance with the children's center training requirements in Licensing Regulations Governing Pinellas County Children's Centers shall have 120 days to complete School Age Appropriate Practices, if they have not already done so as part of their child care training requirements. Completion of such training may be counted toward the in-service training requirement.
- Ch.65C-22.008(4)(c)9.* **SA 12.** Child care personnel employed at the same children's center 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.
- Ch 65C-22.003(2)(b)* **13. Early Literacy Training.** Pursuant to Section 402.305(2)(d)5., F.S., all child care staff must complete a single course of training in early literacy and language development of children ages birth through five(5).
- Ch 65C-22.003(2)(b)1.* (a) All child care staff must complete early literacy training within 12 months of date of employment in the child care industry. Proof of completion will be documented on the certificate of course completion, classroom transcript or diploma.
- Ch 65C-22.003(2)(b)2.* (b.) In order to meet the literacy training requirement, child care staff must complete one (1) of the following:
- Ch 65C-22.003(2)(b)2.a.* (1) One (1) of the Department's online literacy course available on the Department of Children and Family Services' website at: www.myflorida.com/childcare, or
- Ch 65C-22.003(2)(b)2.b.* (2) One (1) of the Department's approved literacy training courses. A list of these courses may be obtained from the licensing authority or on the Department of Children and Family Services' website at: www.myflorida.com/childcare . No additional courses will be approved by the Department or
- Ch 65C-22.003(2)(b)2.c.* (3) One college level early literacy course(for credit or non-credit), if taken within the last five (5) years.
- Ch 65C-22.008(4)(e)* **SA (b).** School age center staff is exempt from the training requirement of 5 clock-hour early literacy and language development of children from birth to 5 years of age.

- Ch 65C-22.008(4)(d). 14. **Documentation of Training**
- Ch 65C-22.008(4)(d). (a) Effective October 1, 2010, the Department of Children and Family Services' Training Transcript will be the only acceptable verification of successful completion of the Department's training. A copy of the Department's Training Transcript may be obtained from the Department's website at www.myflorida.com/childcare by clicking on the link.
- Ch 65C-22.008(4)(d)3. (b) Training documented on CF-FSP Form 5267 that is not included on the Training Transcript must be sent to the Department or designated representative prior to October 1, 2010, to be documented on the individual's Training Transcript.
- Ch 65C-22.008(4)(d)4. (c) As of October 1, 2010, any course completion certificate not documented on the Training Transcript will be considered invalid, requiring that the course(s) is retaken. Until the coursework is retaken and completed, children's centers will be out of compliance with the mandated training standard.
- Ch 65C-22.008(4)(d) 1. (1) A copy of the CF-FSP 5267, until October 1, 2010, or training transcript must be included in each staff member's child care personnel record and maintained at each children's center.
- Ch 65C-22.008(4)(d)2. (2) A copy of the CF-FSP 5267, until October 1, 2010, or training transcript for the director and owner of a children's center must be included in the License Board's official licensing file.
- Ch 402.305(2)(d)7. (d) Training requirements shall not apply to certain occasional or part-time support staff, including, but not limited to, swimming instructors, piano teachers, dance instructors, and gymnastics instructors.
- Ch 402.302(3) (e) A volunteer who assists on an intermittent basis for less than 40 hours per month, and is not in the adult-child ratio, is not included in the term "personnel" for the purposes of screening and training, provided that the volunteer is under direct and constant supervision by persons who meet child care personnel requirement of Licensing Regulations.
- 65C-22.006(6)(3)4. (f) Prior to beginning volunteering in a children's center, a Volunteer Affidavit, which is incorporated by reference, and may be obtained from the www.pclb.org website must be completed and on file at the children's center for the volunteer.

Ch 65C-22.003(3) 15. **Exemptions from the Introductory Child Care Training**

- Ch 65C-22.003(3)(a) (a) **Competency Examination Exemptions**

- (1). Child care staff have one (1) opportunity, if they choose, to exempt from one (1) or more of the Department's Introductory Child Care Training courses prior to attending training by achieving a weighted score of seventy (70) or better on the corresponding competency examination(s).
- (2) Exemption examinations are not available for the Department's online Part II specialized training courses.

Ch 65C-22.003(3)(b)

(b) Educational Exemptions

Ch 65C-22.003(3)(b)1.

- (1) The Department of Children and Family Services or its designated representative shall exempt child care staff from the Health, Safety and Nutrition, Child Growth and Development and Behavioral Observation and Screening courses who meet one (1) of the following educational qualifications:

Ch 65C-22.003(3)(b)1.a.

- (a) Associate's degree or higher with six (6) college credit hours in early childhood/child growth and development or degree in elementary education with certification to teach any age birth through 6th grade.

Ch 65C-22.003(3)(b)1.b.

- (b) An active National Early Childhood Credential (NECC) or an active Birth Through 5 Florida Child Care Professional Credential (FCCPC).

Ch 65C-22.003(5)

16. **Child Care Trainer Qualifications** Child care professionals approved to teach the Children and Family Services' Child Care Training courses must meet, at a minimum, the following qualifications:

Ch 65-22.003(5)(a)

- (a) Be at least 21 years of age.

Ch 65-22.003(5)(b)

- (b) Have completed the Department's six-clock-hour Train-the-Trainer course.

Ch 65-22.003(5)(c)

- (c) Have one of the following educational and experiential credentials verified by the Department or its designated representative:

Ch 65-22.003(5)(c)1.

1. Four year college degree or higher with six college credit hours in early childhood education/child growth and development and 480 hours experience in a child care setting serving children ages birth through eight years. A Florida teaching certificate may be substituted for the 480 hours experience in a child care setting.

Ch 65-22.003(5)(c)2.

2. Associate's degree in Early Childhood Education or Child Development and 480 hours experience in a child care setting serving children ages birth through eight years.

Ch 65-22.003(5)(c)3.

3. Associate's degree with six college credit hours in early childhood/child growth and development and 960 hours experience in a child care setting serving children ages birth through eight years.

- Ch 65-22.003(5)(c)4.* 4. Four year college degree with a Florida teaching certificate and be currently employed by a school district in the state of Florida to teach Early Childhood Education in the Education and Training Cluster under the Department of Education Career and Technical Education Program. Trainers who meet this education and experience qualification are limited to teaching only in the Florida Department of Education Early Childhood Professional Certificate (ECPC) and Child Care Apprenticeship Certificate (CCAC) programs.
- Ch 65-22.003(5)(c)5.* 5. A high school diploma or GED; A National Early Childhood Credential or a department-approved Birth Through Five FCCPC and three years of full-time experience in licensed family child care within the past five years. Trainers who meet this education and experience qualification are limited to teaching only the six hour Family Child Care Home Rules and Regulations course.
- Ch 65-22.003(5)(c)6.* 6. Four year college degree or higher with six college credit hours in school-age children ages birth through twelve years. A Florida teaching certificate may be substituted for the 480 hours experience in a child care setting. Trainers who meet this education and experience qualification are limited to teaching only the ten hour School-Age Appropriate Practices course.
- Ch 65-22.003(5)(d)* (d). The Department or its designated representative may require a trainer to attend a specific child care training course prior to being approved.
- Ch 65C-22.003(3)(b)2.* (2) The Department of Children and Family Services or its designated representative shall exempt child care staff with a B.A., B.S. or advanced degree in Early Childhood Education or Preschool Education from the Infant and Toddler Appropriate Practices course and Preschool Appropriate Practices course.
- Ch 65C-22.003(3)(b)3.* (3) The Department of Children and Family Services or its designated representative shall exempt child care staff with a B.A., B.S. or advanced degree in Elementary Education from the School-Age Appropriate Practices course.
- Ch 65C-22.003(3)(b)4.* (4) The Department of Children and Family Services or its designated representative shall exempt child care staff with a B.A., B.S. or advanced degree in Exceptional Student Education from the Special Needs Appropriate Practices course.
- Ch 65C-22.003(3)(b)5.* (5) There are no educational exemptions from the Child Care Facility Rules and Regulations and the Identifying and Reporting Child Abuse and Neglect courses or from the Department's online training courses.
- Ch 65C-22.003(6)* **17. Annual In-Service Training**
- Ch 402.305(2)(f)(4)* a. On an annual basis in order to further their child care skills and, if appropriate, administrative skills, child care staff who have fulfilled the requirements for the child care training shall be required to take an additional one (1) continuing education unit (CEU) of approved in-service training, or 10-clock hours of equivalent training as determined by the License Board.
- Ch 65C-22.003(6)(a)* b. All child care staff must complete a minimum of 10 clock-hours or one (1) CEU of in-service training annually during the state's fiscal year beginning July 1 and ending June 30.

- Ch 402.305(2)(d)7.*
- Ch 65C-22.003(6)(b).*
- Ch 65C-22.003(6)(b)1.*
- Ch 65C-22.003(6)(b)4.*
- Ch 65C-22.003(6)(b)5.*
- Ch 65C-22.003(6)(b)6.*
- Ch 65C-22.003(6)(b)7.*
- Ch 65C-22.003(6)(b)8.*
- Ch 65C-22.003(6)(b)9.*
- Ch 65C-22.003(6)(b)10.*
- Ch 65C-22.003(6)(b)11.*
- Ch 65C-22.003(6)(b)12.*
- Ch 65C-22.003(6)(b)13.*
- Ch 65C-22.003(6)(b)14.*
- Ch 65C-22.003(6)(b)15.*
- Ch 65C-22.003(6)(b)16.*
- Ch 65C-22.003(6)(b)17.*
- Ch 65C-22.003(6)(b)18.*
- Ch 65C-22.003(6)(b)19.*
- Ch 65C-22.003(6)(b)20.*
- Ch 65C-22.003(6)(b)21.*
- Ch 65C-22.003(6)(b)22.*
- 8/3/05*
- Ch 65C-22.003(6)(c)*
- Ch 65C-22.003(6)(c)*
- Ch 65C-22.003(6)(c)*
- c. Training requirements shall not apply to certain occasional or part-time support staff, including, but not limited to, swimming instructors, piano teachers, dance instructors, and gymnastics instructors.
- d. The annual 10 clock-hours or one (1) CEU of in-service training concentrating on children ages birth through 12 must be completed in one (1) or more of the following areas (college level courses will be accepted):
- (1) Health and safety, including universal precautions;
 - (2) Nutrition;
 - (3) Child development - typical and atypical;
 - (4) Child transportation and safety;
 - (5) Behavior management;
 - (6) Working with families;
 - (7) Design and use of child oriented space;
 - (8) Community, health and social service resources;
 - (9) Child abuse;
 - (10) Child care for multilingual children;
 - (11) Working with children with disabilities in child care;
 - (12) Safety in outdoor play;
 - (13) Literacy;
 - (14) Guidance and discipline;
 - (15) Computer technology;
 - (16) Leadership development/program management and staff supervision;
 - (17) Age appropriate lesson planning;
 - (18) Homework assistance for school-age care;
 - (19) Developing special interest centers/spaces and environments; or
 - (20) Other course areas relating to child care or child care management.
- d. First aid and CPR training cannot be used towards the annual 10-hour in-service training requirement.
- e. A new in-service training record is required each fiscal year.
- f. The in-service training records for the previous two (2) fiscal years must also be maintained at the children's center for review by the License Board.
- g. Documentation of the in-service training requirement must be recorded on C-0108 Required Form, Child Care In-Service Training Record and included in the children's center's personnel records. C-0108 may be obtained from website pclb.org.
- h. Mandated 40-clock-hour introductory child care training, Parts I and II, may be used to meet the annual in-service training requirement during the first fiscal year of employment.
- i. All child care personnel continuously employed or hired between July 1 and June 1 of the state's fiscal year must complete the annual in-service training requirement. This includes any changes in employment from one program to another.
- j. Child care personnel continuously employed or hired between July 1 and June 1 of the state's fiscal year who do not complete the required annual in-service training during any given year must complete the remaining in-service training hours within 30 days of the noncompliance finding by the licensing authority. These hours cannot be used to meet the current year's in-service training requirements.

INF 18. Infant Center Training

a. Director Training

- 9/21/87*
- (1) Prior to the addition of the infant age range to a license, the director shall be required to attend the entire License Board training, Director's Orientation

8/3/05, 11/7/07

for Infant Care, specifically for directors who plan to provide for infant care.

8/3/05
11/7/07

- (2) A new director of an existing children’s center providing infant care must attend within ninety (90) days of hire the entire License Board training, Director’s Orientation for Infant Care, or the entire Department of Children and Family Services’ specialized training course, Infant and Toddler Appropriate Practices.

b. Child Care Staff Training

9/21/87
11/7/07

Child care staff caring for infants shall attend the entire Department of Children and Family Services’ specialized training course, Infant and Toddler Appropriate Practices, within ninety (90) days of employment; and in addition, annual in-service training of ten (10) hours shall include four (4) hours of training specifically related to infant care.

Ch 402.305(2)(d)9.

- 19. **Operator/Director Training** The child care operator shall be required to take basic training in serving children with disabilities within five (5) years after employment, either as a part of the introductory training or the annual 10-hours of in-service training.

II. SUPERVISION

A. General Supervisory Standards

Ch 65C-22.001(5)(a)

- 1. Direct supervision means watching and directing children’s activities within the same room or a designated outdoor play area and responding to the needs of each child. Child care staff at a children’s center must be assigned to provide direct supervision to a specific group of children and be present with that group of children at all times.

Ch 65C-22.002(4)(c)2.

- 2. During outdoor play, child care staff must situate themselves in the outdoor play area so that all children can be observed and direct supervision provided.

Ch 65C-22.008(3)(c)

- 3. When caring for school age children, child care staff shall remain responsible for the supervision of the children in care, capable of responding to emergencies and are accountable for children at all times, including when children are separated from their groups. At all times lighting must be sufficient to visually observe and supervise children while in care.

Ch 65C-22.002(6)(b)2.d.

- 4. Children must receive supervision and care in accordance with their age and required needs and be accounted for at all times while bathing or toileting.

9/21/87
11/7/07

- INF** 5. Infants shall not be combined with children two (2) years of age or older except any child two (2) years of age or older may be allowed to be enrolled or remain in the infant group when necessary for developmentally appropriate placement. Any child enrolled in the infant room cannot visit, be temporarily assigned to another group, or take part in activities with children other than those in the infant rooms.

Ch 65C-22.004(1)(c)
8/3/05

- 6. An isolated ill child must receive direct supervision at all times. The child must be carefully observed for worsening conditions.

Ch 65C-22.001(5)(d)1.

- 7. In addition to the number of child care staff required to meet the adult-child ratio, for the purpose of safety, one (1) additional adult must be present on all field trips away from the children’s center to assist in providing direct supervision.

Ch 61 S.6.(3)(a)

- 8. Adults shall be engaged in child care exclusively and shall regularly work no more than eight (8) hours in twenty-four hours.

Ch 61 S.6.(3)(a)

- 9. A staff member qualified to be in charge shall be on the premises at all times when children are present.

- Ch 61 S.6.(3)(b)* 10. In children's centers where only one (1) child care staff member is required at least one (1) other person must be on the premises for emergency purposes.
- 11/7/07* 11. In addition to the number of staff required to meet the adult-child ratio, one (1) additional child care staff member must be present during evening/overnight hours to assist in providing direct supervision.
- 11/7/07* 12. During evening/overnight child care hours, child care staff must remain awake at all times.
- Ch 65C-22.006(3)(b)* 13. The child shall not be released to any person other than the person(s) authorized or in the manner authorized in writing by the custodial parent or legal guardian(s).

B. Adult-Child Ratios

- Ch 61 S.6.(3)*
Ch 65C-22.001(4)(a) 1. The number of adults on the child care staff is based on primary responsibility for the direct supervision of children and applies at all times while children are in care and shall be no less than the following:
- 9/21/87* a. 1 adult for each 3 infants 2 months to 1 year;
- 9/21/87* b. 1 adult for each 5 infants 1 year to 2 years;
- Ch 61 S.6.(3)* c. 1 adult for each 10 children 2 years old;
- Ch 61 S.6.(3)* d. 1 adult for each 15 children 3 years old;
- Ch 61 S.6.(3)* e. 1 adult for each 20 children 4 years old;
- Ch 61 S.6.(3)* f. 1 adult for each 25 children 5 years old or older.

TPP 2. In teen parenting child care programs, the adult-child ratio shall be:

10/4/89

One (1) adult for three (3) infants ages birth to one (1) year of age with a maximum group size of six (6) infants.

Ch 65C-22.001(6)(f)

3. When transporting children, adult-child ratios must be maintained at all times. The driver may be included in the adult-child ratio.

Ch 61 S.6.(3)(a)

4. In groups where children of varying ages are combined, number of staff shall be determined by the age of the youngest child in the group.

Ch 402.305(4)(b)

5. An individual participating in a community service work experience activity under s. 445.024(1)(d), or a work experience activity under s. 445.024(1)(e), at a children's center may not be considered in calculating the adult-child ratio.

C. Group Size

INF In infant programs the maximum group size shall be:

9/21/87

1. For ages 2 months to 1 year of age - a maximum group size of 6 infants;

2. For ages 1 year to 2 years of age - a maximum group size of 10 infants.

D. Use of swimming and wading pools located at children's centers in Pinellas County

Chapter 64E-9

1. All swimming and wading pools must conform to the Florida Administrative Code, Chapter 64E-9.

9/24/03

8/3/05

2. Fencing. Any pool shall be securely enclosed by a fence or wall that is safe and maintained. Fencing, including gates must be a minimum height of six (6) feet, must be continuous and shall not have any gaps. The base of the fence must remain at ground level, free from erosion or buildup.

9/24/03

3/9/05

3. Age of children. Children must be no younger than three (3) years of age to participate in the program.

9/24/03

4. Staff Qualifications:

a. Supervisory. When children are in the pool area one person with a current lifeguard and water safety instructor certificate must be present. The certified water safety instructor is responsible for training and direct supervision of children while in the pool area. Additional staff shall be certified swimming instructors or certified water safety instructors.

b. Lookout. An adult lookout must be on the deck and be responsible for surveillance of pool area.

11/3/04

5. Supervisory staff-child ratio in pool area, excluding the lookout, is:
 - a. 3 year olds - 1 supervisory staff to 2 children
 - b. 4 to 6 year olds - 1 supervisory staff to 4 children
 - c. 7 to 12 year olds - 1 supervisory staff to 10 children

11/3/04

6. Waiver
 - a. The License Board may waive these requirements for good cause in the instance of a special use pool approved by the Health Department when the License Board finds the rules and regulations inappropriate (i.e., pool for therapeutic purpose). Request for waiver shall be made by the applicant to the Board in writing. The Board shall have authority to require safeguards appropriate for the special use in regard to fencing, age of children, ratio, staff qualifications, etc.

11/3/04

- b. If the request for waiver is granted, the situation shall be reviewed upon license application for renewal or change, and the waiver continued if the special use safeguards which apply to that pool are satisfied.

E. Use of swimming areas located away from children's centers

Ch 65C-22.001(5)(d) 1.

1. In addition to the number of staff required to meet the adult-child ratio, one additional adult must be present on all field trips away from the children's center, for the purpose of safety, to assist in providing direct supervision.

Ch 65C-22.001(5)(d)2.

2. If a children's center uses a swimming pool that exceeds three (3) feet in depth or uses beach or lake areas for water activities, the children's center must provide one (1) person with a certified lifeguard certificate or equivalent unless a certified lifeguard is on duty, and present when any children are in the swimming area. In situations where the children's center provides a person with a certified lifeguard certificate or equivalent, that person can also serve as the additional adult to meet the requirement in Licensing Regulations II.E.I.

III. CHILD DISCIPLINE

Ch 402.305(12)(a)
Ch 65C-22.001(8)(b)

- A. Children's centers must ensure that age-appropriate, constructive disciplinary practices are used for children in care. All child care personnel of the must comply with the children's center written disciplinary policy. Such policies shall include standards that prohibit children from being subject to:

1. Discipline which is severe, humiliating, or frightening.
2. Discipline associated with food, rest, or toileting.

Ch 65C-22.001(8)(b)

- B. Spanking or any other form of physical punishment is prohibited by all child care personnel.

- Ch 402.305(12)(b) C. Prior to admission of a child to a children's center, the children's center shall notify the parents in writing of the disciplinary policy used by the children's center.
- Ch 65C-22.001(8)(a) D. Verification that the children's center has provided, in writing, the disciplinary policy used by the children's center shall be documented on the enrollment form with the signature of the custodial parent or legal guardian.
- Ch 65C-22.001(8)(c) E. A copy of the children's center current written disciplinary policy must be available to the Child Care Licensing Program to review for compliance with Licensing Regulations III.
- 9/11/09 A copy of a changed Discipline Policy shall be submitted to the Child Care Licensing Program at the time it is changed.

Ch 39.201 **IV. REPORTING CHILD ABUSE AND NEGLECT**

Ch 39.01 **A. Definitions**

- Ch 39.01(2) 1. "Abuse" means any willful act or threatened act that results in any physical, mental, or sexual injury or harm that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired. Abuse of a child includes acts or omissions.
- Ch 39.01(45) 2. "Neglect" occurs when a child is deprived of, or is allowed to be deprived of, necessary food, clothing, shelter, or medical treatment.
- Ch 39.01(30) 3. "Harm" to a child's health or welfare can occur when any person:
 - Ch 39.01(30)(a) a. Inflicts or allows to be inflicted upon the child physical, mental, or emotional injury.
 - Ch 39.01(30)(a)3. b. Leaving a child without adult supervision or arrangement appropriate for the child's age or mental or physical condition, so that the child is unable to care for the child's own needs or another's basic needs or is unable to exercise good judgment in responding to any kind of physical or emotional crisis.
 - Ch 39.01(30)(a)4. c. Inappropriate or excessively harsh disciplinary action that is likely to result in physical injury, mental injury as defined in this section, or emotional injury.

Ch 39.201 **B. Mandatory Reports of Child Abuse, Abandonment, or Neglect; Mandatory Reports of Death; Central Abuse Hotline**

- Ch 39.201(1)(a) 1. Any person who knows or has reasonable cause to suspect, that a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child's welfare shall report such knowledge or suspicion to the Department of Children and Family Services in the manner prescribed in Licensing Regulations IV.B.2.3.

9/11/09

An open child abuse investigation involving the children's center shall be reported to the Child Care Licensing Program (CCLP) within 24 hours or the next business day upon initial knowledge of the investigation.

Ch 39.201 4.

a. School teacher or other school official or personnel;

Ch 39.201 5.

b. Social worker, day care center worker, or other professional child care, foster care, residential, or institutional worker, . . .

who knows, or has reasonable cause to suspect, that a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child's welfare shall report such knowledge or suspicion to the department in the manner prescribed in subsection 2.

Ch 39.201(2)(a)

2. Each report of known or suspected child abuse, abandonment, or neglect pursuant to this section, except those solely under s. 827.04(3), shall be made immediately to the Department of Children and Family Services' central abuse hotline on the single statewide toll-free telephone number. Personnel at the central abuse hotline shall determine if the report received meets the statutory definition of child abuse, abandonment, or neglect.

Ch 39.201(1)(b)

3. Reporters in occupation categories, designated in Licensing Regulations, IV.B.1 are required to provide their names to the hotline staff. The names of reporters shall be entered into the record of the report, but shall be held confidential as provided in s. 39.202.

Ch 39.202.3.(5)

4. The name of any person reporting child abuse, abandonment, or neglect may not be released to any person other than employees of the department responsible for child protective services, the central abuse hotline, law enforcement, the child protection team, or the appropriate state attorney, without the written consent of the person reporting. This does not prohibit the subpoenaing of a person reporting child abuse, abandonment, or neglect when deemed necessary by the court, the state attorney, or the department, provided the fact that such person made the report is not disclosed.

Ch 39.203(1)(a)

5. Any person, official, or institution participating in good faith in any act authorized or required by this chapter, or reporting in good faith any instance of child abuse, abandonment, or neglect to the department or any law enforcement agency, shall be immune from any civil or criminal liability which might otherwise result by reason of such action.

Ch 39.203(1)(b)

6. Except as provided in Chapter 39, nothing contained in this section shall be deemed to grant immunity, civil or criminal, to any person suspected of having abused, abandoned, or neglected a child, or committed any illegal act upon or against a child.

Ch 39.203(2)(a)

7. No resident or employee of a children's center serving children may be subjected to reprisal or discharge because of his or her actions in reporting abuse, abandonment, or neglect pursuant to the requirements of this section.

Ch 39.203(2)(b) 8. Any person making a report under this section shall have a civil cause of action for appropriate compensatory and punitive damages against any person who causes detrimental changes in the employment status of such reporting party by reason of his or her making such report. Any detrimental change made in the residency or employment status of such person, including, but not limited to, discharge, termination, demotion, transfer, or reduction in pay or benefits or work privileges, or negative evaluations within a prescribed period of time shall establish a rebuttable presumption that such action was retaliatory.

Ch 39.205(1) 9. A person who is required to report known or suspected child abuse, abandonment, or neglect and who knowingly and willfully fails to do so, or who knowingly and willfully prevents another person from doing so, is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Ch 39.205(6) 10. A person who knowingly and willfully makes a false report of child abuse, abandonment, or neglect, or who advises another to make a false report, is guilty of a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083. Anyone making a report who is acting in good faith is immune from any liability under this subsection.

Ch 65C-22.001(11)(a) **C. Violation**

1. Acts or omissions that meet the definition of child abuse or neglect provided in Chapter 39, F.S., constitute a violation of the standards in s. 402.301-319, F.S., and shall support imposition of a sanction, as provided in Section 402.310, F.S.

Ch. 65C-22.001(11)(b) 2. Failure to perform the duties of a mandated reporter pursuant to s.39.201, F.S., constitutes a violation of the standards in ss.402.301-319, F.S.

V. RECORDS

A. Facility Records

Ch 65C-22.006(1)(a) 1. Records required to document compliance with Licensing Regulations shall be maintained at the children's center and shall be available during the hours of operation for review by the License Board.

Ch 65C-22.006(1)(c) 2. Copies of required records are acceptable for documentation. Original documents are the property of the party providing the information.

Ch 65C-22.006(3) 3. The children's center operator shall obtain enrollment information from the child's custodial parent or legal guardian, prior to accepting a child in care.

Ch 65C-22.006(3)(a) 4. **Child's Enrollment Information.** Enrollment form provided by the Child Care Licensing Program shall be kept current and on file, and include the following:
a-I included on CF-FSP 5219 3/09 7/05; 9/11/09

a. The child's full legal name, birth date, date of enrollment, current address, and preferred name(s)/nickname.

- b. The name and address of the parent(s) or guardian(s).
- c. Telephone numbers or instructions as to how the parent(s), or guardian(s) may be reached during the hours the child is in the center.
- d. Names, addresses and telephone numbers of persons authorized by the parent(s) or guardian(s) to take the child from the children's center, and person(s) to be contacted who are authorized to remove the child from the children's center in case of illness, accident, or emergency if for some reason the parent(s) or guardian(s) cannot be reached.
- e. The name, address, and telephone number of a physician or health resource that can be called in case of emergency and the parent's written permission to consult that physician or health resource if the parent cannot be reached.
- f. Name, address, and telephone number of dentist.
- g. Days of the week in care.
- h. Meals typically served while in care.
- i. Primary hours of care.
- j. List of allergies, special medical, or dietary needs, or other areas of concern.
- k. Signature of parent(s)/guardian(s) that verifies that enrollment information is complete and accurate.
- l. Hospital preference.

Ch 65C-22.006(3)(c)

- 5. There shall be signed statements from the custodial parents or legal guardian that the children's center has provided them with the following information:

Ch 65C-22.006(3)(c)1.

- a. The Pinellas County License Board children's center brochure, *Know Your Child's Children's Center*. This brochure may be obtained from the License Board.

Ch 65C-22.006(3)(c)2.

- b. The children's center written disciplinary policy.

Ch 65C-22.006(3)(c)3.

- c. Annually, during the months of August and September, the children's center director must provide parents with information detailing the causes, symptoms, and transmission of the influenza virus. To assist providers the Department of Children and Family Services' developed a brochure, CF/PI 175-70, June 2009, Influenza Virus, Guide to Parents, which may be obtained from the Department's website at www.myflorida.com/childcare.

Ch 61 S.7(1)

Ch 65C-22.006(2)

Ch 65C-22.006(2)(b)

6. **Children's Health Requirements**

a. **Student Health Examination.**

- (1) The Student Health Examination or the signed statement is valid for two (2) years from the date the physical was performed. An up-to-date version must be on file for as long as the child is enrolled at the children's center.

Ch 65C-22.006(2)(a)

- (2) The children's center is responsible for obtaining for each child in care a current, complete and properly executed Student Health Examination form DH 3040 (June 2002), which is incorporated herein by reference, may be obtained from the local county health department from the custodial parent or legal guardian or a signed statement by authorized professionals that indicates the results of the components of the Student Health Examination form are included in the health examination. The Student Health Examination shall be completed by a person given statutory authority to perform health examinations.

Ch 65C-22.006(2)(c)

b. **Florida Certification of Immunization.**

- (1) The children's center is responsible for obtaining for each child in care a current, complete and properly executed Florida Certification of Immunization form Part A-1, B, or C, DH 680 (April 2009), or Religious Exemption from Immunization form, DH 681 (July 2008), which are incorporated herein by reference, from the custodial parent or legal guardian. DH Form 680 and DH Form 681 may be obtained from the local county health department.
- (2) Immunizations received out-of-state are acceptable, however, immunizations must be documented on the Florida Certification of Immunization form and must be signed by a physician practicing in the State of Florida.
- (3) Specific immunization requirements are included and detailed in the most current edition of the "Immunization Guidelines-Florida Schools, Child Care Facilities and Family Day Care Homes" as promulgated by the Florida Department of Health.

Ch 65C-22.006(2)(d)

- c. If the custodial parents or legal guardians fail to provide the documentation required in sub-paragraphs (a) or (b) above within 30 days of enrollment, the facility shall not allow the child to remain in the program.

Ch 65C-22.006(2)(e)

- d. School-aged children attending public or nonpublic schools are not required to have student health examination and immunization records on file at the children's center as such records are on file at the school where the child is enrolled.

Ch 65C-22.006(2)(f)

- e. If the custodial parents or legal guardians need assistance concerning these requirements, the children's center shall refer them to the Department of Health or to the child's physician.

Ch 65C-22.006(2)(g)

- f. Medical records in this section are the property of the custodial parent or legal guardian and must be returned to them when the child withdraws from the children's center. The medical records are transferable if the child attends another children's center.

- 9/21/87 **INF g.** No infant shall be admitted to the children's center without first obtaining immunizations appropriate to the age according to standards.
- 10/6/10 State Sheltered or Dependent Infants may be admitted to a children's center without first obtaining immunization records providing such records will be submitted within 30 days of the infant's admittance according to state law.
- TPP h.** Teen Parenting Programs:
- 10/4/89 (1) No infant under two months of age shall be admitted without a statement from a health professional, obtained after the date of hospital dismissal, attesting to the wellness of the child.
- 10/4/89 (2) No infant under one (1) month of age shall be admitted without proof of an appointment for a one (1) month physical examination.
- 10/4/89 (3) Immunizations shall be obtained at the appropriate time according to standards.
- Ch 402.305(9)(b) i. **Drop-In Child Care**
Because of the nature and duration of drop-in child care, requirements for preadmission and periodic health examinations and requirements for medically signed records of immunization required for children's centers shall not apply. A parent of a child in drop-in child care shall, however, be required to attest to the child's health condition and the type and current status of the child's immunizations.
- Ch 402.305(9)(c) j. **Exemption From Medical or Physical Examination**
Any child shall be exempt from medical or physical examination or medical or surgical treatment upon written request of the parent or guardian of such child who objects to the examination and treatment. However, the laws, rules, and regulations relating to contagious or communicable diseases and sanitary matters shall not be violated because of any exemption from or variation of the health and immunization minimum standards.
- 7/25/91 **7. Emergency Medical Release Form**
A notarized Emergency Medical Release form must be on file for each child in care. The form is valid for one year from the date of notarization.
- Ch 61 S.7.(1)
8/3/05 **8. Daily Attendance Record/Center Closing Log**
An accurate, legible daily attendance record shall be kept for each child in care.
- Ch. 65C-22.001(10) a. Daily attendance of children shall be taken and recorded by the children's center personnel, documenting the time when each child enters and departs the children's center or program.

The custodial parent or guardian may document the time when their child(ren) enter and depart the children's center or program. However, children's center personnel are responsible for ensuring that attendance records are complete and accurate.

7/1/09 Staff is also responsible for recording when each child enters and/or departs a group and verifying attendance accuracy when the group moves from one indoor/outdoor area to another.

9/11/09 Such records shall be maintained for a minimum of one (1) year. Attendance forms used for Voluntary PreKindergarten or School Readiness may be used if applicable.

Ch 65C-22.002(7)(c)
8/3/05 b. A current attendance record must accompany staff at all times including but not limited to a fire drill or actual evacuation and must be used to account for all the children.

8/3/05 c. Before closing a children's center each day, an assigned staff member must do a visual sweep of the premises to ensure that no child is left on the premises. The assigned staff member must sign and date a log designed for this purpose to document that all children have departed the premises.

Ch 65C-22.004(3) **9. Medication.** Children's centers are not required to give medication; however, if a children's center chooses to do so, the following shall apply:

Ch 65C-22.004(3)(a) a. The children's center must have written authorization from the custodial parent or legal guardian to dispense prescription and non-prescription medications. This authorization must be dated and signed by the custodial parent or legal guardian and contain:

- the child's name;
- the name of the medication to be dispensed; and
- date, time and amount of dosage to be given.

This record shall be initialed or signed by the children's center personnel who gave the medication.

Ch 65C-22.004(3)(b) b. Any known allergies to medication or special restrictions must also be:

- documented,
- maintained in the child's file,
- shared with staff and
- posted with stored medication.

Ch 65C-22.004(3)(c) c. Prescription and non-prescription medication brought to the children's center by the custodial parent or legal guardian must be in the original container.

Prescription medication must have a label stating the:

- name of the physician,
- child's name,
- name of the medication, and
- medication directions.

All prescription and non-prescription medication shall be dispensed according to written directions on the prescription label or printed manufacturer's label. To clarify, if written directions on the label do not contain specific dose to be administered, the instructions must be provided in writing from the prescribing health care professional.

Ch 65C-22.004(3)(f)

- d. The children's center 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.

9/11/09

The record shall be maintained for a minimum of one (1) year after the last day the child received the dosage.

Ch 65C-22.004(3)(h)

- e. Medication which has expired or is no longer being administered shall be returned to the custodial parent or legal guardian or be discarded if the child is no longer enrolled in care at the children's center.

Ch 65C-22.006(3)(g)

- f. All medicines must have child resistant caps, if applicable, and shall either be stored in a locked area or must be inaccessible and out of a child's reach.

Ch 65C-22.004(3)(d)
10/6/10

- g. In the event of an emergency, non-prescription medication that is **not** brought in by the custodial parent or legal guardian can be dispensed only if the facility has written authorization from the custodial parent or legal guardian and with medical personnel direction.

Any medication dispensed under these conditions must be documented in the child's file, and the custodial parent or legal guardian must be notified on the day of occurrence.

Ch 61 S.7(1)

10. Personnel Records

Ch 65C-22.006(4)

Evidence of suitable information regarding qualifications shall be kept for each staff in each children's center. Records shall be maintained and kept current on all child care personnel, as defined in Licensing Regulations, and household members if the children's center is located in a private residence. These shall include:

Ch 65C-22.006(4)(a)
Ch 402.3055(1)(b)

- a. An employment application with the required statement that the children's center employer shall require that the application for a child care personnel position contain a question that specifically asks the applicant if he or she has ever worked in a children's center that has had a license denied, revoked, or suspended in any state or jurisdiction or has been the subject of a disciplinary action or been fined while employed in a children's center.

The applicant shall attest to the accuracy of the information requested under penalty of perjury. If the applicant admits that he or 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 applicant is hired.

- Ch 65C-22.006(4)(b)* b. Position and date of employment.
- Ch 65C-22.006(4)(c)* c. Child Care Licensing Program C-0018, March 2010, Acknowledgement Form Child Abuse & Neglect Reporting Requirements, which is incorporated by reference, must be signed annually by all child care personnel.
- Ch 65C-22.006(4)(d)* d. Level 2 Screening/Background Screening information documentation.
- Ch 65C-22.006(4)7.(f)* e. Copies of training information and credentials.
- CG65C-22.006(4)7.(g)* f. Driver's license and driver physical examination documentation. A copy of the driver's license and the physical certification, or another form containing the same elements of the physician certification, granting medical approval to operate the vehicle and valid certificate(s) of course completion for first aid training and infant and child cardiopulmonary resuscitation (CPR) procedures must also be maintained in the driver's personnel file.
- Ch 61 S.6.(2)* g. Documentation of education credentials.

Ch 61 S.7.(1)

11. Display of License/Administrative Fines

- a. The official license issued by the License Board shall be prominently displayed.
- Ch 402.3125(1)(b)1.* b. In addition to posting the license as required, the children's center shall post with the license:
 - Ch 402.3125(1)(b)1.a.* (1) Each administrative fine for a violation of any standard or requirement of Licensing Regulations that has resulted in disciplinary action under Licensing Regulations.
 - Ch 402.3125(1)(b)1.b.* (2) An explanation, written in simple language, of each administrative fine.
 - Ch 402.3125(1)(b)1.c.* (3) A description, written in simple language, of the corrective action, if any, taken by the children's center for each administrative fine. Included in the description shall be the dates on which the corrective action was taken.
- Ch 402.3125(1)(b)2.* c. Each administrative fine, explanation, and description of corrective action shall remain posted for one (1) year after the administrative fine's effective date.

12. Other Records

- Ch.65C-22.004(2)(d)3.* a. **Accidents/Incidents Reports.** Records of all accidents and incidents which occur at a children's center or while a child is in care of children's center 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 children's center staff and custodial parent or legal guardian and maintained for one (1) 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.

Ch 65C-22.001(7)(a)

b. **Scheduled Activities.** Each age group or class must have a written and followed plan of scheduled activities posted in a conspicuous location accessible to parents. The written plan must meet the needs of the children being served and include scheduled activities that:

Ch 65C-22.001(7)(a)1.
11/7/07

(1) Promote emotional, social, intellectual, and physical growth. Developmentally appropriate physical activity that includes active gross motor play must be integrated into the daily schedule;

Ch 65C-22.001(7)(a)2.

(2) Include quiet and active play, both indoors and outdoors;

Ch 65C-22.001(7)(a)3.

(3) Include meals, snacks and nap times, if appropriate for the age and the times the children are in care;

11/7/07

(4) Include accepted bedtime routines that are respectful of children's individual needs and sleep schedules when operating during evening/overnight hours when children normally sleep. Activities include but are not limited to:

11/7/07

(a) Personal hygiene such as brushing teeth and washing face and hands, etc.

11/7/07

(b) Quiet, comforting transition activities such as bedtime stories, soothing music, etc.

Ch 402.305(13)

(5) The written plan must include a program, to be implemented periodically for children of an appropriate age, which will assist the children in preventing and avoiding physical and mental abuse.

Ch 65C-22.001(7)(b)

(6) Providers are encouraged to advise parents or legal guardians of their child's activities on a daily basis and to participate in the program's activities.

9/21/87

INF c. Written Plan for Infants. The written plan for infants shall include nurturing individualized care. Infants should have daily social experiences which encourage growth and development through interactions with the caregiver and other infants.

The caregiver shall have the opportunity to hold, talk to, and play with each infant and allow for experiences which encourage motor, language, and cognitive development.

Indoor/outdoor activity times must be outside the playpen or crib for a least two (2) hours each day with expanded time as the infant increases in mobility and decreases need for sleep. Infants in care shall be provided opportunities for outdoor time each day that weather permits.

Ch 65C-22.002(4)(h)

9/21/87

INF d. Daily Written Report for Infants. A daily written report for infants must be accessible to parents and must include information concerning nutritional intake and times of meals, bowel movements, naps, and changes in behavior. Developmental milestones such as first steps and first words should be noted.

Ch 65C-22.001(7)(c)

e. Field Trips. Parents or legal guardians must be advised in advance of each field trip activity. The date, time and location of the field trip must be posted in a conspicuous location at least two (2) working days prior to each field trip. Written parental permission must be obtained, in the form of a general permission slip. If special circumstances arise where notification of an event cannot be posted for two (2) working days then individual permission slips must be obtained from the custodial parent or legal guardian for each child participating on the field trip. Documentation of parental permission for field trips shall be maintained for a minimum of one (1) year from the date of each field trip.

Ch 65C-22.006(6)(f) & 9/11/09

12/2/92

f. Emergency Plan Evacuation Diagrams. Each children's center shall develop an emergency plan to provide for the safety of children and staff in fire and other emergencies. Simple, clear drawings which depict evacuation routes and state the location of children's emergency phone numbers and Emergency Medical Release forms must be posted in each room occupied by children. All child care personnel shall be informed of and shall follow the emergency plans.

12/2/92

h. License Board Inspection Reports. The most recent License Board inspection report shall be readily available to parents.

Ch 61 S.7.(2)

B. License Board Records

1. All applications for licenses, inspection reports on children's centers, recommendations of board members or employees, and formal action taken by the License Board shall be kept on file at the License Board for each children's center.

Ch65C-22.006(4)(e)5.

2. A copy of all background screening clearance documents for the director and owner must be included in the License Board's official licensing file.

VI. PHYSICAL ENVIRONMENT

Ch 61 S.8.(1)

Ch 402.305(1)(b)

2/1/06

A. Building

1. The building to be used for housing children in a children's center shall conform to the building, electrical, and codes of the local authority within whose jurisdiction the children's center is located.

It shall conform to the fire regulations of the local fire authority within whose jurisdiction the children's center is located or to the public school fire code if licensed program is operated in a public school. Any costs required to be paid to procure such inspection and the appropriate certification shall be paid by the applicant directly to the inspecting authority.

- Ch 402.305(5) 2. Children's centers operated in public school facilities, regardless of the operator, shall follow the standards set forth by the Florida Building Code State Requirements for Public Educational Facilities.
- Ch 402.305(5)
- 2/3/93 3. If a building housing a children's center is replaced or renovated and none of the information on the face of the license (name, category, age, capacity, etc.) is to be changed, new inspection forms signifying conformity to the local building, electrical, and fire codes must be filed at the License Board office.
- The children's center must pass sanitary inspection and inspection by a member of the License Board staff. Children shall not be housed in the children's center's replaced or renovated areas until these requirements are satisfied.
- Ch 65C-22.002(1)(j) 4. Design and construction of a new children's center or modifications to an existing children's center must meet the minimum requirements of the applicable local governing body.
- 11/7/07 5. A children's center operating during evening/overnight hours must secure all exit doors with locks that conform to fire regulations and have been approved by the fire department.

B. Fire Safety

- Ch 65C-22.002(7)(a) 1. Unless statutorily exempted, all children's centers shall conform to state standards adopted by the State Fire Marshall, Chapter 69A-36, F.A.C., Uniform Standards for Life Safety and Fire Prevention in Child Care Facilities, and shall be inspected annually.
- A copy of the current and approved annual fire inspection report by a certified fire inspector must be on file with the License Board.
- Ch 65C-22.002(7)(b) 2. There shall be at least one installed operable corded telephone readily accessible in the children's center that is neither locked nor located at a pay station and is available to all staff during the hours of operation, even in the event of a power outage.
- 11/7/07
- Ch 65C-22.002(7)(c) 3. The children's center must properly maintain fire extinguishers at all times.
- Ch 65C-22.002(7)(e) 4.. During the facility's licensure year, fire drills shall be conducted a minimum of 10 times and be conducted at various dates and times when children are in care, and shall not occur less than 30 days apart. A current attendance record must accompany staff out of the building during a drill or actual evacuation, and be used to account for all children. The fire drills conducted must include, at a minimum:
- a. One fire drill during the established napping/sleeping times.
 - b. One fire drill using an alternate evacuation route, and
 - c. One fire drill in the presence and at the request of the licensing authority in coordination with the operator or designee.

- Ch 65C-22.008(3)(s) 5.* **SA** 5. During the children's center's licensure year, fire drills shall be conducted a minimum of 10 times and be conducted at various times when children are in care, and shall not occur less than 30 days apart. A current attendance record must accompany staff out of the building during a drill or actual evacuation, and be used to account for all children. The fire drills conducted must include, at a minimum:
- a. One fire drill using an alternate evacuation route, and
 - b. One drill in the presence and at the request of the licensing authority in coordination with the operator or designee.
- Ch 65C-22.006(7)(f)* 6. The operator shall maintain a written record of monthly fire drills showing the date, number of children in attendance, evacuation route used, and time taken to evacuate the premises.
- Ch 65C-22.006(7)(f) 9/11/09* 7. Each fire drill record shall be maintained for a minimum of one (1) year from the date of the fire drill.
- Ch 65C-22.006(7)(g)* 8. When the facility's fire alarm is activated, all adults and children must evacuate the children's center.
- Ch 61 S.8.(2)* **C. Indoor Play Space**
Indoor play space is required.
- Ch 402.305(6)(a) Ch 61 S.8(2)* 1. A children's center that holds a valid license on October 1, 1992, must have a minimum of 25 square feet of usable indoor floor space for each child. This standard applies as long as the children's center remains licensed at the site occupied on October 1, 1992, and shall not be affected by any change in the ownership of the site.
- Ch 402.305(6)(b)* 2. A children's center that did not hold a valid license on October 1, 1992, and seeks regulatory approval to operate as a children's center must have a minimum of 35 square feet of usable floor space for each child.
- Ch 65C-22.002(3)(b)* 3. Usable indoor floor space refers to that space available for indoor play, classroom, work area, or nap space.
- Usable indoor floor space is calculated by measuring at floor level from interior walls and by deleting space for stairways, toilets and bath facilities, permanent fixtures and non-moveable furniture. Kitchens, offices, laundry rooms, storage areas, hallways, and other areas not used in normal day-to-day operations are not included when calculating usable indoor floor space.
- Ch 65C-22.002(3)(d)* 4. Shelves or storage for toys and other materials shall be considered as usable indoor floor space if accessible to children.
- Ch 65C-22.002(3)(f)* 5. The capacity, as calculated by the Child Care Licensing Program for each room, must be posted in a conspicuous location within the room.
- Ch 65C-22.002(3)(e)* **INF** 6. Where infants are in care, they shall have open indoor floor space outside of cribs and playpens. The space used for play may be interchangeable with space used for cribs and playpens.

9/21/87
8/3/05

- INF 7.** For the care of infants there shall be a separate room for each group with floor to ceiling walls and an exit opening directly to the outdoors.

No infant care may occur above the first floor.

- TPP 8.** In teen parenting programs exits from each room are not required, provided that:

10/4/89

- a. The center shall post a schedule listing the parents who are scheduled for parenting classes during each day. The number of parents present shall always be sufficient to meet an adult-child ratio, in the event of building evacuation, of one (1) adult to two (2) infants.

10/4/89

- b. Fire drills involving the use of parents for evacuation of the children's center shall be held monthly.

9/21/87
12/2/92

- INF 9.** For infants, there must be a minimum of 35 square feet per child of suitable and usable space, which includes open play space.

3/9/05

Applications received after January 1, 1993 for programs serving infants under one year of age must meet the requirement of a minimum of 50 square feet per child of suitable and usable space, which includes open play space.

All infant rooms shall include a diapering area with hand-washing facilities with hot (temperature not to exceed 110 ° F.) and cold running water.

Ch 402.305(15)

10. During the periods of time in which children are arriving and departing from the children's center, notwithstanding local fire ordinances, minimum standards for square footage are suspended for a period of time not to exceed thirty (30) minutes.

Ch 65C-22.002(3)(g)

11. When common or multi-purpose areas are used for dining or occasional large group assembly activities and special events, the applicable 25 or 35 square feet requirement of usable space for each child does not apply for that period of time only; however, the children's center must maintain minimum square footage per child in accordance with the local fire authority requirements.

Ch 65C-22.002(2)

12. Rooms occupied by children:

Ch 65C-22.002(2)(a)

- a. All rooms must have and maintain lighting the equivalent of twenty (20) foot candles at three (3) feet from the floor to allow for supervision and for safe methods of entering and exiting each room.

11/7/07

Ch 65C-22.002(2)(b)

In reading, painting, and other close work areas, lighting must be equivalent to fifty (50) foot candles on the work surface.

Ch 65C-22.002(2)(c)

At all times lighting must be sufficient enough to visually observe and supervise children, including during naptime and when children are sleeping.

- Ch 65C-22.002(2)(d)* b. An inside temperature of 65 to 82 degrees Fahrenheit must be maintained at all times.
- Ch 65C-22.002(2)(e)* c. All rooms shall be kept clean, adequately ventilated and in good repair.
Cleaning shall not take place while rooms are occupied by children except for general clean-up activities which are a part of the daily routine.
- Ch 65C-22.002(1)(a)* d. Rodents and vermin shall be exterminated.

Ch 61 S.8.(3)

D. Outdoor Play Space

8/3/05

Outdoor play space is required and must have safe ingress and egress and be on the same premises as the building housing the children's center.

Ch 61 S.8.(3)
Ch 65C-22.002(4)(a)

- 1. The maximum number of children who can occupy the outdoor space at any one time shall be equivalent to the total suitable, sanitary, safe and usable square feet of space divided by 90 square feet. The minimum outdoor play space shall be provided for one-fourth (1/4) of the licensed capacity.

10/4/89

- INF** 2. For any program providing care only for children through four months of age, 45 square feet per child is required.

Ch 61 S.9.(3)(c)
Ch 65-C22.002(4)(c)1.
Ch 65C-22.002(4)(c)

- 3. Outdoor play space shall have adequate sun and shade.
- 4. The outdoor play area shall be clean, free from litter, nails, glass and other hazards.

Ch 65C-22.002(9)(b)3

- 5. Permanent or stationary playground equipment must have a ground cover or other protective surface under the equipment that provides resilience and is maintained to reduce the incidence of injuries to children in the event of falls.

Ch 65C-22.002(4)(d)

- 6. The children's center outdoor play area shall be fenced in accordance with accepted safety practices and local ordinances to prevent access by children to all water hazards, within or adjacent to outdoor play areas, such as pools, ditches, retention and fish ponds.

Ch 65C-22.002(4)(e)

- 7. The outdoor play area shall have and maintain safe and adequate fencing or walls a minimum of four (4) feet in height. Fencing, including gates must be continuous and shall not have any gaps that allow children to exit the outdoor play area. The base of the fence must remain at ground level and be free from erosion or build-up to prevent inside or outside access by children or animals.

9/21/87

- INF** 8. A separate fenced play area shall be provided for infants under two (2) years of age.

10/4/89

- INF** 9. For any program providing care only for children through four (4) months of age, fencing of the play area is not required.

- Ch 65C-22.002(4)(f)* **SA 10. Fence Exemption.** For the purposes of children’s centers who are providing care to school age children, a fence is not required if all the following conditions are met:
- Ch 65C-22.002(4)(f)1.* a. The children using the outdoor play area are in five-year-old kindergarten and grades one (1) or above;
- Ch 65C-22.002(4)(h)2.* b. In addition to the established staff-to-child ratios, for the purpose of safety, an additional staff member is present, at all times during outdoor activities, to assist in providing direct supervision.
- Ch 65C-22.002(4)(f)3.* c. The outdoor play area is bordered by a road or street open to travel by the public with a posted or unposted speed limit of no more than 25 miles per hour, or where the posted or unposted speed limit is no greater than 35 miles per hour and the playground is a minimum of 30 feet from the edge of the road; and is not located adjacent to a congested, heavily trafficked location or near any major intersections, crowded business areas, or water hazards; and
- Ch 65C-22.002(4)(f)4.* d. The License Board has provided written authorization to the children’s center to operate without a fence.
- Ch 65C-22.008(3)(g)*
3/9/05 **SA 11. Exception to Outdoor Play Space.** School age centers may choose to request in writing, permission from the License Board staff, to operate under an exception to outdoor play space as specified in Licensing Regulations if all the following provisions are met:
- a. No outdoor space available that is safe or can be fenced or meet fence exemption.
- b. A minimum of 3000 square feet of usable indoor floor space to allow for large motor physical activity.
- c. The License Board has provided written authorization to the program to operate without outdoor play space.
- The written request must include an explanation of why the exception is necessary as well as an alternate plan for inclusion of fine and gross motor skills opportunities for those centers requesting an exception to the outdoor play area.
- Ch 65C-22.002(4)(g)* **12. Urban Children's Center.** For the purposes of a licensed urban children’s center, an additional minimum of 45 square feet of usable indoor play space for 25% of the licensed capacity shall be substituted for outdoor play space. The urban children’s center must provide this additional indoor space with equipment that provides physical activities appropriate for the age of the children.
- Ch 402.305(5)* **13. Drop-In Child Care.** Because of the nature and duration of drop-in child care, outdoor play space and outdoor equipment shall not be required for licensure; however, if such play space and equipment are provided, then the minimum standards shall apply to drop-in child care.
- 14. Evening Child Care.** For centers which only provide evening child care, outdoor play space is not required. An open area within the existing indoor floor space designated for play that promotes the development of gross motor skills must be available.

E. Napping and Sleeping Space

Ch 65C-22.002(5) For the purposes of these standards, sleeping refers to the normal overnight sleep cycle while napping refers to a brief period of rest during daylight or early evening hours.

- Ch 65C-22.002(5)(a)*
11/07/07
1. Each children's center must include a designated area where each child can sit quietly or lie down to rest or nap. Sleeping space is required during bedtime hours when children normally sleep. When not in use, napping space and usable indoor floor space may be used interchangeably.
- Ch 65C-22.008(3)(g)* **SA** 2. Bedding is not required for school age children, however, the children's center shall provide an area as described above for those children choosing to rest. Sleeping space for cots is required for school age children during bedtime hours when school age children normally sleep.
- Ch 65C-22.002(5)(d)* **INF** 3. When napping or sleeping, young infants that are not capable of rolling over on their own should be positioned on their back and on a firm surface to reduce the risk of Sudden Infant Death Syndrome (SIDS), unless an alternate position is authorized in writing by a physician. This documentation shall be maintained in the child's record.
- Ch 61 S.8.(4)*
4. Child capacity shall be limited to the resulting figure arrived at by determining the total square feet of usable space for this purpose and dividing it by the square footage required per child.
- Ch 61 S.8.(4)*
9/21/87
5. Cots and/or cribs shall be set up so that each child is no closer to another, during the nap period or when children are sleeping, than two-feet.
- Ch 65C-22.002(5)(b)1.*
6. Napping and sleeping spaces shall not be under furniture or against furniture that may create a hazard.
- Ch 65C-22.002(5)(b)2.*
11/7/07
7. Exit areas must remain clear in accordance with fire safety regulations.

Ch 61 S.8.(5) **F. Bathroom Facilities**

- Ch 65C-22.002(6)(a)*
1. Each children's center 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.
- Ch 61 S.8.(5)*
8/3/05
2. For children's centers, having one (1) to thirty-six (36) children, there shall be a minimum of two (2) toilets and two (2) wash basins. There shall be a minimum of one (1) toilet and one (1) wash basin for every eighteen (18) children thereafter.
- Ch 65C-22.002(1)(j)*
3. Design and construction of a new children's center or modification to an existing children's center, must meet the minimum requirement of the applicable local governing body.
- 9/21/8*
& Ch 65C-22.002(6)(b)2.
- INF** 4. For infants one year of age, a bathroom must be adjoining each infant room and may be shared only with other infant rooms.
- 3/9/05*
- If potty chairs are used, they shall be in addition to the required bathroom facilities and shall be cleaned and sanitized after each use.

For infants under one (1) year of age, an adjoining bathroom is not required.

10/4/89

TPP 5. In teen parenting programs providing separate rooms for infants eighteen (18) months of age or younger, a bathroom adjoining the infant room is not required.

Parents may act as a substitute for child care staff during bathroom breaks providing that:

10/4/89

a. In any group there must be one (1) child care staff remaining with the infants, and

10/4/89

b. The center shall post a schedule listing the parents who are scheduled for parenting classes during each day.

Ch 65C-22.002(6)(b)
8/3/05

SA 6. For school age centers, having one (1) to thirty (30) children, there shall be a minimum of two (2) toilets and two (2) wash basins. There shall be one (1) toilet and one (1) wash basin for every thirty (30) children thereafter.

Ch 65C-22.002(6)(c)

7. Toilet facilities shall not open directly into an area where food is prepared. A toilet facility may open directly into an area used by children where food is served.

Ch 65C-22.002(6)(e)
11/7/07

8. At least one (1) portable or permanent bath facility shall be provided and be available for bathing children unless the program exclusively serves school age children and the school age center does not operate during evening/overnight hours of care requiring bedtime routines. The portable or permanent bath facility shall be clean and must be sanitized or disinfected after each use.

Ch 65C-22.002(6)(f)

9. Running water, soap and trash receptacles, toilet paper, and disposable towels or hand drying machines that are properly installed and maintained, shall be available and within reach of children using the toileting facility.

Ch 65C-22.002(6)(g)
8/3/05

10. Each basin and toilet must be maintained in good operating condition, clean, and cleaned and sanitized or disinfected as needed, at least once per day.

Ch 61 S.7(6)

G. Outdoor Equipment

Ch 61 S.8.(6)

1. In a children's center, outdoor equipment shall be scaled to the age group under care.

It shall be sufficient in number and designed to motivate physical activities, social development and imagination. Equipment may include swings, slides, climbing apparatus, wheeled toys, sandbox, packing boxes, tables and benches or the equivalent of any of these items.

Ch 65C-22.002(9)(b)1.

2. A children's center shall provide and maintain equipment and play activities suitable to each child's age and development.

Ch 65C-22.002(9)(b)2.

3. All playground equipment shall be securely anchored, unless portable or stationary by design, in good repair, maintained in safe condition, and placed to ensure safe usage by the children.

Maintenance shall include inspections, at least every other month, of all supports above and below the ground, and all connectors and moving parts. Documentation of maintenance inspections shall be retained for one year.

Ch 65C-22.002(9)(b)4.

4. All equipment, fences, and objects on the children's center premises shall be free from sharp, broken and jagged edges and shall be properly placed to prevent overcrowding or safety hazards in any one (1) area.

Ch 65C-22.002(9)(b)5.

5. All equipment used in the outdoor play area shall be constructed and maintained to allow for water drainage and maintained in a safe and sanitary condition.

*Ch 61 S.8.(7)
65C-22.002(9)(a)1.
8/3/05*

H. Indoor Equipment

1. A children's center shall make available toys, equipment, and furnishings and other materials suitable to each child's age and development, and of a quantity for each child to be involved in activities that encourage physical, social, emotional, and cognitive development. Materials must reflect diversity in a representative and respectful manner.

*Ch 65C-22.002(9)(a)2.
8/3/05*

2. Toys, equipment, and furnishings and other materials must be maintained in an operable, safe, and sanitary condition, and shall be cleaned and sanitized or disinfected immediately if exposed to bodily fluids, such as saliva.

8/3/05

3. There shall be sufficient individual storage space for children's clothing and personal belongings.

8/3/05

4. Shelves shall be provided for equipment and supplies in rooms used by children.

Equipment, toys and supplies shall be accessible and arranged in an orderly fashion so that children may select, use and replace items.

*Ch 61 S.7.(7)
8/3/05*

5. Tables and chairs suitable in size and sufficient for the total number of children and for the age group under care must be provided and maintained.

8/3/05

6. For preschool children, adequate and appropriate equipment and materials shall include but are not limited to:

8/3/05

- a. Dramatic play materials: toy housekeeping furniture, supplies, and props.

8/3/05

- b. Construction play materials: fluid and structured, unit blocks, water play, sand play, and other mediums.

8/3/05

- c. Art, music, and creative expression materials: easels, paints, brushes, paper, scissors, crayons, markers, clay/play dough, rhythm instruments, and a source of music, such as a tape or CD player.

8/3/05

- d. Early literacy and language materials: books, puppets, flannel boards, and writing supplies.

8/3/05

- e. Science and math games and materials: magnifying glasses, magnets, measuring equipment, textured objects, geometric shapes, and supplies for counting, matching, sorting, patterning and sequencing.

8/3/05

- f. Gross and fine motor development: balls, climbing and balancing equipment, puzzles, and other manipulatives.

- 8/3/05 g. Other materials that will enhance the child's development.
- 8/3/05 7. For programs using nationally recognized early childhood educational theory, such as Montessori programs, equivalent equipment and materials may be used. Equivalences must be approved by the License Board for adequacy and appropriateness.
- 8/3/05 **INF** 8. Infant equipment must allow for experiences which encourage motor, language and cognitive development, such as soft and durable books, blocks, dolls and stuffed animals; mirrors and musical materials.
- 9/21/87
8/3/05 **INF** 9. A labeled container must be provided for storage of dirty toys and play materials. Toys and equipment must be cleaned and sanitized daily.
- 12/4/02
8/3/05 **SA** 10. For school age children an amount of equipment such as sports equipment, table games, books and creative materials must be available and sufficient for the number of children and for the age group under care. Adequate and appropriate supplies and play materials are to be available.
- Ch 61 S.8.(7)
Ch 65C-22.002(5)(c)
11/7/07 11. For children's centers on an all day schedule or if authorized for overnight care as prescribed in the definition for "Overnight Care," there shall be a separate bedding with a washable cover for each child. No double or multi-deck cribs, cots or beds may be used.
- 2/3/93
11/7/07 a. A cloth sheet which can be fastened to the cot is required as the "washable cover" for cots. Where beds or cribs are used, a well-fitting protected mattress must be covered by a well-fitting cloth sheet.
- Ch 65C-22.002(8)(c)1.
11/7/07 b. Each child in care must be provided safe and sanitary bedding to be used when napping/sleeping. Bedding means a bed, cot or crib. Bedding must be appropriate for the child's size.
- Ch 65C-22.002(8)(c)2.
11/7/07 c. Pillows and blankets must be available for children when sleeping except as set forth in subsection d. below.
- 11/7/07 **INF** d. When infants are napping or sleeping, pillows may not be used nor shall soft items such as blankets, towels, etc. be used under the infants.
- Ch 65C-22.002(8)(c)3.
11/7/07 e. Linens, blankets and pillows, when not in use, must be stored in a sanitary manner, which prevents the spread of germs or lice from other linens.
- Ch. 65C-22.002(8)(c)2.
11/7/07 f. Linens and blankets must be laundered at least once each week and more if soiled or dirty. Linens, if used for more than one (1) child shall be laundered between usage.
- 9/21/87
Ch 65C-22.002(5)(c) **INF** 12. Infants up to one (1) year of age must sleep in individually assigned cribs or portacribs with sides. Crib sides must be raised and secured while an infant is in the crib and bar spacings may not exceed two and three-eighths (2 3/8) inches.
- 9/21/87
Ch 65C-22.002(5)(c) **INF** 13. Cribs must meet the construction regulations as outlined in Title 16, Parts ~~1219-1508~~ and 1220 ~~1509~~, Code of Federal Regulations, **December 28, 2010**. **A copy may be obtained from www.pclb.org**. Cots may be used for infants older than one (1) year of age. Where cribs are used, the mattress must have plastic covering. This mattress must be covered by a cloth sheet.

12/4/02
11/7/07

- SA** 14. For school age centers on an all day schedule, a rest or a quiet period shall be required. If naptime is scheduled, a washable mat, towel, sheet, or blanket is required. Cots are not required. However, if a school age center is open during evening hours and/or overnight, cots, linens, blankets and pillows must be provided for sleeping.

Ch 65C-22.004(1)(c)

I. Isolation Area

1. Each children's center shall include a designated isolation area for a child who becomes ill at the children's center.
2. Such space shall be adequately ventilated, heated, and equipped with a cot and materials that can be easily cleaned and sanitized or disinfected.
3. Linens and disposables shall be changed after each use and the used linens and disposables shall be kept in a closed container in the isolation area until cleaned or disposed.

Ch 65C-22.004(1)(c)
8/3/05

Ch 65C-22.004(1)(c)

VII. SAFETY, HEALTH AND SANITATION

A. General Requirements

9/11/09

All center personnel shall have access to a copy of Licensing Regulations Governing Pinellas County Children's Centers and a copy of Chapter 64E-11 Food Hygiene.

Ch 65C-22.002(1)(b)

1. During the hours that the children's center is in operation, no portion of the building shall be used for any activity which endangers the health and safety of children.

9/11/09

- a. Children shall be released from a licensed children's center at the direction of Child Care Licensing Program staff due to a significant violation(s) that pose an immediate threat to the health and safety of children.

The children shall not return to the licensed program until an inspection by the Child Care Licensing Program staff determines the violation(s) no longer exists. This action does not take the place of nor is in lieu of action against the license such as enforcement, revocation, suspension, or an injunction.

Ch 61 S.9.(1)

2. Each children's center must pass a sanitary inspection before it can be licensed, and at least once annually before it can be re-licensed.

Ch 61S.9(1) &
Ch 65C-22.002(1)(a)

3. The premises, furnishing, and equipment shall be in good repair, kept clean, free of rodents and vermin, infestation, free of health and safety hazards, and in general good order.

Ch 65C-22.002(1)(c)

4. It is the responsibility of the director/operator to ensure all areas of the children's center are free from fire hazards, such as, lint build up in heating and air vents, filters, exhaust fans, ceiling fans, and dryer vents.

- Ch 65C-22.002(2)(f) 5. Rodents and vermin shall be exterminated. Pest control shall not take place while rooms are occupied by children.
- Ch 65C-22.002(8)(a)1. 6. All buildings, when the windows or doors are open, must have and maintain screens to prevent entrance of any insect or rodent. Screens are not required for open air classrooms and picnic areas.
- Ch 65C-22.002(1)(d) 7. All areas and surfaces accessible to children shall be free from toxic substances and hazardous materials.
- Ch 65C-22.002(1)(f) 8. All potentially harmful items including cleaning supplies, flammable products, poisonous, toxic, and hazardous materials must be labeled. These items, including knives and sharp tools, and other potentially dangerous hazards shall either be stored in a locked container or a locked area or must be that is inaccessible and out of a child's reach. to children.
- 9/11/09 a. ~~The Material Safety Data Sheet (MSDS) for cleaning supplies shall be maintained and accessible to staff.~~
- 7/7/10 b. Cleaning solutions not in their original container need contents identified on the container.
- Ch 65C-22.008(e)3. **SA** 9. All potentially harmful items including cleaning supplies, flammable products, poisonous, toxic, and hazardous materials must be labeled. These items, as well as knives and sharp tools and other potentially dangerous hazards, shall either be stored in a locked area or must be inaccessible separately and locked or out of a child's reach.
- 9/11/09 a. ~~The Material Safety Data Sheet (MSDS) for cleaning supplies shall be maintained and accessible to staff.~~
- 7/7/10 b. Cleaning solutions not in their original container need contents identified on the container.
- Ch 65C-22.002(1)(e) 10. Animals must be properly immunized, free from disease, and clean.
- Parents must be informed in writing of all animals on the premises. Such information may be provided by way of conspicuously posted notice or bulletin, policy handbook, parent flier, or a statement included on the enrollment form.
- Documentation of current immunizations must be available for review upon request by the Child Care Licensing Program staff.
- Ch 65C-22.002(1)(g) 11. No firearms or weapons as defined in Chapter 790.001, F.S., shall be allowed within any building or conveyance, or upon any person located on the premises, excluding federal state or local Law Enforcement Officers.
- 8/3/05

- Ch 65C-22.002(1)(h)* 12. No narcotics, alcohol, or other impairing drugs shall be present on the premises.
- Ch 65C-22.002(1)(i)* 13. Pursuant to Chapter 386, F.S., smoking is prohibited within the children's center, all outdoor play areas, during field trips, and in vehicles when being used to transport children.
- Owners/operators are to notify custodial parents and legal guardians, in writing, that smoking is prohibited on the premises of the child care facility.
- Ch 65C-22.002(8)(a)2.* 14. Employees, volunteers, and children shall wash their hands with soap and running water, drying thoroughly, and follow personal hygiene procedures for themselves or when assisting others, and immediately after outdoor play.
- Ch 65C-22.002(8)4.* 15. Toothbrushes, towels and washcloths may not be shared. Toothbrushes shall be stored so that they cannot touch each other.
- Ch 65C-22.002(8)(a)3.* 16. Safe drinking water shall be available to all children. If disposable cups are used, they must be discarded after each use.
- B. First Aid, Cardiopulmonary Resuscitation**
- Ch 65C-22.004(2)(a)* 1. Each children's center must have at least one (1) staff member with current and valid certificate(s) of course completion for first aid training and infant and child cardiopulmonary resuscitation (CPR) procedures.
- One (1) staff member satisfying these training requirements shall be present at all times that children are in the care of the children's center, both on-site and on field trips, and during all transportation activities.
- Ch 65C-22.008(3)(m)2.a.* **SA** 2. Each school age center must have at least one (1) staff member with current and valid certificate(s) of course completion for first aid training and child cardiopulmonary resuscitation (CPR) procedures.
- One (1) staff member satisfying these training requirements shall be present at all times that children are in the care of the children's center, both on onsite and on field trips.
- A field trip includes all activities away from the program excluding regular transportation to and from the program, i.e., pick-up and drop-off.
- Ch 65C-22.004(2)(b)* 3. Certificate(s) of course completion are valid based on the time frames established by each first aid and CPR training program, not to exceed three (3) years.
- Ch 65C-22.004(2)(b)* CPR courses must include an on-site instructor-based skills assessment by a certified CPR instructor. Documentation of completion of the online course and on-site assessment must be maintained at the facility and available for review by the licensing authority.

- Ch 65C-22.004(2)(b)* 4. Documentation that identifies staff members who have met the first aid and infant and child cardiopulmonary resuscitation (CPR) training requirement shall be kept on-file at the children's center and available for review by the Child Care Licensing Program.
- Ch 65C-22.004(2)(c)* 5. At least one (1) first aid kit must be maintained on the premises of the children's center at all times. A first aid kit must also accompany child care staff when children are participating in field trips. Each kit shall be a closed container and labeled "First Aid." The kits shall be accessible to child care staff at all times and kept out of the reach of children. Each kit must, at a minimum, include:
- Ch 65C-22.004 (2)(c)1.* a. Soap,
- Ch 65C-22.004(2)(c)2.* b. Band-Aids™ or equivalent,
- Ch 65C-22.004(2)(c)3.* c. Disposable non-porous gloves,
- Ch 65C-22.004(2)(c)4.* d. Cotton balls or applicators,
- Ch 65C-22.004(2)(c)5.* e. Sterile gauze pads,
- Ch 65C-22.004(2)(c)5.* f. Sterile gauze rolls,
- Ch 65C-22.004(2)(c)6.* g. Adhesive tape,
- Ch 65C-22.004(2)(c)7.* h. Thermometer,
- Ch 65C-22.004(2)(c)8.* i. Tweezers,
- Ch 65C-22.004(2)(c)9.* j. Pre-moistened wipes,
- Ch 65C-22.004(2)(c)10.* k. Scissors, and
- Ch 65C-22.004(2)(c)11.* l. A current resource guide on first aid and CPR procedures.

C. Emergency Procedures and Notification

- Ch 65C-22.004(3)(d)1.* 1. Emergency telephone numbers, including:
- ambulance,
 - fire,
 - police,
 - poison control center,
 - Florida Abuse Hotline,
 - the county public health unit, and
 - the address of and directions to the children's center, including major intersections and local landmarks,
- must be posted on or near all children's center telephones and shall be used to protect the health, safety and well-being of any child in day care.
- Ch 65C-22.001(5)(d)3.* 2. A telephone or other means of instant communication shall be available to staff responsible for children during all field trips. Cellular phones, two-way radio devices, citizen band radios, and other means of instant communication are acceptable.
- Ch 402.305(7)(c)* 3. Some type of communications system, such as a pocket pager or beeper, shall be provided to a parent whose child is in drop-in child care to ensure the immediate return of the parent to the child, if necessary.

Ch 65C-22.004(2)(d)2.

4. Custodial parent(s) or legal guardian(s) 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 and followed.

If the custodial parent or legal guardian cannot be reached, the children's center staff will contact those persons designated by the custodial parent or legal guardian to be contacted under these circumstances, and shall follow any written instructions provided by the custodial parent or legal guardian on the enrollment form.

Ch 65C-22.004(2)(d)2.

5. All accidents and incidents which occur at a children's center while a child is in the care of the children's center 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 children's center staff and custodial parent or legal guardian

and maintained for one (1) year.

Ch 65C-22.004(2)(d)3.

6. If the parent or legal guardian does not pick up the child on the date of the 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.

11/7/07

Ch 65C-22.002(7)(h)

7. Each children's center shall have a written plan on file in the License Board office for the evacuation and care of children in case of emergencies and disaster, including but not limited to hurricanes, floods, fires, bomb threats, chemical leaks or evacuations mandated by government officials for public health or safety.

The plan shall include arrangements for transportation, food and water supply, parent and children's center staff communication, availability of children's records, and supervision of children during evacuation and relocation. .

Ch 65C-22.002(7)(i)

8. Emergency preparedness drills outlined in the emergency preparedness plan [minimally lockdown and inclement weather (tornadoes)], must be practiced a minimum of one (1) time per year; documentation of which must be maintained for one (1) year. A current attendance record must accompany staff during the drill or actual emergency and must be used to account for children at all times.

Ch 65C-22.002(7)(j)

9. The operator shall maintain and post in a conspicuous location a written record of emergency preparedness drills showing the type of drill, date conducted, number of children and staff in attendance, and time taken for all individuals to complete the drill.

Ch 65C-22.002(7)(k)

10. Documentation of conducted fire and emergency preparedness drills must be available at the time of the inspection. Documentation produced after the inspection shall not meet the licensing standard or corrective action requirements.

11. To continue operation, after a fire, natural disaster or other event, the children's center must notify the Child Care Licensing Program within twenty-four (24) hours as to their status of operation in order for the License Board to ensure health standards are being met.

If the children's center closes temporarily, prior to re-opening, the License Board staff must inspect to ensure health and safety standards.

D. Communicable Disease Control

Ch 65C-22.004(1)(a)

1. Children in care shall be observed on a daily basis for signs of communicable disease.

Any child, child care personnel or other person in the children's center suspected of having a communicable disease shall be removed from the children's center or placed in an isolation area until removed. Such person may not return without medical authorization, or until the signs and symptoms of the disease are no longer present.

A child's condition shall be reported to the custodial parent or legal guardian. Signs and symptoms of a suspected communicable disease include the following:

Ch 65C-22.004(1)(a)1.

- a. Severe coughing, causing the child to become red or blue in the face or make a whooping sound;

Ch 65C-22.004(1)(a)2.

- b. Difficult or rapid breathing;

Ch 65C-22.004(1)(a)3.

- c. Stiff neck;

Ch 65C-22.004(1)(a)4.

- d. Diarrhea (more than one abnormally loose stool within a 24-hour period);

Ch 65C-22.004(1)(a)5.

- e. Temperature of 101° degrees Fahrenheit or higher when in conjunction with any other sign of illness;

Ch 65C-22.004(1)(a)6.

- f. Conjunctivitis (pink eye);

Ch 65C-22.004(1)(a)7.

- g. Exposed, open skin lesions;

Ch 65C-22.004(1)(a)8.

- h. Unusually dark urine and/or gray or white stool;

Ch 65C-22.004(1)(a)9.

- i. Yellowish skin or eyes; or

Ch 65C-22.004(1)(a)10.

- j. Any other unusual sign or symptom of illness.

Ch 65C-22.004(1)(b)

2. **Head Lice.** A child identified as having head lice shall not be permitted to return until the following day, and only provided that treatment has occurred and has been verified. Verification of treatment may included a product box, box top, empty bottle, or signed statement by a custodial parent or legal guardian that treatment has occurred. The children's center must also treat areas, equipment, toys, and furnishings with which the child has been in contact.

Ch 65C-22.004(1)(d)

3. **Notification.** Operators are required to notify the local county health department immediately upon any suspected outbreak of communicable disease in accordance with Chapter 64D-3, Florida Administrative Code, Communicable Disease Control and must follow the health department's direction. A suspected outbreak occurs when two (2) or more children or employees have the onset of similar signs or symptoms, as outlined in Licensing Regulations VII.D.1. above, within a 72-hour period or when a case of a serious or reportable communicable disease is diagnosed or suspected on a child or employee.

E. Diapering Practices

- Ch 65C-22.002(8)(b)5.*
8/3/05
1. When children in diapers are in care, there shall be a diaper changing area with an impermeable surface, that is cleaned and sanitized or disinfected after each use.
- Ch 65C-22.002(8)(b)7.*
2. Items unrelated to diaper changing shall not be stored in the diaper changing area nor shall they be placed on the diaper changing table.
- Ch 65C-22.002(8)(b)4.*
11/7/07
3. The designated diaper changing area shall be physically separate from the food preparation, food service and feeding area.
- Ch 65C-22.002(8)(b)3.*
- Hand washing sinks shall not be used for food service preparation or food clean up.
- Ch 65C-22.002(8)(b)6.*
4. Children must be attended at all times when being diapered or when changing clothes.
- Ch 65C-22.002(8)(b)2.*
5. 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.
- Ch 65C-22.002(8)(b)1.*
6. Hand washing facilities that include a basin 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 room which opens into the room where children 2 years of age and older with special needs in diapers are in care.
- Ch 65C-22.002(8)(b)8.*
7. There shall be a supply of clean diapers, clothing and linens at all times.
- When diapers, clothing or linens that are in use become soiled or wet, they shall be changed immediately or removed and properly disposed of.
- Ch 65C-22.002(8)(b)8.a.*
8. Soiled disposable diapers shall be disposed of in a plastic lined, securely covered container that is not accessible to children. The container shall be emptied, cleaned and sanitized or disinfected at least daily.
- Ch 65C-22.002(8)(b)8.b.*
9. Soiled cloth diapers shall be emptied of feces in the toilet and placed in a securely covered container that is not accessible to children. The container shall be emptied, cleaned and sanitized or disinfected, at least, daily.

VIII. TRANSPORTATION

- Ch 65C-22.001(6)* A. For the purpose of this section, vehicles refer to those that are owned/operated or regularly used by the children's center and vehicles that provide transportation through a contract or agreement with an outside entity. Parent's personal vehicles used during field trips are excluded from meeting the requirements in paragraphs 65C-22.001(6)(a)2., (b) & (c), F.A.C.
- Ch 61 S.9(2)* B. Vehicles used for transporting children shall be maintained in safe condition at all times as required by the motor vehicle inspection law.
- Ch 65C-22.001(6)(a)1.&2.* C. When any vehicle is regularly used by a children's center to provide transportation, the driver shall have the following: 1. a valid Florida driver's license, 2. an annual physical examination which grants medical approval to drive and a valid certificate(s) of course completion for first aid training and infant and child cardiopulmonary resuscitation (CPR) procedures.
- Ch 316.615(3)*
- Ch 65C-22.001(6)(b)* D. All children's centers must comply with the insurance requirements found in Section 316.615(4), F.S.
- Ch 316.615(4)* All school buses and all motor vehicles covered by subsections (1) and (2) must be covered by single limits liability insurance to protect pupils being transported, in the following amounts: \$5,000 multiplied by the rated seating capacity of the vehicle, or \$100,000, whichever is greater.
- Ch 65C-22.001(6)(c)* E. **Annual Vehicle Inspection.** All vehicles regularly used to transport children shall be inspected annually by a mechanic to ensure proper working order. Documentation by the mechanic shall be maintained in the vehicle.
- Ch 65C-22.001(6)(d)* F. **Seating Capacity/Seatbelts.** The maximum number of individuals transported in a vehicle may not exceed the manufacturer's designated seating capacity or the number of factory installed seat belts.
- Ch 65C-22.001(6)(e)* 1. Each child, when transported, must be in an individual factory installed seat belt or federally approved child safety restraint, unless the vehicle is excluded from this requirement by Florida Statute.
- Ch 316.613(1)(a)* 2. If the child is five (5) years of age or younger, provide for protection of the child by properly using a crash tested, federally approved child restraint device.
- For children aged through three (3) years, such restraint device must be a separate carrier or a vehicle manufacturer's integrated child seat.
- For children aged four (4) through five (5) years, a separate carrier, an integrated child seat, or a seat belt may be used.

- Ch 65C-22.001(6)(f)* G. **Driver's Log.** Prior to transporting children and upon the vehicle(s) arrival at its destination the following shall be conducted by the driver(s) of the vehicle(s) used to transport the children:
- Ch 65C-22.001(6)(f)1. 9/11/09* 1. A log shall be maintained for all children being transported in the vehicle. The log shall be retained for a minimum of one (1) year.
- The log shall include each child's name, date, time of departure and time of arrival, signature of driver and signature of second staff member to verify driver's log and the fact that all children have left the vehicle.
- Ch 65C-22.001(6)(f)2.* 2. Upon arrival at the destination, the driver of the vehicle shall:
- Ch 65C-22.001(6)(f)2.a.* (a) Mark each child off the log as the children depart the vehicle,
- Ch 65C-22.001(6)(f)2.b.* (b) Conduct a physical inspection and visual sweep of the vehicle to ensure that no child is left in the vehicle, and
- Ch 65C-22.001(6)(f)2.c.* (c) Sign, date and record the driver's log immediately, verifying that all children were all accounted for and that the visual sweep was conducted.
- Ch 65C-22.001(6)(f)3.* 3. Upon arrival at the destination a second staff member shall:
- Ch 65C-22.001(6)(f)3.a.* (a) Conduct a physical inspection and visual sweep of the vehicle to ensure that no child is left in the vehicle, and
- Ch 65C-22.001(6)(f)3.b.* (b) Sign, date and record the driver's log immediately, verifying that all children were accounted for and that the log is complete.
- Ch 65C-22.001(6)(g)* 4. Each vehicle shall be equipped with contact information for all children being transported. When transporting children with chronic medical conditions (such as asthma, diabetes or seizures), their emergency care plans and supplies or medication shall be available. The responsible adult shall be trained to recognize and respond appropriately to the emergency.

IX. FOOD AND NUTRITION

A. Nutrition

- Ch 65C-22.005(1)(a)* 1. If a children's center chooses to supply food, it shall provide nutritious meals and snacks of a quantity and quality to meet the daily nutritional needs of the children.

The USDA My Pyramid, April 2005, which is 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 ages two (2) and older. The categories "oils" and "discretionary calories" may not be considered food groups. Copies of the USDA MyPyramid may be obtained from the License Board, the local county health department or from the USDA website at www.mypyramid.gov.

Using the USDA My Pyramid: 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.

Operators who participate in the USDA Food Program shall provide nutritious meals and snacks in accordance with the Department of Health and the USDA requirements.

Ch 65C-22.005(1)(b)

2. If a children's center chooses not to provide meals and snacks, arrangements must be made with the custodial parent or legal guardian to provide nutritional food for the child.

Ch 65C-22.005(1)(c)

3. If a special diet is required for a child by a physician, a copy of the physician's order, a copy of the diet, and a sample meal plan for the special diet shall be maintained in the child's file. If the custodial parent or legal guardian notifies the children's center of any known food allergies, written documentation must be maintained in the child's file for as long as the child is in care. Special food restrictions must be shared with staff and must be posted in a conspicuous location.

Ch 65C-22.005(1)(d)

4. Meal and snack menus shall be planned, written, and posted at the beginning of each week.

Menus shall be dated and posted in the food service area and in a conspicuous place accessible to parents.

Any menu substitution shall be noted on the menu.

Ch 65C-22.005(1)(d)

5. Daily meals and snack menus including meal substitutions shall be maintained for a minimum of four (4) months for licensing purposes.

Operators who participate in the USDA Food Program must keep menus in accordance with the Department of Health and the USDA requirements.

Ch 65C-22.005(2)

B. Food Preparation Area

All licensed children's centers approved by the Environmental Health Unit to prepare food shall have documentation on file from the Department of Health verifying the children's center meets the applicable requirements as specified in Chapter 64E-11, F.A.C., Food Hygiene.

Ch 65C-22.008(3)(q)2.

- SA** School age centers must have written documentation from the local Environmental Health Unit that they have either met or have been exempted from local environmental health standards, specified in 64E-11, F.A.C., Food Hygiene, as it pertains to the food preparation area specified in Licensing Regulations.

Ch 65C-22.005(3)

C. Food Service

Ch 65C022.005(3)(a)
9/21/87

1. Children shall be individually fed or supervised at feeding and during all meals and snacks, and offered foods appropriate for their ages.

- Ch 65C-22.005(3)(c)* 2. There shall be no propped bottles. If a child cannot hold the bottle, then a staff person or volunteer must hold the bottle during feeding.
- Ch 65C-22.005(3)(c)* 3. There shall be no automatic feeding devices unless medically prescribed.
- Ch 65C-22.005(3)(c)* 4. Formula shall be refrigerated and handled in a sanitary manner at all times.
- 8/3/05* 5. All bottles shall be individually labeled. All bottles and sippy cups prepared and used continuously throughout the day or brought from home shall be individually labeled with the child's first and last name. Sippy cups and bottles brought from home shall be returned to the custodial parent or legal guardian daily.
- Ch 65C-22.005(3)(d)*
- Ch 65C-22.005(3)(e)* 6. Heated foods and bottles must be tested before feeding to ensure heat is evenly distributed and to prevent injury to children.
- 9/21/87* **INF** 7. A child not able to support himself must be held while being fed.
- Ch 65C-22.005(3)(f)* **8.** Children's centers shall provide sufficient age appropriate seating so that children are seated at tables for meals.
- Ch 65C-22.005(3)(b)* **9.** Single service paper or plastic plates, utensils, and cups shall not be reused. Plates, utensils, cups, bottles, and sippy cups provided by the children's center that are not disposable shall be washed, rinsed and sanitized between uses.

X. APPLICATION, FEES, LICENSE

A. Application

- Ch 61 S.10.(1)* 1. Application for license shall be made to the License Board on blank forms, furnished by the Board, and shall be accompanied by fee.
- Ch 61 S.10.(2)*
Ch 65C-22.001(1)(c) 2. Application shall be under oath. The completed application must be signed by the individual owner, prospective owner, or designated representative of the owner or prospective owner.
- a. If the applicant is an individual, the application shall contain the name and address of the individual.
- Ch 61 S.10.(2)(a)* b. If the applicant is a partnership, firm, or other group the application shall contain the name and address of every member thereof.
- c. If the applicant is a corporation, or association, the application shall contain its name and address, and the names and addresses of the members of the board of directors and the officers.

- Ch 61 S.10.(2)* 3. The application shall contain the following:
- Ch 61 S.10.(2)(b)* a. The location of the center for which a license is sought.
- Ch 61 S.10.(2)(c)* b. The category of the operator.
- Ch 61 S.10.(2)(d)*
3/9/05 c. The maximum number of children allowed in attendance at any given time, ages of children, and hours of care.
- Ch 61 S.10.(2)(e)* d. Such information relating to the number, experience, and training of employees of the center and of the moral character of the applicant and employees as the Board may deem necessary.
- Ch 402.3055(1)(a)* e. A question that specifically asks the applicant, owner, or operator/director if he or she has ever had a license denied, revoked, or suspended in any state or jurisdiction or has been the subject of a disciplinary action or been fined while employed in a children's center.
- Ch 402.3055(1)(a)* 4. 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 or she has been a party in such action, the License Board shall review the nature of the suspension, revocation, disciplinary action, or fine before granting the applicant a license to operate a children's center. If the License Board determines as the result of such review that it is not in the best interest of the state or local jurisdiction for the applicant to be licensed, a license shall not be granted.
- 65C-22.006(4)(d)1.* 5. For the purpose of issuing a license, any out-of-state criminal offense, which if committed in Florida would constitute a disqualifying felony offense, shall be treated as a disqualifying felony offense for screening purposes under this rule.
- Ch 65C-22.001(1)(e)1.a.* 6. In order to be classified as an urban children's center, the applicant must obtain written documentation from the local governing body that confirms the geographical area has been declared urban. Urban children's centers must receive approval from the License Board and provide documentation at the time of application that the outdoor play space requirement cannot be met. An urban children's center will not be approved if outdoor space is found by the License Board to be available.
- Ch 65C-22.001(1)(e)1.b.* 7. Outdoor play space is "available" if adjacent to the facility or can be reached by a route that is free of hazards and is within 1/8 mile of the children's center.
- Ch 65C-22.001(1)(e)3.* 8. No application for an urban child care facility designation will be approved by the Pinellas County License Board without the above criteria being met.

B. Fees

- Ch 61 S.10.(3)*
3/6/02 1. The License Board is authorized to charge an application fee not in excess of twenty-five dollars (\$25.00) for each children's center for which a license is sought. All children's center application fees are set at \$25.00.
- Ch 402.315(3)*
11/7/07 2. In addition to the application fee, each children's center will be charged a license fee of \$50.00 plus \$1.00 per child based upon the licensed capacity of the children's center.

Ch 402.3025(3)

3. The License Board shall establish a fee for inspection activities performed for **nonpublic schools** in an amount sufficient to cover costs. However, the amount of such fee for the inspection of a school shall not exceed the fee imposed for child care licensure.

11/7/07

4. Prior to issuance of a temporary permit or license, the applicant or owner of a children's center must pay all unpaid fees and/or fines owed the License Board including but not limited to application and license fees, training and training materials fees, and copying fees.

9/11/09

5. Pursuant to Florida law, restitution for dishonored checks shall be made within 7 days of receiving notice from the Pinellas County Health Department. Restitution for the dishonored check and any fees shall be made by money order, cashiers check or cash. Unless paid in full within the time specified, the license shall be deemed null and void and returned to the Child Care Licensing Program office.

The holder of such check may turn over the dishonored check and all other available information relating to the license to the States Attorney for criminal prosecution. Additionally, there may be criminal action for triple the amount of the check, but in no case less than \$50, together with the amount of the check, a service charge, court costs, reasonable attorney fees, and incurred bank fees, as provided in F.S. 68.065.

C. License

Ch 61 S.11.(1)
3/9/05

1. Upon receipt of an application for a license hereunder and the payment of the application fee, the License Board within sixty (60) days there from shall cause a thorough investigation to be made of the premises to be licensed, and shall issue a license or temporary permit if satisfied that the minimum standards specified in this act are met and that the applicant is otherwise qualified; if not, it shall reject the application. Said license shall set out on the face thereof the maximum number of children to be allowed in attendance at any given time.

Ch 65C-22.001(2)(a)
Ch 61 S.10(2)(a)

2. The children's center license is issued in the name of the owner which may be an individual owner, firm, association, corporation, or partnership or other group.

5/3/95

D. Temporary permit

1. A temporary permit will be issued by staff to a children's center or family day care home license applicant when requirements appear to be met. The license application shall be presented to the Board and the Board shall make such orders as it deems appropriate. This provision authorizes a temporary permit to be signed by the chairman or two (2) Board members. The temporary permit may continue until it is presented to the Board. The Board shall make such orders as it deems appropriate.

Ch 61 S.11.(2)

2. The chairman of the Board, or in his absence two (2) members of the Board, may grant a temporary permit if it appears that the applicant has fulfilled all requirements for the granting of a license. Said temporary permit shall continue until the next Board meeting, at which time the Board shall make such orders as it deems appropriate.

E. Annual renewal of license

- Ch 61 S.12.*
1. Any owner or operator of a children's center licensed under Licensing Regulations shall make application for renewal of his/her license on forms to be furnished by the License Board.
- 5/14/09*
- a. Approximately 90 days prior to the expiration of a license, the licensing program shall provide renewal application and forms to the owner or operator addressing all licensing renewal requirements including background screening.
- Ch 65C-22.001(1)(d)*
- b. At least forty-five (45) days prior to the expiration date of the current license, the provider must submit to the licensing program a completed renewal application including all required forms and background screening information to ensure that a lapse of licensure does not occur.
- 5/14/09*
Ch 65C-22.010(2)(d)
- c. A fine of \$50.00 shall be imposed for failure to submit a completed renewal application at least 45 days prior to the expiration date of the current license for the first occurrence, \$100 for the second occurrence, and \$200 for each subsequent occurrence within a five year period.
- Ch 61 S.12*
2. If action is pending to revoke or suspend the license of the applicant, the applicant may continue under the old license pending the outcome of the action.
- Ch 402.308(4)(b)*
3. Prior to the renewal of a license, the License Board shall reexamine the children's center, including in that process the examination of the premises and records of the children's center as required in Licensing Regulations to determine that minimum standards for licensing continue to be met.
- Ch 402.308(4)(c)*
4. The License Board shall coordinate all inspections of children's centers. A children's center is not required to implement a recommendation of one agency that is in conflict with a recommendation of another agency if such conflict arises due to uncoordinated inspections. Any conflict in recommendations shall be resolved by the county commission or its representative within fifteen (15) days after written notice that such conflict exists.
- Ch 402.308(4)(d)*
5. The License Board shall issue a license or renew a license upon being satisfied that all standards required by Licensing Regulations have been met. A license may be issued or renewed if all the screening materials have been timely submitted; however, the License Board shall not issue or renew a license if any of the child care personnel at the applicant children's center have failed the screening required by Licensing Regulations I.A.

F. License Change

1. Application for License Change

3/6/96
8/3/05

- a. For the following, a children's center application for a change of license is to be filed with appropriate fees:
- (1) Addition of owner
 - (2) Addition/change of category(ies)
 - (a) of/to day nursery
 - (b) of/to nursery school
 - (c) of/to kindergarten
 - (d) of/to day nursery and nursery school, or
 - (e) of/to nursery school and kindergarten
 - (f) to day nursery and kindergarten
 - (g) to school age center
 - (h) to school age center and day nursery
 - (3) Increase of capacity
 - (4) Change of age limits
- b. The application for change of license is to be filed and approved before the change occurs. A revised license is issued if all requirements have been met.

3/6/96 & 9/11/09

2. Request for License Change

11/3/99
8/3/05

- a. Children's centers making the following changes affecting the face of their license must submit a Children's Center Request for License Change:

These changes include:

- (1) Ownership
 - (a) Owner's name change due to marital status
 - (b) Deletion of a partner's name
 - (c) An individual becoming incorporated or vice versa
 - (d) An agency or religious institution changing name
- (2) Name of children's center
- (3) Address
Address change by Postal Service or municipality
- (4) Category
 - (a) Deletion of a category(ies)
 - (b) Increase of category, which does not necessitate additional staff, equipment or space
- (5) Age
 - (a) Decrease of age range
 - (b) Increase of age range which does not necessitate addition of infant care, additional staff, equipment, or space

(6) Capacity

(a) Decrease in capacity

(b) Increase in capacity of five (5) or less children (excluding the addition of infant care), which does not necessitate additional staff, space, bathrooms, or equipment

11/3/99

b. Following review of the request if approved, a new license reflecting the change and showing the same expiration date as the current license will be issued.

G. Term; Assignment

Ch 61 S.11.(3)
8/3/05

1. A license or permit and renewals thereof shall be valid only in the hands of the applicant to whom it is issued, and shall not be subject to sale, assignment, or transfer, voluntary, or involuntary, nor shall a license be valid for any premises other than those for which license or permit was originally issued. The license shall be valid for a period of one (1) year from the date of issuance. If the owner/operator voluntarily closes the children's center, the license will be considered null and void.

2. Change of Ownership

Ch 402.308(2)

a. Every children's center shall reapply for and receive a license prior to the time a new owner assumes responsibility for the children's center. The License Board shall grant or deny the re-application for license within forty-five (45) days from the date upon which the children's center reapplies.

Ch 65C-22.001(2)(b)

b. At least one (1) week prior to changing ownership of a children's center, in compliance with section 402.305(18), F.S., one (1) of the following methods of notification to custodial parents or legal guardians must be observed:

- (1) Posting a notice in a conspicuous location at the children's center;
- (2) Incorporating information into any existing newsletter; or
- (3) Individual letters, or flyers.

Ch 402.3125(1)(a)

H. Upon receipt of a license issued under Licensing Regulations X.C.D.E.F. the children's center shall display such license in a conspicuous place within the children's center.

Ch. 65C-22.001(2)(c)

1. The total number of children in care on site and while on field trips must never exceed the licensed capacity as reflected on the annual license.

Ch 402.3125(3)
Ch 61 S.11.(1)

The license must bear the distinctive seals of Pinellas County and of the Department of Children and Family Services in accordance with Section 402.3125, F.S.,. The children's center must not exceed the licensed capacity designated on the license at any given time.

XI. ADVERTISING (children's centers)

Ch 61 S.18.
8/1/07

A. A children's center licensed by the License Board may publish advertisements only of the service for which it is specifically licensed under this act. No person, firm, partnership, organization, corporation, association, society, or other group, unless licensed as a children's center or legally exempt from licensure, shall publish any advertisement soliciting child care. The holder of a temporary permit may advertise advertisement shall state that the advertiser is the holder of a temporary permit.

Ch 402.318

B. ~~No A person, as defined in s. 1.01(3), may not shall~~ advertise a children's center without including within such advertisement the License Board license number of such children's center. Violation of this section is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

5/19/86

C. "Advertising" includes but is not limited to advertisements in the yellow pages of telephone directories; community bulletin boards; fliers; pamphlets; classified ads; signs; radio and television announcements; other advertising circulation's or other means of publication designed to draw attention to child care services. This list is not intended to be exclusive.

5/19/86

D. A prospective children's center may publish advertisements soliciting future child care, to be provided upon obtaining a temporary permit or license. However, any such advertising must clearly specify that the children's center is prospective and does not have the requisite temporary permit or license. It will be sufficient if the advertisement specifies that the center has applied for a temporary permit or license and that receipt of the same is pending.

5/19/86

E. The following does not constitute "advertising:"

1. Advertisements in the classified ads for employment purposes.
2. Sign with the name of the children's center but without category which announces that child care staff are being hired and gives telephone number.
3. Preliminary community survey to determine whether or not a child care service is needed.

Ch 65C-22.001(9) **XII. ACCESS**

A children's center must provide the custodial parent or legal guardian access, in person and by telephone, to the children's center during the children's center's normal hours of operation or during the time the child is in care.

XIII. SUPPORTIVE SERVICES

Ch 402.314

The License Board shall provide consultation services, technical assistance, and in-service training, when requested and as available, to operators, licensees, and applicants to help improve programs, and children's centers for child care, and shall work cooperatively with other organizations and agencies concerned with child care.

XIV. CHILD CARE AND EARLY CHILDHOOD RESOURCE AND REFERRAL

Ch 411.0101

A children’s center licensed under *Licensing Regulations Governing Pinellas County Children’s Centers* must provide the statewide child care and resource and referral agencies with the following information annually:

- Ch 411.0101(3)(a)(1) A. Type of program.
- Ch 411.0101(3)(a)(2) B. Hours of service.
- Ch 411.0101(3)(a)(3) C. Ages of children served.
- Ch411.0101(3)(a)(6) D. Fees and eligibility for services.
- Ch411.0101(3)(a)(4) E. Number of children served.
- Ch411.0101(3)(a)(5) F. Significant program information.
- Ch411.010(3)(a)(7) G. Availability of Transportation.

XV. ENFORCEMENT DEFINITIONS

Ch 65C-22.010(1)

Ch 65C-22.010(1)(a) **Day:** means a weekday, excluding weekends and holidays. (~~centers~~)

~~Day: means evening, overnight, or less than 24 hours of care seven days a week. (homes)~~

Ch 65C-22.010(1)(b)

Probation: is a licensing status indicating the license is in jeopardy of being revoked or not renewed due to violations of licensing standards. Probation may require the licensee to comply with specific conditions intended to ensure that the licensee comes into and maintains compliance with licensing standards. Examples of such conditions are: a deadline to remedy an existing violation, a specified period during which compliance with licensing standards must be strictly maintained; and specified conditions under which the children’s center must operate during the probationary period.

Ch 65C-22.010(1)(c)

Standards: are requirements that must be met for licensure as a child care facility [or family child care home or large family child care home] and that are identified on the Standards Classification Summary attached.

Ch 65C-22.010(1)(d)

Violation: means a finding of noncompliance by the Child Care Licensing Program with a licensing standard.

Class I-III Violation: is an incidence of noncompliance with a Class I-III standard.

<p>Class 1 Ch 65C-22.010(1)(d).(1.)</p>	<p>Class I violations are the most serious in nature, pose an imminent threat to a child including abuse or neglect and which could or does result in death or serious harm to the health, safety or well-being of a child.</p>
<p>Class 2 Ch 65C-22.010(1)(d).(2.)</p>	<p>Class II violations are less serious in nature than Class I violations and could be anticipated to pose a threat to the health, safety or well-being of a child, although the threat is not imminent.</p>
<p>Class 3 Ch 65C-22.010(1)(d).(3.)</p>	<p>Class III violations are less serious in nature than either Class I or Class II violations and pose a low potential for harm to children.</p>
<p>Technical Support Ch 65C-22.010(1)(d).(4.)</p>	<p>The first or second occurrence of noncompliance of an individual Class III standard or the first occurrence of noncompliance of an individual Class II standard.</p>

A. Inspection

1. A licensed children’s center shall accord to the Child Care Licensing Program the privilege of inspection, including access to children’s centers and personnel and to those records required in Licensing Regulations, at reasonable times during regular business hours, to ensure compliance with the provisions of Licensing Regulations.

The right of entry and inspection shall also extend to any premises which the Child Care Licensing Program has reason to believe are being operated or maintained as a children’s center without a license, but no such entry or inspection of any premises shall be made without the permission of the person in charge thereof unless a warrant is first obtained from the circuit court authorizing same.

Any application for a license or renewal made pursuant to this act or the advertisement to the public for the provision of child care as defined in DEFINITIONS shall constitute permission for any entry or inspection of the premises for which the license is sought in order to facilitate verification of the information submitted on or in connection with the application.

In the event a licensed children’s center refuses permission for entry or inspection to the Child Care Licensing Program, a warrant shall be obtained from the circuit court authorizing same, prior to such entry or inspection. The Child Care Licensing Program may institute disciplinary proceedings pursuant to disciplinary actions in Licensing Regulations XV.H. for such refusal.

Ch 61 S.17.

2. Inspection shall be at least once annually.

9/3/97

B. Corrective Action

1. When the Child Care Licensing Program determines that a children’s center is not in compliance with the Licensing Regulations, the Child Care Licensing Program shall make a reasonable attempt to discuss each violation with the owner or operator of the children’s center and the time which the Child Care Licensing Program will establish for the owner or operator to complete corrective action for any violation.
2. The violations cited shall be in writing and shall include the following information:
 - a. A reference to the regulation upon which the violation is premised;
 - b. A factual description of the nature of the violation, fully stating the manner in which the owner or operator failed to comply with a specified regulation;
 - c. A specific statement as to how the violation should be corrected, if deemed necessary or appropriate;
 - d. A date by which each violation shall be corrected unless the violation is of an imminent threat to the health and safety of the children, in which case the violation shall be corrected within twenty-four (24) hours.

- The Child Care Licensing Program may document any action by the owner or operator taken to correct any violation cited.

Ch 65C-22.010

C. Disciplinary Sanctions

Ch 65C-22.010(2)(a)

- Enforcement of disciplinary sanctions shall be applied progressively for each standard violation. In addition, providers will be offered technical assistance in conjunction with any disciplinary sanction. The Child Care Licensing Program shall take into consideration the actions taken by the facility to correct the violation when determining the appropriate disciplinary sanction.

Ch 65C-22.010(2)(b)

- Each standard violation has an assigned classification based on the nature or severity of the violation(s) as identified within the Standards Classification Summary.

Ch 65C-22.010(2)(c)
9/11/09

- A violation of a Class II standard that results in death, serious harm, or imminent threat of serious harm to a child shall escalate to a Class I violation.

Ch 65C-22.010(2)(d)

- Disciplinary sanctions for licensing violations that occur within a two (2) year period shall be progressively enforced as follows:

Fine Matrix (Proposed Fine Amounts)

Violation	Class 1	Class 2	Class 3	Health/Immunization
1st	\$500-\$100 to \$500	TS	TS	TS
2nd	\$500-\$100 to \$500	\$50	TS with WL	TS with WL
3rd	\$500-\$100 to \$500****	\$6075 (per day)	\$25*	\$25*
4th	\$500-\$100 to \$500****	\$75400 (per day)	\$3050 (per day)	\$3050
5th	\$500-\$100 to \$500****	\$100 (per day) **	\$4075 (per day)	\$4075-(per day)
6th	\$500-\$100 to \$500****	\$100 (per day)	\$50400 (per day)**	\$50400-(per day)***
<p>* This violation, and subsequent violations of the same standard within a two (2) year period will be classified as "Class 3."</p> <p>** See sections b. Class 2 Violations and c. Class 3 Violations below for additional information on sanctions.</p> <p>*** See section d. Children's Health/Immunization Records Disciplinary Sanctions for addition information on sanctions.</p> <p>**** See section a.(3) Class 1 Violations below for additional information on sanctions</p>				

a. Class 1 Violations

Ch 65C-22.010(2)(d)(1.)(a)

9/11/09

- For the first and second violation of a Class I standard violation, the Child Care Licensing Program shall issue an administrative complaint imposing a fine of not less than \$100 nor more than \$500 per day for each violation and may impose other disciplinary sanctions in addition to the fine.

Ch 65C-22.010(2)(d)(1.)(a)

9/11/09

- For the second Class I violation, the Child Care Licensing Program shall issue an administrative complaint imposing a fine of \$500 per day for each violation and may impose other disciplinary sanctions in addition to the fine.

Ch 65C-22.010(2)(d)(1.)(b)

9/11/09

- For the third and subsequent Class I violations, the Child Care Licensing Program shall issue an administrative complaint to suspend, deny or revoke the license for state mandated Class 1 Violations as identified by "1s" in the Standards Classification Summary. The Child

Care Licensing Program shall issue an administrative complaint imposing a fine of **not less than \$100 nor more than \$500 per day** for each violation in addition to any other disciplinary sanction.

Ch 65C-22.010(2)(d)(1.)(b)
9/11/09

If a Children's Center receives **three (3) State Class I fines** in two (2) consecutive years, then the Child Care Licensing Program has no other course of action based on State mandate, but to suspend, deny, or revoke the center's license.

b. Class 2 Violations

Ch 65C-22.010(2)(d)(2.)(a)

(1) For the first Class 2 violation, the Child Care Licensing Program shall issue a formal warning letter stating the Child Care Licensing Program's intent to take administrative action if further violations of the standard occur. The violation will be classified as "Technical Support."

Ch 65C-22.010(2)(d)(2.)(b)

(2) For the second Class 2 violation, the Child Care Licensing Program shall issue an administrative complaint imposing a fine of \$50 for each violation. This violation, and subsequent violations, of the same standard within a two (2) year period will be classified as "Class 2."

Ch 65C-22.010(2)(d)(2.)(c)
9/11/09

(3) For the third Class 2 violation, the Child Care Licensing Program shall issue an administrative complaint imposing a fine of **\$6075 per day** for each violation.

Ch 65C-22.010(2)(d)(2.)(d)
9/11/09

(4) For the fourth Class 2 violation, the Child Care Licensing Program shall issue an administrative complaint placing the provider's license on probation status for a period not to exceed six (6) months, and the Child Care Licensing Program shall also issue an administrative complaint imposing an additional fine of **\$75400 per day** for each violation.

Ch 65C-22.010(2)(d)(2.)(e)
9/11/09

(5) For the fifth and subsequent Class 2 violations, the Child Care Licensing Program shall issue an administrative complaint to suspend, deny, or revoke the license, and the Child Care Licensing Program shall also issue an administrative complaint imposing an additional fine of **\$100 per day** for each violation.

c. Class 3 Violations

Ch 65C-22.010(2)(d)(3.)(a)

(1) For the first Class 3 violation, technical assistance shall be provided. The violation will be classified as "Technical Support."

Ch 65C-22.010(2)(d)(3.)(b)

(2) For the second Class 3 violation, the Child Care Licensing Program shall issue a formal warning letter stating the Child Care Licensing Program's intent to take administrative action if further violations of the standard are found. The violation will be classified as "Technical Support."

- Ch 65C-22.010(2)(d)(3.)(c) (3) For the third Class 3 violation, the Child Care Licensing Program shall issue an administrative complaint imposing a fine of \$25 for each violation. This violation and subsequent violations of the same standard within a two (2) year period will be classified as "Class 3."
- Ch 65C-22.010(2)(d)(3.)(d)
9/11/09 (4) For the fourth Class 3 violation, the Child Care Licensing Program shall issue an administrative complaint imposing a fine of **\$3050 per day** for each violation.
- Ch 65C-22.010(2)(d)(3.)(e)
9/11/09 (5) For the fifth Class 3 violation, the Child Care Licensing Program shall issue an administrative complaint placing the provider's license on probation status for a period not to exceed six (6) months, and the Child Care Licensing Program shall also issue an administrative complaint imposing a fine of **\$4075 per day** for each violation.
- Ch 65C-22.010(2)(d)(3.)(f)
9/11/09 (6) For the sixth and subsequent Class 3 violations, the Child Care Licensing Program shall issue an administrative complaint to suspend, deny, or revoke the license, and the Child Care Licensing Program shall also issue an administrative complaint imposing a fine of **\$50 400 per day** for each violation.

d. Children's Health/Immunization Records Disciplinary Sanctions

- Ch 65C-22.010(2)(d)(4.)(a) (1) For the first Class 3 Children's Health and or Immunization violation, technical assistance shall be provided. The violation will be classified as "Technical Support."
- Ch 65C-22.010(2)(d)(4.)(b) (2) For the second Class 3 Children's Health and or Immunization violation, the Child Care Licensing Program shall issue a formal warning letter stating the Child Care Licensing Program's intent to take administrative action if further violations of the standard are found. The violation will be classified as "Technical Support."
- Ch 65C-22.010(2)(d)(4.)(c) (3) For the third Class 3 Children's Health and or Immunization violation, the Child Care Licensing Program shall issue an administrative complaint imposing a fine in the amount of \$25 for each violation. This violation, and subsequent violations of the same standard within a two (2) year period will be classified as "Class 3."
- Ch 65C-22.010(2)(d)(4.)(d)
9/11/09 (4) For the fourth Class 3 violation, the Child Care Licensing Program shall issue an administrative complaint imposing a fine in the amount of **\$3050** for each violation.
- Ch 65C-22.010(2)(d)(4.)(e)
9/11/09 (5) For the fifth Class 3 Children's Health and or Immunization violation, the Child Care Licensing Program shall issue an administrative complaint imposing a fine in the amount of **\$4075 per day** for each violation.

Ch 65C-22.010(2)(d)(4.)(f)
9/11/09

- (6) For the sixth and subsequent Class 3 Children's Health and or Immunization violations, the Child Care Licensing Program shall issue an administrative complaint placing the provider's license or registration on probation status for a period not to exceed six (6) months, and the Child Care Licensing Program shall also issue an administrative complaint imposing an additional fine of **\$50400 per day** for each violation.

5. Appeal Process

Ch 402.310(2)

- a. When the License Board has reasonable cause to believe that grounds for the denial, suspension, or revocation of a license or imposition of an administrative fine exist, it shall notify the applicant or licensee in writing, stating the grounds upon which the license is being denied, suspended, or revoked or an administrative fine is being imposed. If the applicant or licensee makes no written request for a hearing to the License Board within 15 days from receipt of such notice, the license shall be deemed denied, suspended, or revoked or an administrative fine shall be imposed.

Ch 402.310(3)

- b. If a request for a hearing is made to the Child Care Licensing Program, a hearing **shall be held within 30 days** and shall be conducted by an individual designated by the county commission.

Ch 402.310(4)

- c. An applicant or licensee shall have the right to appeal a decision of the License Board to a representative of the Department of Children and Family Services. Any required hearing shall be held in the county in which the children's center is being operated or is to be established. The hearing shall be conducted in accordance with the provisions of chapter 120.

Ch 402.309

D. Provisional License

Ch 402.309(1)

1. The License Board may issue a provisional license to applicants for a license or to licensees who are unable to conform to all the standards provided for in Licensing Regulations.

Ch 402.309(2)

Ch 65-22.001(2)(d)

2. No provisional license may be issued unless the operator or owner makes adequate provisions for the health and safety of the child(ren). A provisional license may be issued if all of the screening materials have been timely submitted; however, a provisional license may not be issued unless the children's center is in compliance with the requirements for screening of child care personnel in the Licensing Regulations I.A.

A provisional license is not a disciplinary sanction.

Ch 402.309(3)

3. The provisional license shall in no event be issued for a period in excess of six (6) months; however, it may be renewed one time for a period not in excess of six (6) months under unusual circumstances beyond the control of the applicant.

Ch 402.309(4)

4. The provisional license may be suspended if periodic inspection made by the License Board indicates that insufficient progress has been made toward compliance.

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5. The provisional license issued either by the Board or staff as a result of an action of the Enforcement Plan will be called a probationary-provisional license. All requirements of Licensing Regulations XV.D. Provisional License will remain the same. No application for change shall be accepted during the probationary-provisional license period.

Ch 61 S13

E. License, Grounds for Denial

An application for license may be denied for any of the following reasons:

Ch 61 S.13(1)

1. Failure to meet any of the minimum standards,

Ch 61 S.13(2)

2. Conviction of an applicant of a crime of moral turpitude as shown by a certified copy of the record of the court of conviction, or by a copy of the applicant's fingerprint record from the Federal Bureau of Investigation showing conviction of said crime, or

Ch 61 S.13(3)

3. If the applicant is a member of a firm or an officer or director of a corporation or the person designated to manage or supervise the center, there must be satisfactory evidence that the moral character of the applicant, or the manager, or supervisor of the center is not good.

Ch 61 S.14

F. Revocation of Licenses; Grounds

The License Board may revoke or suspend a license for any of the following reasons:

Ch 61 S.14(1)

1. Cruelty or indifference to the welfare of children

Ch 61 S.14(2)

2. Violation of any provision of this act

Ch 61 S.14(3)

3. Any ground upon which a license may be denied as prescribed in Licensing Regulations XV.E.

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G. Suspension

Suspensions shall be for a fixed amount of time not to exceed ninety (90) days and will be based on the nature and severity of the violation and the immediate threat to the health, safety, and well-being of the children and the public.

Ch 402.312

H. License Required; Injunctive Relief

Ch 402.312(1)

1. The operation of a children's center without a license is prohibited. If the License Board discovers that a children's center is being operated without a license, the License Board is authorized to seek an injunction in the circuit court where the children's center is located to enjoin continued operation of such children's center. When the court is closed for the transaction of judicial business, the License Board is authorized to seek an emergency injunction to enjoin continued operation of such unlicensed children's center, which injunction shall be continued, modified, or revoked on the next day of judicial business.

- Ch 402.312(2) 2. Other grounds for seeking an injunction to close a children's center are that:
- Ch 402.312(2)(a) a. There is any violation of the standards applied under Licensing Regulations which threatens harm to any child in the children's center.
- Ch 402.312(2)(b) b. A licensee has repeatedly violated the standards provided for under Licensing Regulations.
- Ch 402.312(2)(c) c. A children's center continues to have children in attendance after the closing date established by the License Board.
- Ch 402.312(3) 3. An administrative fine may be imposed on any children's center operating without a license consistent with the provisions of Licensing Regulations.
- Ch 61 S.21 **I. Penalty**
1. Every person who violates any of the provisions of this law governing the operation of children's centers in Pinellas County, or who operates without obtaining a license to do so, or who operates after revocation or License Board's refusal to renew license, or who intentionally or willfully makes any false statements or reports to the License Board in connection with said children's centers, shall, upon conviction thereof, be deemed guilty of a misdemeanor, and shall be punished as provided by law. Each day of operation in violation of the provisions of this section shall constitute a separate offense.
- Ch 402.319 2. Other Penalties
- Ch 402.319(1) a. **In addition to all disciplinary sanctions enforced by the License Board as provided for herein,** it is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, for any person knowingly to:
- Ch 402.319(1)(a) (1) Fail, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose in any application for voluntary or paid employment or licensure regulated under ss. 402.301 - 402.318, all information required under those sections or a material fact used in making a determination as to such person's qualifications to be child care personnel, as defined in s. 402.302, in a child care facility, family day care home, or other child care program.
- Ch 402.319(1)(b) (2) Operate or attempt to operate a child care facility without having procured a license as required by this act.
- Ch 402.319(1)(d) (3) Operate or attempt to operate a child care facility or family day care home under a license that is suspended, revoked, or terminated.
- Ch 402.319(1)(e) (4) Misrepresent by act or omission, a child care facility or family day care home to be duly licensed pursuant to this act without being so licensed.

- Ch 402.319(1)(f) (5) Make any other misrepresentation, by act or omission, regarding the licensure or operation of a child care facility or family day care home 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:
- Ch 402.319(1)(f)1. (a) The number of children at the child care facility or the family day care home;
- Ch 402.319(1)(f)2. (b) The part of the child care facility or family day care home designated for child care;
- Ch 402.319(1)(f)3. (c) The qualifications or credentials of child care personnel;
- Ch 402.319(1)(f)4. (d) Whether a family day care home or child care facility complies with the screening requirements of s. 402.305, or
- Ch 402.319(1)(f)5. (e) Whether child care personnel have the training as required by s. 402.305.
- Ch 402.319(2) b. If any child care personnel makes any misrepresentation in violation of this section to a parent or guardian who has placed a child in the child care facility or family day care home, and the parent or guardian relied upon the misrepresentation, and the child suffers great bodily harm, permanent disfigurement, permanent disability, or death as a result of an intentional act or negligence by the child care personnel, then the child care personnel commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Ch 61 S.20.

J. Violations

The state attorney or his successor shall prosecute to final determination all violations of Licensing Regulations. In addition to other remedies the License Board may institute any appropriate action or proceeding to prevent, restrain, enjoin, abate, or otherwise discontinue violations of Licensing Regulations. In civil matters, the License Board shall be represented by the attorney for the County Commissioners with the consent of the Board of County Commissioners. If consent is withheld, the License Board may hire counsel.

Ch 61 S.16.

K. Procedure for Reinstatement of Revoked or Suspended License

1. When a license has been revoked or suspended in accordance with the provisions of Licensing Regulations the licensee, provided he has not previously had a license revoked or suspended under Licensing Regulations, may within three (3) years after the order has become final, request a hearing for the purpose of showing that the reasons for the revocation or suspension of license have been corrected and that the license should be reinstated. No licensee who has previously had a license suspended or revoked under Licensing Regulations, shall request a hearing to reinstate the license prior to one (1) year after the order becomes final. Any licensee whose license has been revoked or suspended must show the grounds upon which he or it relies in attempting to re-qualify. Any licensee whose license has been revoked or suspended three (3) times under the provisions of Licensing Regulations shall not be permitted to re-apply for a license.

2. The request for hearing shall be in writing, and shall be delivered to the License Board office in person or by due course of mail.
3. Any hearing conducted under this section shall not operate to stay or supersede any order revoking or suspending a license.
4. Hearings conducted under this section shall be conducted in the same manner as prescribed in Chapter 120, F.S., Administrative Procedure Act.

XVI. ENFORCEMENT OF NONPUBLIC SCHOOLS

- Ch 402.3025(2)(d)1.* A. Programs for children who are at least three (3) years of age, but under five (5) years of age, which are not licensed under Licensing Regulations shall substantially comply with the minimum Licensing Regulations.
- Ch 402.3025(2)(d)2.* B. The License Board shall enforce compliance with such standards, where possible, to eliminate or minimize duplicative inspections or visits by staff enforcing the minimum Licensing Regulations.
- Ch 402.3025(2)(d)3.* C. The License Board may commence and maintain all proper and necessary actions and proceedings for any or all of the following purposes:
- Ch 402.3025(2)(d)3.a.* 1. To protect the health, sanitation, safety, and well-being of all children under care.
- Ch 402.3025(2)(d)3.b.* 2. To enforce its rules and regulations.
- Ch 402.3025(2)(d)3.c.* 3. To use corrective action plans, whenever possible, to attain compliance prior to the use of more restrictive enforcement measures.
- Ch 402.3025(2)(d)3.d.* 4. To make application for injunction to the proper circuit court, and the judge of that court shall have jurisdiction upon hearing and for cause shown to grant a temporary or permanent injunction, or both, restraining any person from violating or continuing to violate any of the provisions of Licensing Regulations. Any violation of this section or of the standards applied under Licensing Regulations which threatens harm to any child in the school's programs for children who are at least three (3) years of age, but are under five (5) years of age, or repeated violations of this section or the standards under Licensing Regulations, shall be grounds to seek an injunction to close a program in a school.
- Ch 402.3025(2)(d)3.e.* 5. To impose an administrative fine, not to exceed \$100.00, for each violation of the Licensing Regulations.
- Ch 402.3025(2)(d)4.* D. It is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, for any person willfully, knowingly, or intentionally to:
- Ch 402.3025(2)(d)4.a.* 1. Fail, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose in any required written documentation for exclusion from licensure pursuant to this section a material fact used in making a determination as to such exclusion; or
- Ch 402.3025(2)(d)4.b.* 2. Use information from the criminal records or central abuse registry obtained under Licensing Regulations I.A. for any purpose other than screening that person for employment as specified in those sections or release such information to any other person for any purpose other than screening for employment as specified in those sections.

Ch 402.3025(2)(d)5.

- E. It is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, for any person willfully, knowingly, or intentionally to use information from the juvenile records of any person obtained under Licensing Regulations I.A. for any purpose other than screening for employment as specified in those sections or to release information from such records to any other person for any purpose other than screening for employment as specified in those sections.

Ch 402.3025(2)(e).

- F. The License Board and the nonpublic school accrediting agencies are encouraged to develop agreements to facilitate the enforcement of the Licensing Regulations as they relate to the schools which the agencies accredit.

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The following section, “Gold Seal Quality Care Program” (65C-22.009 F.A.C.) is included for the provider’s convenience. The License Board does not award Gold Seal accreditation. Contact the Department of Children and Family Services for further information.

65C-22.009 **Gold Seal Quality Care Program**

(1) Definitions

- (a) Gold Seal quality Care Provider refers to a child care program that is accredited by a nationally recognized accrediting association pursuant to Section 402.281(1), F.S.
- (b) “Effective” refers to the beginning date of a Gold Seal Quality Care provider’s designation certificate issued by the Child Care Program Office.
- (c) “Expired” refers to the end date of a provider’s Gold Seal Quality Care designation certificate issued by the Child Care Program Office.
- (d) “Gold Seal Quality Care Accrediting Association” refers to an accrediting association that has applied for and been approved by the department as a Gold Seal Quality Care Accrediting Association.
 - (1) “Active” refers to the status of a Gold Seal Quality Care Accrediting Association that has met all of the criteria of a Gold Seal Quality Care Accrediting Association for accreditation.
 - (2) “Inactive” refers to the status of a Gold Seal Quality Care Accrediting Association in which all criteria for accreditation are no longer being successfully met or where an entity has failed to renew its active designation.
 - (3) “Nationally Recognized” refers to an association whose accrediting body is recognized and is actively issuing accreditation certificates, in at least five (5) states at the time of approval.

(2) Provider Requirements

- (a) Gold Seal Quality Care Provider Designation Certificate

Pursuant to s. 402.281(1), F.S., a child care facility seeking to obtain a designation as a Gold Seal Quality Care provider shall provide the department with documentation of accreditation by an accrediting association that has been approved by the department. Acceptance of the documentation is subject to verification by the issuing accrediting association. A list of approved accrediting associations may be obtained from the licensing authority or on the Department of Children and Family Services’ website at www.myflorida.com/childcare.
- (b) Gold Seal Quality Care Enforcement
 - 1. Gold Seal Quality Care providers must maintain accreditation by a Gold Seal Quality Care Accrediting Association in order to retain their designation. A child care facility’s Gold Seal designation will be terminated upon expiration of accreditation. In order to obtain and maintain Gold Seal Quality Care provider designation, a child care facility must meet the additional criteria outlined in s. 402.281(3), F.S.
 - 2. If a provider’s Gold Seal Quality Care designation is revoked by the Department, termination of the designation will be effective on the date of revocation.

3. If the child care facility's accreditation is revoked by the accrediting association, termination of the provider's Gold Seal Quality Care designation by the Department will be effective on the date of revocation.
4. If a provider receives accreditation from an inactive accrediting association it shall not be recognized as a Gold Seal Quality Care Provider.

(3) Accrediting Association Requirements

- (a) Accrediting associations seeking recognition as a Gold Seal Quality Care Accrediting Association must complete and attest to the requirements referenced on CF-FSP Form 5315, March 2009, Gold Seal Quality Care Accrediting Application, -which is incorporated by reference. CF-FSP Form 5315 may be obtained on the Department of Children and Family Services' website at www.myflorida.com/childcare. Applications are accepted during the months of January and July. Denial of an application requires a minimum of a six (6) month waiting period from the date of denial before re-submission during the next scheduled acceptance month.
- (b) The Department may revoke a Gold Seal Quality Care Accrediting Association's active status for failure to notify the Department of a change in the association's administration, operation or any condition under which the accreditation association was initially approved by the Department as a Gold Seal Quality Care Accrediting Association, if such change results in the Association's inability to meet the criteria provided in Section 402.281., F.S.
- (c) Active Gold Seal Quality Care Associations must re-apply every five (5) years by submitting CF-FSP Form 5315 that may be obtained on the Department of Children and Family Services' website at www.myflorida.com/childcare. Re-applications must be received a minimum of six (6) months prior to end of the five (5) year period. Failure to submit CF-FSP Form 5315 every five (5) years or denial of the application will place the accrediting association in an inactive state, during which the association is not recognized as a Gold Seal Quality Care Accrediting Association. Child care arrangements receiving accreditation certificates from an inactive association shall not be recognized as a Gold Seal Quality Care Provider.
- (d) Inactive Gold Seal Quality Care Accrediting Associations seeking to renew their status must be in compliance with all requirements outlined on CF-FSP Form 5315 as a new applicant before being reinstated as an active Gold Seal Quality Care Accrediting Association, pending the Department of Children and Family Services' approval

**The Pinellas County License Board for
Children's Centers and Family Day Care Homes**
and its services are funded by the Juvenile Welfare Board,
the Department of Children and Families,
and the Pinellas County Health Department.



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