

**LICENSING REGULATIONS GOVERNING  
PINELLAS COUNTY  
FAMILY CHILD CARE HOMES  
and  
LARGE FAMILY CHILD CARE HOMES**



**February 15, 2012**

**Compiled and printed by:  
Pinellas County License Board for Children's Centers and  
Family Child Care Homes**

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**LICENSING REGULATIONS  
GOVERNING  
PINELLAS COUNTY FAMILY CHILD CARE HOMES**

These regulations meet or exceed Florida state law including, but not limited to, Chapter 402, Sections 26-319, Florida Statutes and Chapter 65C-20, 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. p.2* AN ACT DEFINING AND REGULATING CHILDREN'S CENTERS AND FAMILY CHILD 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 CHILD 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**

*Ch 61.*

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.

Ch 61. S.1.

### **PURPOSE**

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

### **DEFINITIONS**

F.S. 402.302(8)

Ch. 61 S.2.(5)(a)

8/1/07, 4/1/09, 10/6/10

5/25/11, 6/27/11, 1/19/12

**Family Child Care Home:** means an occupied residence in which child care is regularly provided for children from at least two unrelated households with or without compensation. A family child care home shall be allowed to provide care for one of the following groups of children, that shall include household children under 13 years of age when on the premises of the family child care home or on a field trip with children enrolled in care.

- A) A maximum of six (6) children, if no more than three (3) are under 18 months of age.
- B) A maximum of six (6) preschool aged children, if no more than three (3) are under 18 months of age, and all are older than 12 months of age.
- C) A maximum of 10 children total (at least 2 of the 10 children need to be Household Children. The maximum number of Child Care Children allowed is eight [8] at any given time), of which, a maximum of eight (8) children are in Child Care Status. Of the 10 total children, no more than five (5) are pre-school age, and of those five (5), no more than three (3) are under 18 months of age, and of those three (3), no more than two (2) are under 12 months of age.

Ch 402.302(8)(a)(b)

3/6/06, 5/25/11

**Large Family Child Care Home** – A large family child care home for the purposes of this regulation means a home that is licensed under section 402.3131, F.S. A large family child care home means an occupied residence in which child care is regularly provided for children with or without compensation from at least two (2) unrelated households and which has at least two (2) full-time child care personnel on the premises during the hours of operation. One (1) of the two (2) full-time child care personnel must be the operator or the operator's substitute. A large family child care home must first have operated as a licensed family child care home for two (2) consecutive years, with an operator who has had a child development associate credential or its equivalent for one (1) year, before seeking licensure as a large family child care home. The two consecutive years of operation as a licensed family child care home must have been in the state of Florida and within five years of the date of application to operate 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 household preschool aged children whether present or not, and household school aged children under 13 years of age when on the premises of the large family child care home or on a field trip with children enrolled in care:

- A) A maximum of 8 children from birth to 24 months of age
- B) A maximum of 12 children, with no more than 4 children under 24 months of age

Large family child care homes must meet and comply with all standards of this regulation 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.

- 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 child 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 child care homes does not include statutorily exempt programs.
- Ch 402.302(3)  
8/3/05                    **Child Care Personnel** - Child care personnel means all owners, operators, employees, and volunteers working in a family child care home. A volunteer who assists and/or is responsible for supervision of children must meet child care personnel regulations for screening and training.
- 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 family child care home.
- Ch 65C-20.0135(a)11   **Child Development Associate (CDA)** - Child Development Associate (CDA) means a national credential, recognized throughout the United States and the world, issued by the Council for Early Childhood Professional Recognition in Washington, D.C.
- Ch 402.302(5)           **Department** - Department means the Department of Children and Family Services.
- 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.
- 8/3/05                    **Evening Care** - Evening care means child care provided between 6:00 pm - 12:00 am.
- Ch 65C-20.009(1)(a)   **Foster Grandparents** – Foster grandparents are directly supervised volunteers who participate in the federal program pursuant to Title 45 Public Welfare, part 2552, Code of Federal Regulation. 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's training courses: Family Child Care Home 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.
- 402.302(9)              **Household Children** – Household children means children who are related by blood, marriage, or legal adoption to, or who are the legal wards of, the family day care home operator, the large family child care home operator, or an adult household member who permanently or temporarily resides in the home. Supervision of the operator's household children shall be left to the discretion of the operator unless those children receive subsidized child care through the School Readiness Program pursuant to s. 411.0101 to be in the home.
- Ch 61-2681              **License Board** - License Board means Pinellas County License Board for Children's Centers and Family Child Care Homes, a special district established by Chapter 61-2681, Amended by Chapter 70-893 and 2007-277, Laws of Florida.
- 8/3/05                    **Licensing Regulations** - Licensing Regulations means *Licensing Regulations Governing Pinellas County Family Child Care Homes and Large Family Child Care Homes*.

- Ch 61. S.2.(7)* **Operator** - An operator means any person responsible for the operation of a family child care home as previously defined, whether or not he or she is the owner. Operator is commonly referred to as the provider.
- 8/3/05* **Overnight Care** - Overnight care means child care provided past 12:00 am.
- 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.
- Ch 402.302(16)* **Secretary** - Secretary means the Secretary of the Department of Children and Family Services.
- 8/3/05* **State Approved CDA Equivalency (CDAE)** - State approved CDA equivalency (CDAE) means a training program that has been approved by the Department of Children and Family Services as meeting or exceeding the criteria established for an equivalency program.
- Ch 65C-20.009(2)(b)*  
*11/7/07* **Substitutes for the Operator** - Substitute for the operator means a competent adult, at least 21 years of age, who is available to take the place of the operator on a temporary or emergency basis. The substitute must meet screening and training requirements as set forth in these regulations.
- 9/13/03* **Swimming Pool:** Swimming pool means any in-ground pool, above ground pool recessed in-ground, or spa located on the premises of the family child care home or large family child care home.
- Ch 65C-20.009(1)(c)* **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.
- 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 child care home without first obtaining a license or temporary permit as provided in this act.
- LICENSE BOARD CREATION**
- Ch 61. S.4.* There is created in Pinellas County the License Board for children's centers and family child 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 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 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, and 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.

(6) . . .

*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 the same.

**LICENSING REGULATIONS  
GOVERNING  
PINELLAS COUNTY FAMILY CHILD CARE HOMES**

**I. PERSONNEL**

*Ch 402.302(3)*

**A. General Qualifications. Personnel in Family Child Care Homes**

1. Child care personnel in family child care homes shall be subject to the applicable screening provisions contained in Ch. 435, F.S. as well as these Licensing Regulations. For purposes of screening in family child care homes, the term includes any member over the age of twelve (12) years of a family child care home operator's family, or persons over the age of twelve (12) years residing with the operator in the family child care home. Members of the operator's family, or persons residing with the operator, who are between the ages of twelve (12) and eighteen (18) years shall not be required to be fingerprinted, but shall be screened for delinquency records. A volunteer who assists on an intermittent basis for less than 10 hours per month is not subject to screening and training requirements provided that a person who meets the screening requirements of these regulations is always present and has the volunteer in his or her line of sight. Students who observe and participate in a family child care home as part of their required coursework are not subject to screening and training requirements provided that such observation and participation are on an intermittent basis and a person who meets the screening requirements of these regulations is always present and has the student in his or her line of sight.

*Ch 65C-20.008(3)  
6/19/07*

2. The initial application will not be considered complete until the License Board receives proof of background screening clearance on the operator/applicant of the family child care home and all other household members, employees, substitutes and volunteers (if required to be screened). All must pass Level 2 background screening requirements as set forth in F.S. 435. A screening conducted under this rule is valid for five (5) years, at which time a re-screen must be conducted in the same manner as the initial screening.

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

3. 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 by the Operator, household members, employees, substitutes, and volunteers (if required to be screened) at all times.

*435.05(3)*

The Operator must ensure that that household members, 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.

*435.06(2)(a)*

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.

*435.05(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.

435.06(2)(b)

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

435.06(2)(c)

The Operator 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 65C-20.008(3)(b)(3)

Additionally, an Affidavit of Good Moral Character CF Form 1649A, Child Care Affidavit of Good Moral Character must be completed at the time of initial screening or upon a change in employers for all operators/applicants and all other household members, substitutes, and

8/3/05

employees who are subject to background screening. A copy of the CF Form 1649A may be obtained from the Child Care Licensing Program's website at [www.pclb.org](http://www.pclb.org).

Ch 65C-20.008(5)

Signed statements (Child Care Licensing Program Form CF-FSP 5337, March 2009) that the operator, employees, and substitute(s) understand the statutory requirements for professional's reporting of child abuse and neglect must be signed annually by the operator and substitute.

Ch 435.04

65C-20.008(3)(a)1.

a. Level 2 Screening Standards, which includes at a minimum Federal Bureau of Investigation (FBI), Florida Department of Law Enforcement (FDLE), and local criminal records checks.

Ch 435.04(1)

(1) All employees required by law to be screened must undergo security background investigations as a condition of employment and continued employment which includes, but need not be limited to, fingerprinting for statewide criminal history records checks through the Department of Law Enforcement, and 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 state law or similar 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,	relating to assault, battery, and culpable negligence, if the offense was a felony.
(i)	784.011	relating to assault, if the victim of the offense was a minor.
(j)	784.03	relating to battery, if the victim of the offense was a minor.
(k)	787.01	relating to kidnapping.
(l)	787.02	relating to false imprisonment.
(m)	787.025	relating to luring or enticing a child.
(n)	787.04(2)	relating to taking, enticing, or removing a child beyond the state limits with criminal intent pending custody proceedings.
(o)	787.04(3)	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.
(p)	790.115(1)	relating to exhibiting firearms or weapons within 1,000 feet of a school.
(q)	790.115(2)(b)	relating to possessing an electric weapon or device destructive device, or other weapon on school property.
(r)	794.011	relating to sexual battery.
(s)	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.
(bb)	Chapter: 812	relating to theft, robbery, and related crimes, if the offense is a felony.
(cc)	Sections: 817.563	relating to fraudulent sale of controlled substances, only if the offense was a felony.
(dd)	825.102	relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult.
(ee)	825.1025	relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult.
(ff)	825.103	relating to exploitation of an elderly person or disabled adult, if the offense was a felony.
(gg)	826.04	relating to incest.
(hh)	827.03	relating to child abuse, aggravated child abuse, or neglect of a child.
(ii)	827.04	relating to contributing to the delinquency or dependency of a child.
(jj)	Former s 827.05	relating to negligent treatment of children.
(kk)	827.071	relating to sexual performance by a child.
(ll)	843.01	relating to resisting arrest with violence.
(mm)	843.025	relating to depriving a law enforcement, correctional, or correctional probation officer means of protection or communication.
(nn)	Sections 843.12	relating to aiding in an escape.
(oo)	843.13	relating to aiding in the escape of juvenile inmates in correctional institutions.
(pp)	Chapters: 847	relating to obscene literature.
(qq)	874.05(1)	relating to encouraging or recruiting another to join a criminal gang.
(rr)	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.
(ss)	Section: 916.1075	relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.

- (tt) 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.
- (ww) 944.47 relating to introduction of contraband into a correctional facility.
- (xx) 985.701 relating to sexual misconduct in juvenile justice programs.
- (yy) 985.711 relating to contraband introduced into detention facilities.

*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 65C-20.008 (3)(a)(2)* b. An employment history check for the operator and substitutes is required as part of background screening, must include the previous two (2) years and must be maintained in the License Board file. An employment history check conducted under this rule, shall include the applicant's position description, confirmation of employment dates from previous job(s), and level of job performance.

*Ch 435.05(1)(a)* c. Requirements  
Every person required by law to be screened must submit a complete set of information necessary to conduct a screening as required by law.

*Ch. 435.05(1)(c)* For level 2 screening, the employer or the License Board must submit the information necessary for screening to the Department of Law Enforcement within five (5) working days after receiving it. When required, the employer or the License Board must also submit sufficient information to the Department of Children and Family Services to complete a check of its records. The Department of Law Enforcement shall perform a criminal history record check of its records and request that the Federal Bureau of Investigation perform a national criminal history record check of its records for each person for whom the request is made. The Department of Law Enforcement and the Department of Children and Family Services will respond to the employer or the License Board and the employer or the License Board will inform the person whether screening has revealed disqualifying information.

*Ch 435.07* d. 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.

(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;
- (b) Misdemeanors prohibited under any of the 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.

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.

Ch 435.07(3)

- (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 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)(a)

- (4) Disqualification from employment pursuant to these regulations may not be removed from, nor may an exemption be granted to, any personnel who is found guilty of, regardless of adjudication, or who has entered a plea of nolo contendere or guilty to, any felony covered by s.435.03 or s. 435.04 solely by reason of any pardon, executive clemency, or restoration of civil rights.

Ch. 435.07(4)(b)

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.

Ch 435.07(5)

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

Ch 435.09

- e. Confidentiality of Personnel Background Check Information  
No criminal, juvenile, or abuse hotline 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 435.11

f. 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.

Ch 402.3057

4. Persons Not Required to Be Refingerprinted or Rescreened

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 refingerprinted or rescreened in order to comply with any caretaker screening or fingerprinting requirements.

12/4/02  
6/19/07

5. Rescreening of Child Care Personnel

Pinellas County License Board shall conduct an annual screening for abuse and neglect for family child care home and large family child care home providers.

Ch 65C-20.008(3)(b)1.

The five (5) year rescreening is required for the operator/applicant, and all other household members including juveniles, employees, and substitutes, and must be maintained in the License Board files.

Ch 65C-20.008(3)(b)2)

The five (5) year rescreening, must, at a minimum, include a local criminal records check and the Florida Department of Law Enforcement screening.

Ch 65C-20.008(3)(b)4)

6. Documentation/clearance from the five year re-screening must be included in the Child Care Licensing Program's file.

Ch 65C-20.008(3)(c)  
8/3/05

7. Family child care home providers, applicants, substitutes, household members, and employees as outlined in Section 402.313, F.S. must be re-screened following a break in operation of the family child care home which exceeds 90-days. If the operator/applicant takes a leave of absence, such as maternity leave, extended sick leave, etc., re-screening is not required unless the 5-year re-screen has come due during the leave of absence.

Ch 61. S.6.(1)  
3/9/05

8. Shall be in good health and free from impairment of mental illness.

Ch 65C-20.009(2)(c)  
8/3/05

9. All family child care home operators, household members, employees, or substitutes shall be free from the influence of drugs which impairs their ability whether narcotic or non-narcotic. While children are in care, alcohol use is prohibited within the family child care home and all outdoor areas of the home.

Ch. 61 S.6(1)  
12/14/07

10. 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 402.319(1)(a)

11. Shall not falsify application information.

Ch 61. S.6.(1)

12. Shall meet minimum age requirements. The person in charge shall be at least twenty-one (21) years of age. Substitutes must meet the minimum age requirement.

Ch 65C-20.009(2)(a)  
8/3/05

13. The family child care home license shall be issued in the name of the operator who must be at least twenty-one (21) years of age, and a resident of the family child care home. The operator of a family child care home may not work outside of the home or conduct a business from the home during the hours when the family child care home is operating. In the event of rental or leased property the operator shall be the individual who occupies the residence.

Ch 65C-20.008(3)(a)(4)

14. Initial screening submission and clearance documentation must be maintained in the Child Care Licensing Program's licensing file.

## B. Staff Training

Ch 65C-20.009(3)(a)

1. Prior to licensure and prior to caring for children, all family child care home operators and substitutes who work **40 hours or more per month** on average during a 12 month period must:

Ch. 65C-20.009(3)(a)(1.)

Successfully complete the Department of Children and Family Services' 30 clock-hour Family Child Care Home Training, as evidenced by successful completion of a competency based examinations(s) offered by the Department of Children and Family Services or its designated representative with a weighted score of 70 or better. Family child care home operators who successfully completed the mandatory 30 clock-hour Family Child Care Home training prior to January 1, 2004 are not required to fulfill the competency examination requirement. Documentation of course completion may either be a single Family Child Care Home (30 Hr) certificate or certificates for the five (5) individual training courses which total 30 clock-hours of training: Family Child Care Home Rules and Regulations; Health, Safety and Nutrition; Identifying and Reporting Child Abuse and Neglect; Child Growth and Development; and Behavioral Observation and Screening.

Ch. 65C-20.009(3)(a)(2)

2. Complete a single course of training in early literacy and language development of children ages birth through five (5) that is a minimum of five (5) clock-hours or .5 CEUs. Proof of completion will be documented on the certificate of course completion, classroom transcript, or diploma. In order to meet this requirement, individuals must complete one (1) of the following:

a. One (1) of the department's online literacy courses available on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare); or

b. One (1) of the department's approved literacy training courses. A list of these courses may be obtained from the License Board 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

- c. One (1) college level early literacy course (for credit or non-credit) if taken within the last five (5) years.

Ch. 65C-20.009(3)(b)

- 3. Prior to licensure and caring for children, family child care home substitutes who work **less than 40 hours a month** on average during a 6 month period shall complete the Department of Children and Family Services' six (6) clock-hour Family Child Care Home Rules and Regulations training, as evidenced by successful completion of a competency based examination offered by the Department of Children and Family Services or its designated training representative prior to caring for children. Training completed successfully will be documented on the Department of Children and Family Services' CF-FSP Form 5267 or the Department of Children and Family Services' child care training transcript.

Ch. 65C-20.009(3)(a)1.

Family child care substitutes who have successfully completed the three (3) clock-hour Fundamentals of Child Care training or 30-clock-hour Family Child Care Home training are not required to complete the six (6) clock-hour Family Child Care Home Rules and Regulations course.

Ch. 65C-20.009(2)(b)3.

Family child care home operators must maintain written documentation (i.e. time records) of the hours a substitute worked in their home each day for the preceding twelve (12) months. Substitutes may not work more than 40 hours per month on average over a six month period in any single home for which they have been identified as the designated substitute.

Ch. 65C-20.009(3)(c)

- 4. Certificate(s) of course completion for **infant and child cardiopulmonary resuscitation (CPR) procedures and first aid training**, which must be current and valid at all times. 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-20.009(3)(c)

On-line CPR courses must include an on-site instructor-based skills assessment that shall be documented by the 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-20.009(3)(c)

Documentation of course completion must be maintained at the facility and available for review by the Child Care Licensing Program.

Ch 65C-20.009(3)(d)

- 5. 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. Training completion documented on CF-FSP Form 5267, March 2009, Child Care Training Course Completion Certificate, which is incorporated by reference, will no longer be accepted by the Department after October 1, 2010, nor any previous version of the form. A copy of the Department's Training Transcript may be obtained from the Department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

Ch 65C-20.009(3)(d)1.

- a. A copy of the CF-FSP Form 5267 or Training Transcript for the operator must be included in the Child Care Licensing Program's licensing file.

- Ch 65C-20.009(3)(d)2.*                    b.    Training documented on the CF-FSP Form 5267 that is not included on an individual's 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-20.009(3)(d)3.*                    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) be retaken. Until the coursework is retaken and completed, family day care homes will be out of compliance with the mandated training standard.
- Ch 65C-20.009(3)(e)*                    6.    Prior to beginning volunteering in a family child care home, the volunteer must complete the CF-FSP 5217, March 2009, Volunteer Affidavit, which is incorporated by reference, and may be obtained from the Department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).
- Ch 65C-20.009(4)(a)*                    7.    All family child care providers must complete a minimum of 10-clock hours or one (1) CEU of inservice training, annually during the state's fiscal year beginning July 1 and ending June 30. These hours are in addition to required training such as CPR, first aid, and the Child Care Water Safety Course or a current equivalent.
- Ch 65C-20.009(4)(b)*                    The annual 10-clock hours or one (1) CEU of inservice concentrating on children ages birth through twelve (12) years must be completed in one (1) or more of the following areas (college level courses will be accepted):
- a.    Health and Safety, including universal precautions
  - b.    Nutrition
  - c.    Child development - typical and atypical
  - d.    Child transportation and safety
  - e.    Behavior management
  - f.    Working with families
  - g.    Design and use of child oriented space
  - h.    Community, health and social service resources
  - i.    Child abuse
  - j.    Child care for multilingual children
  - k.    Working with children with disabilities in child care
  - l.    Safety in outdoor play
  - m.    Literacy
  - n.    Guidance and discipline
  - o.    Computer technology
  - p.    Leadership development/program management and staff supervision
  - q.    Age appropriate lesson planning
  - r.    Homework assistance for school age care
  - s.    Developing special interest centers/spaces and environments
  - t.    Other course areas relating to child care or child care management.
- Ch 65C-20.009(4)(c)*                    8.    Documentation of the in-service training must be recorded and maintained at the family child care home for each fiscal year.

In addition to maintaining the training documentation for the current fiscal year, the in-service training documentation for the previous two (2) fiscal years must also be maintained at the family child care home for review by the License Board. College level courses that cover the above topics may also be counted to meet the annual in-service training requirement.

*Ch 65C-20.009(4)(d)*

9. Operators who do not complete the required annual in-service training during a given licensure year, must complete the remaining in-service training hours within 30 days of the noncompliance finding by the Child Care Licensing Program.

These hours cannot be used to meet the current year's in-service training requirements.

*5/3/95  
11/7/07*

10. A provider, with a swimming pool other than a spa on the premises and the provider's substitute shall satisfactorily complete a Child Care Water Safety course or the current equivalent prior to issuance of a license.

### **C. Supervision**

*F.S. 402.302(8)  
Ch 61. S.6.(3)(c)  
8/1/07, 4/1/09, 10/6/10*

1. The number of children in a family child care home at any given time is limited to the maximums set forth in the definition of Family Child Care Home. Household children under 13 years of age who are in the operator's care are counted in the license capacity.

*8/3/05*

2. A child in care 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).

*Ch 61. S.6.(3)(d)  
3/6/06*

3. In family child care homes, there shall be one (1) adult, the operator or the operator's substitute, who shall remain on the premises at all times when children in care are present.

*Ch 65C-20.009(2)(b)(1)*

4. Substitutes. There shall be a written plan to provide at least one (1) other competent adult, who must be at least 21 years of age, to be available as a substitute for the operator on a temporary or emergency basis. This plan shall include the name, address, and telephone number of the designated substitute.

*Ch 61. S.6.(3)(d)*

*Ch 65C-20.009(2)(b)2.*

Any changes to the substitute plan that occur during the home's licensure year must be submitted to the Child Care Licensing Program within five working days of the change.

*Ch65C-20.008(3)*

If the designated substitute changes during the licensure year, prior to taking care of children, the new designated substitute for the operator must comply with background screening requirements and the licensing authority must receive proof of background screening clearances.

*Ch 65C-20.009(3)(b)1.*

5. The operator of the family child care home must sign a statement attesting to the number of hours that the substitute works in the operator's home. The statement must be placed in the substitute's file.

*Ch 65C-20.009(5)(a)*

6. At all times, which includes when children are napping or sleeping, the operator shall remain responsible for the supervision of the children in care and capable of responding to emergencies and the needs of the children. While children are napping or sleeping in bedrooms, the bedroom doors must remain open. During the day time hours of operation, children shall have adult supervision which means watching and directing children's activities, both indoors and outdoors,

and responding to each child's needs.

*Ch 65C-20.009(5)(b)*

7. A child who has been placed in an isolation area due to illness must be within sight and hearing of the operator.

*Ch 65C-20.010(5)(c)*

8. Children must be attended at all times when being diapered or when changing clothes.

*Ch 65C-20.010(1)(j)*

9. If the family child care home provider takes the children to water areas such as a beach, lake, or swimming pools for swimming activities, the family child care home provider must provide one person with a certified lifeguard certificate or equivalent, who must be present when children are in the swimming area, unless a certified life-guard is on duty.

*Ch 61 S.2.(5)(b)*

*Amended Ch 2007-277*

*8/1/07*

#### **D. Prolonged Child Care**

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

## **II. RECORDS**

### **A. Facility Records**

*Ch 61. S.7.(1)*

*Ch 65C-20.011(2)(a)(b)*

*11/07, 1/6/10*

1. The operator shall obtain enrollment information from the child's custodial parent or legal guardian, recorded on the Enrollment form provided by the Child Care Licensing Program (CCLP), prior to accepting the child in care. The CCLP Enrollment form shall be completely filled out, kept current, and on file for each child in care. The following required information is included:

*a-I included on Form CF-FSP  
form 5219, 3/09*

- a. The child's full legal name, birthdate, current address and preferred name(s).
- b. The name and address of the custodial parent(s) or guardian(s).
- c. Telephone numbers or instructions as to how the custodial parent(s) or legal guardian(s) may be reached during the hours the child is in care.
- d. Names, addresses, and telephone numbers of person(s) who can assume responsibility for the child if for some reason the parents cannot be reached immediately in an emergency. Names and addresses of persons authorized to take the child from the home.
- 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. List of allergies, special medical or dietary needs, or other areas of concern.
- g. Signature of parent(s)/guardian(s) verifying that enrollment information is complete and accurate.
- h. The agreed upon hours that the child is to be in care.

- i. The child(ren)'s relationship to the provider.
- j. The name, address, and telephone number of dentist.
- k. The days of the week in care.
- l. The meals typically served while in care.

7/25/91

- 2. 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.

12/2/92

- 3. A health certificate must be kept for each child in care including the provider's own preschool children.

Ch 65C-20.011(1)b & Ch 61. s.7.(1)

- a. Within thirty (30) days of enrollment the family child care home provider is responsible for obtaining from the custodial parent or legal guardian, a current and complete and properly executed DH Form 3040, which is incorporated by reference (June 2002), Student Health Examination for each child in care, and maintaining a current copy at the family child care home. The student health examination shall be completed by a person given statutory authority to perform health examinations. Certification that a health examination has been completed may be documented on the State of Florida Department of Health, DH Form 3040, June 02, or a signed statement by an authorized professional that indicates the results of the components included in the health examination from the custodial parent or legal guardian.

Ch 65C-20.011(1)(c)

- (1) This Student Health Examination form or signed statement is valid for two (2) years from the date the physical was performed and must be on file as long as the child is in care.

Ch 65C-20.011(1)(a)

- b. Immunizations. Within thirty (30) days of enrollment, the family child care home provider is responsible for obtaining from the custodial parent or legal guardian, for each child in care, a current, complete and properly executed Florida Certification of Immunization form, Parts A-1, B and or C, DH 680 (April 2009), or the Religious Exemption from Immunization form DH Form 680 and DH Form 681 (July 2008) may be obtained from the local health department. 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. Specific immunization requirements are included and detailed in the most current edition of the "Immunization Guidelines - Florida Schools, Child Care Facilities and Family Child Care Homes" as referenced in 64D-3.011, F.A.C.

Documentation of current immunizations must be available for review upon request by the Child Care Licensing Program.

8/3/05

- c. Copies of required records are acceptable for documentation. Original documents are the property of the party providing the information.

Ch 65C-20.011(1)(d)

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

Ch 65C-20.011(1)(e)

- 4. School aged children attending public or nonpublic schools are not required to have student health examination and immunization records on file at the family child care home as such records are on file at the school where the child is

enrolled.

- Ch 402.305(9)(d)* 5. Exemptions. 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.
- Ch 65C-20.011(1)(f)* 6. If the custodial parents or legal guardians need assistance concerning these requirements, the family child care home shall refer them to the Department of Health or to the child's physician.
- Ch 65C-20.011(1)(g)* 7. Medical records in this section are the property of the custodial parent or legal guardian and must be returned when the child is no longer in care. The medical records are transferable if the child is placed in a different family child care home.
- Ch 65C-20.010(5)* 8. Medication.  
Family child care homes are not required to give medication, however, if they choose to do so, the following shall apply:
- Ch 65C-20.010(5)(a)* a. The family child care home 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 family child care home provider who gave the medication.
- Ch 65C-20.010(5)(c)* b. Prescription and non-prescription medication brought to the family child care home 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 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.
- Ch 65C-20.010(5)(b)* c. Any known allergies to medication, or special restrictions must also be documented, maintained in the child's file, and posted with stored medications.
- Ch 61.S.9.(g)2 & 5/1/09*  
*Ch 65C-20.010(5)(g)* d. All medicines shall be stored separately and also locked or inaccessible and out of the reach of children and must have child resistant caps, if applicable.
- Ch 65C-20.010(5)(f)*  
*8/3/05* e. A written record documenting the child's name, the name of the medication, date, time, and amount of dosage to be given, and the signature of the custodial parent or legal guardian shall be maintained by the family child care provider. This record shall be initialed or signed by the adult who gave the medication. This record shall be maintained for four (4) months after the last day the child received the dosage.
- Ch 65C-20.010(5)(h)*  
*8/3/05* f. Medication which has expired or is no longer being administered shall be returned to the custodial parent or legal guardian, or discarded if the child is no longer enrolled in care at the family child care home.
- 65C-20.010(5)(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)

9. A daily attendance record shall be kept for each child in care.

Ch 61. S.7.(1)

10. The official license issued by the License Board shall be prominently displayed.

8/3/05

11. In addition to posting the license as required, the provider shall post with the license:

- a. Each administrative fine for a violation of any standard.
- b. An explanation, written in simple language, of each administrative fine.
- c. A description, written in simple language, of the corrective action, if any, taken by the provider for each administrative fine. Included in the description shall be the dates on which the corrective action was taken.
- d. Each administrative fine, explanation, and description of corrective action shall remain posted for one (1) year after issuance date.

8/3/05

12. The most recent License Board inspection report shall be readily available to parents.

Ch 65C-20.011(2)(c)

13. There shall be a signed statement from the custodial parents or legal guardian that the family child care home has provided them with the following information: The Child Care Licensing Program's brochure *Know Your Child's Family Child Care Home*. This brochure may be obtained from the licensing office or on the licensing website at [www.pclb.org](http://www.pclb.org).

Ch 65C-20.011(2)(d)

14. Annually, during the months of August and September, the family child care home 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 175-70, June 2009, Influenza virus, Guide to Parents, which may be obtained from the Department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

Ch 61. S.7.(2)

#### **B. License Board Records**

All applications for licenses, inspection reports on family child care homes, 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 family child care home.

12/2/92

#### **C. Other Records**

The provider must have a written schedule of varied daily activities. The schedule may be flexible and emphasize the homelike atmosphere of family child care. Activities should be appropriate to the developmental stages of the children in care.

Ch 61. S.9.(1)

### **III. SAFETY, HEALTH AND SANITATION**

Each family child care home must pass a sanitary inspection before it can be licensed and at least once annually before it can be relicensed. The premises, furnishings, and equipment shall be kept clean, free of rodents, vermin, and in general good order.

Ch 65C-20.010(1)(s)1.

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

## A. First Aid Treatment and Emergency Procedures

*Ch 65C-20.010(3)(a)*

1. At least one first aid kit containing materials to administer first aid must be maintained on the premises of the family child care home at all times and on activities away from the home. The first aid kit shall be accessible to the operator and kept out of the reach of children. The kit must be clearly labeled "First Aid" and must, at a minimum, include:

soap  
Band-Aids™ or equivalent  
disposable non-porous gloves  
cotton balls or applicators  
sterile gauze pads and rolls  
adhesive tape  
thermometer  
tweezers  
pre-moistened wipes  
scissors  
a current resource guide on first aid and CPR procedures

*Ch. 65C-20.010(3)(b)*

2. Emergency Procedures and Notification

*12/2/92*

- a. The provider shall develop and post in a conspicuous location, the emergency plan of evacuation in case of fire. The plan shall include the escape route and the location of children's records.

*Ch 65C-20.01 0(3)(b)(5)  
11/7/07*

- b. Each provider shall have a written plan on file in the License Board office for the evacuation and care of children in case of emergencies and disasters, 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 provider communication, availability of children's records, and supervision of children during evacuation and relocation.

*Ch 65C-20.010(3)(b)9.  
8/3/05*

- c. To continue operation when a family child care home or property sustains damage from a natural disaster, fire, or other event, the License Board staff must be notified within twenty-four (24) hours as to their status of operation.

If the family child care home closes temporarily, prior to re-opening, the License Board staff must inspect to ensure health and safety standards.

*Ch 65C-20.010(3)(b)1. &  
12/2/92*

- d. 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 home including major intersections and local landmarks, must be posted on or near all telephones and shall be used to protect the health, safety, and well-being of any child in care.

To meet the immediate needs of the child, family child care home operators shall call 911 or other emergency numbers in the event of an emergency.

*Ch 65C-20.010(3)(b)2.*

- e. Custodial parents or legal guardians shall be notified immediately in the event of any serious illness, accident, injury, or emergency involving 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 family child care home operator will contact those persons designated by the custodial parent or legal guardian to be contacted under these circumstances, and shall follow the written instructions provided by the custodial parent or legal

guardian.

*Ch 65C-20.010(3)(b)3.*

- f. All accidents, incidents, and observed health related signs and symptoms which occur at a family child care home must be documented on the day they occur. Documentation shall include the name of the affected party, date and time of occurrence, description of occurrence, actions taken, and signature of operator and custodial parent or legal guardian. This documentation must be shared with the custodial parent or legal guardian on the date of occurrence.

Records of accidents, incidents, and observed health related signs and symptoms must be maintained for one year.

If the parent or legal guardian does not pick up the child on the date of occurrence of the accident or incident, the individual authorized to pick up the child must sign and be provided a copy of the accident/incident form.

*Ch 65C-20.010(3)(b)4.*

- g. During the home's licensure year, fire drills shall be conducted a minimum of 10 times and shall be conducted at various dates and times when children are in care, and shall not occur less than 30 days apart. A written record shall be maintained showing the date, time, number of children in attendance, evacuation route used, and time taken to evacuate the home. This record shall be maintained for one (1) year from the date of the fire drill. The fire drills must include at a minimum:

*Ch 65C-20.010(3)(b)4.a.*

1. One (1) fire drill during the established napping/sleeping times

*Ch 65C-20.010(3)(b)4.b.*

2. One (1) fire drill using an alternate evacuation route, and

*Ch 65C-20.010(3)(b)4.c.*

3. One (1) fire drill in the presence and at the request of the Child Care Licensing Program staff in coordination with the operator.

*Ch 65C-20.010(3)(b)5.*

- h. The operator shall develop a written emergency preparedness plan to include, at a minimum: procedures to be taken by the family child care home during a fire, lockdown, and inclement weather (tornadoes).

*Ch 65C-20.010(3)(b)6.*

- i. Emergency preparedness drills shall be conducted when children are in care. Each drill, excluding the fire drills, outlined in the emergency preparedness plan 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 all children.

*Ch 65C-20.010(3)(b)7.*

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

*Ch 65C-20.010(3)(b)8.*

- k. 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.

## B. Communicable Disease Control

*Ch 65C-20.010(4)(a)*

1. Children in care shall be observed on a daily basis for signs of communicable disease. Signs and symptoms of a suspected communicable disease include the following:
  - Severe coughing, causing the child to become red or blue in the face or to make a whooping sound;
  - Difficult or rapid breathing;
  - Stiff neck;
  - Diarrhea (more than one abnormally loose stool within a 24 hour period);
  - Temperature of 101 degrees Fahrenheit or higher when in conjunction with any other signs of illness;
  - Pink Eye;
  - Exposed, open skin lesions;
  - Unusually dark urine and/or gray or white stool;
  - Yellowish skin or eyes; or
  - Any other unusual sign or symptom of illness.

*Ch 65C-20.010(4)(b)*

2. The family child care home shall have a designated isolation area for a child who becomes ill. The child's condition shall be closely observed. Any child who is suspected of having a communicable disease or who has a fever (101 degrees Fahrenheit or higher), in conjunction with any of the signs and symptoms listed above, shall be placed in the isolation area. Linens and disposables shall be changed after each use.

The condition shall be reported to the custodial parent or legal guardian and the child shall be removed from the family child care home. Such children shall not return to the home without medical authorization, or until the signs and symptoms of the disease are no longer present.

*Ch 65C-20.010(4)(c)*

3. 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 been verified. The treatment shall include the removal of all lice, lice eggs, and egg cases and shall be verified. Verification of treatment may include a product box, box top, empty bottle, or signed statement by a custodial parent or legal guardian that treatment has occurred.

The operator must also treat areas, equipment, toys, and furnishings, with which the child has been in contact.

*Ch 65C-20.010(4)(d)*

4. An operator, substitute, employee or household member who develops signs and symptoms of a communicable disease or who has a fever of 101 degrees Fahrenheit or higher, in conjunction with any of the signs and symptoms listed in paragraph 5.B.1., shall leave the areas of the home occupied by the children and shall not return without medical authorization, or until the signs and symptoms are no longer present.

If it is the operator who is ill, the substitute must assume the operator's responsibilities.

- Ch 65C-20.010(4)(e)*
5. Outbreaks. Operators are required to notify the local county health department immediately upon any suspected outbreak of communicable disease in accordance with Chapter 64D-3, F.A.C., Communicable Disease Control and follow the health department's direction. A suspected outbreak occurs when two or more children or adults have the onset of similar signs or symptoms, as outlined in paragraph 5.B.1. above, within a 72-hour period or when a case of a serious or reportable communicable disease is diagnosed or suspected in a child or employee.
- Ch 65C-20.010(1)(c)*  
*12/2/92*
6. All family child care home operators shall inform custodial parents or legal guardian in writing, if someone living in the home smokes.

Pursuant to Chapter 386, F.S., while children are in care, smoking is prohibited within the family child care home, on all outdoor play areas and in vehicles when transporting children.

#### IV. PHYSICAL PLANT HOUSING FAMILY CHILD CARE HOMES

- Ch 61. S.9.(3)(a)*
- A. Building**  
All local building, fire, and health requirements must be met and maintained.
- The building housing a family child care home must be safe and in good repair. It must be adequately lighted and have a safe source of heat.
- Ch 65C-20.010(1)(s)(2)*  
*7/25/91*
1. The family child care home shall have an operable smoke detector and fire extinguisher with a current certificate. At least one (1) operable smoke detector must be installed on each floor of the family child care home. There shall be a minimum of two (2) smoke detectors installed in homes with split floor plans.
- Ch 65C-20.010(1)(s)(2)*  
*11/7/07*
2. The family child care home shall have at least one operable, installed, corded telephone installed in a room approved for child care.
- Ch 65C-20.010(1)(s)(3)*
3. The family child care home shall have lighting that allows for safe movement and egress for children in care. At all times and appropriate for the activity, lighting in family child care homes must be sufficient enough to allow the operator to visually observe and supervise children in care.
- Ch 61. S.9.(3)*
4. The family child care home shall have a safe source of heat.
- Ch 65C-20.010(1)(s)(4)*
- The home must have proper ventilation and the temperature maintained between sixty-five (65) and eighty-two (82) degrees Fahrenheit.
- 7/25/91*
5. Portable electric fans within reach of children must have adequate protective screening.
- Ch 65C-20.010(1)(a)*
6. Animals, pets or fowl must have current immunizations, if immunizations are available for the type of animal, pet or fowl, and be free from disease. Custodial parents or legal guardian must be informed in writing of all animals on the premises of the home. Such information may be provided by way of a parent flier, a notification statement, or a statement included in the child's enrollment form.
- 8/3/05*
7. Any animal which according to the records of Pinellas County Animal Services has bitten a human more than once, or exhibited aggressive behavior, or has been declared dangerous pursuant to Chapter 767.12, Chapter 14 Pinellas County Code, or any comparable law, shall not be on the property of the family child care home.

- Ch 65C-20.010(1)(b)*
8. All areas and surfaces accessible to children shall be free of toxic substances and hazardous materials. All potentially harmful items including cleaning supplies, flammable products, poisonous and toxic materials must be labeled.
- These items including knives, and sharp tools, BB guns, pellet guns and other potentially dangerous hazards, shall either be stored in a locked area or must be inaccessible and out of a child's reach.
- Ch 61. S.9.(g)2.*
9. Medicines shall be kept out of the reach of children.
- 7/25/91*
10. Locks not accessible to children must be on all doors leading to the outside areas and to areas off limits to children.
- 8/3/05*
11. All exits leading to the outside of the family child care home shall be free of any obstruction.
- 8/3/05*
12. Homes shall not have burglar bars. Homes holding a valid license on December 31, 2005, and having burglar bars may maintain those bars, however they are required to pass an annual inspection by the fire department.
- 7/25/91*
13. Safety plugs must be placed in all unused electrical outlets.
- 12/2/92 &  
Ch 65C-20.010(1)(b)  
Ch 65C-20.010(1)(d)*
14. At all times when children are in care, all firearms and weapons as defined in Chapter 790.001, F.S., must be unloaded and shall be stored in a location inaccessible to children and in accordance with s.790.174, F.S.
- Ammunition must be stored separately from firearms and out of sight and reach of children.
- Exception: Firearm cases or racks within reach of children must be locked to prevent removal of firearms by children.
- Ch 65C-20.010(1)(d)*
- No firearms or weapons as defined in Section 790.001, F.S., shall be kept upon any person located on the premises, excluding federal, state or local law enforcement officers.
- 11/7/07*
15. If a family child care home or a large home has well water, the provider, prior to issuance of a temporary permit, must submit to the License Board written verification from the Pinellas County Health Department of satisfactory well water. Thereafter, the provider must have the well water tested on a quarterly basis and submit to the License Board written verification from the Pinellas County Health Department of approved well water. Well water used for lawn watering only does not need to be tested unless it is used for children's water play.

## **B. Indoor Floor Space**

- 8/3/05*
1. A family child care home must have thirty-five (35) square feet of usable indoor floor space per child, which does not include bedrooms unless it can be demonstrated that these bedrooms are used as multipurpose activity rooms.
- 8/3/05*
2. Usable indoor floor space refers to that space available for indoor play and activities. Usable indoor floor space is calculated by measuring at floor level from interior walls and by deleting space for stairways, toilets and bath facilities, permanent fixtures, and non-moveable furniture. Kitchens, offices, laundry rooms, storage areas, and other areas not used in normal day-to-day operations are not included when calculating usable indoor floor space.
- 8/3/05*
3. Shelves or storage for toys and other materials shall be considered as usable

indoor floor space if accessible to children.

8/3/05

4. Where infants are in care, they shall have open indoor floor space outside of cribs and playpens.

Ch 61. S.9.(3)(b)

5. A porch will be considered as indoor play space if it is enclosed and can be adequately heated.

Ch 61. S.9.(3)(c)

### **C. Outdoor Play Space**

Ch. 65C-20.010(1)(h)1.

1. All family child care homes' play activities shall be suitable to each child's age and development.

8/3/05, 4/1/09

2. All family child care homes must have a minimum of fifty (50) square feet per child of usable outdoor play area located on the property and which is exclusively used for the children attending or residing at the family child care home.

Ch 65C-20.010(1)(e)

3. The outdoor play area shall be clean, free of litter, nails, glass, and other hazards.

Ch 65C-20.010(1)(f)  
11/7/07, 4/1/09

4. The outdoor play area shall maintain safe and adequate fencing or walls a minimum of four (4) feet in height.

Gates on the fence must be locked while children in care are in the outdoor play space.

Outdoor activities conducted at the family child care home shall be conducted in the designated outdoor space.

Ch 65C-20.010(1)(g)  
8/3/05

5. Fencing, including gates must be sturdy and secure and continuous and shall not have gaps that would allow children to exit the outdoor play area.

The base of the fence must remain at ground level, free from erosion or buildup.

8/3/05

Ch 65C-20.010(1)(h)(4)

6. All equipment, fences, and objects on the family child care home premises shall be free of sharp, broken, and jagged edges and properly placed to prevent overcrowding or safety hazards in any one area.

Ch 61. S.9.(3)(c)

7. It shall have adequate sun, with provision for shade in warm weather.

Ch 65C-20.010(1)(f)4.

8. Lakes, ditches, ponds, brooks, canals, or other water hazards bordering the family child care home property shall be fenced a minimum of four (4) feet in height.

8/3/05

### **D. Equipment Maintenance**

1. Toys must be safe and maintained in a sanitary condition.

Ch. 65C-20.010(h)2

2. All play equipment shall be securely anchored, unless portable by design, in good repair, maintained in safe condition, and placed to ensure safe usage by the children. Maintenance shall include checks at least every other month of all supports, above and below the ground, and all connectors and moving parts.

Ch. 65C-20.010(h)(3)

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

Ch. 65C-20.010(h)5

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

5/3/95

## E. Rules For Pools Located At Family Child Care Homes And Large Homes

9/13/03

Children in care are prohibited from using swimming pools located at family child care homes and large homes.

Ch 65C-20.010(1)(j)  
10/6/10

If a family child care home has a swimming pool, it shall be maintained by using chlorine or other suitable chemicals, so that the bottom of the pool is clearly visible.

Ch 65C-20.010(1)(i)

### 1. Fences and locks

- a. All in-ground swimming pools and above-ground swimming pools more than one (1) foot deep, shall have either a fence or barrier, on all four sides, at a minimum of four (4) feet in height, separating the home from the swimming pool. The exterior wall of the home, with an ingress and egress, does not constitute a fence or barrier. A pool alarm that is operable at all times when children are in care may be used in lieu of the fence or barrier that separates the exterior wall of the home from the pool. The fence or barrier shall not have any gaps or openings that would allow a child to crawl under, squeeze through, or climb over the barrier.

Barriers must be sturdy and meet all the above requirements and be in place during all times when children are in care. The wall of an above ground swimming pool may be used as its barrier; however, such structure must be at least four (4) feet in height. In addition, any ladder or steps that are the means of access to an above ground pool must be removed at all times while children are in care.

2/1/06

All doors and gates in the fence or barrier shall be locked at all times when children are in care. In addition, the family child care home operator shall ensure that all egress and ingress leading to the pool, spa, or hot tub area remain locked at all times while children are in care.

- b. All spas and hot tubs, if not in a locked enclosed room, must meet the same barrier requirements for in-ground swimming pools, or instead, spas and hot tubs may be covered with a safety cover, as defined in Section 515.25(1), F.S., that complies with ASTM F1346-91 (Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Hot Tubs, and Spas) at all times when children are in care. A copy of ASTM F1346-91 (2003), Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Hot Tubs, and Spas, may be obtained from the licensing authority or on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare) by clicking on the forms link. A tarpaulin or canvas covering is not permitted.
- c. Locks not accessible to children shall be on all doors or gates leading to the swimming pool. If a hook and eye lock is used, the hook must have a spring.
- d. For an above ground pool, in existence at a licensed home prior to October 1, 2003, a sturdy, secure fence may be added to the pool wall to bring the combined height of the pool wall and fence to at least five (5) feet, thus eliminating the need for a separate fence or pool alarm. Ladders or steps that lead to above ground pool areas must be inaccessible to children.

5/3/95

### 2. Equipment

If a swimming pool is deeper than four (4) feet, a shepherd's crook is required. The shepherd's crook must be prominently and appropriately mounted at pool side for ready accessibility.

Ch65C-20.020(2)(i)  
5/3/95

3. Training  
A provider/applicant with a swimming pool, other than a spa, on the premises shall satisfactorily complete the Child Care Water Safety Course or a current equivalent prior to the issuance of a license.

2/1/06

4. Swimming pool and/or spa are off limits to all children, the provider and other child care personnel during child care hours. Other adults eighteen (18) years and older may use the pool during child care hours as long as all pool regulations are maintained.

#### F. Sleeping and Napping Space

Ch 65C-20.010(1)(k)

1. A family child care home must include a designated area where each child can sit quietly or lie down to rest or nap.

Ch 65C-20.010(1)(l)

2. When napping or sleeping, each child in care must be provided safe and sanitary bedding. Bedding means a cot, bed, crib, mattress, or playpen. Air mattresses, foam mattresses, and couches may not be used for napping. Bedding must be appropriate for the child's size.

Nap bedding is not required for school age children; however, the family child care home provider shall provide an area as described below for those children choosing to rest.

Ch 61. S.9.(3)(f)1.  
Ch. 65C-20.010(1.)(n)  
11/7/07

3. Cribs, bassinets, or playpens with bases raised above the floor shall be provided for infants. Crib sides must be raised and secured while an infant is in the crib and bar spacings may not exceed two and three-eighths inches. Cribs and playpens must meet the construction regulations as outlined in Title 16, Sections 1219 and 1220 Code of Federal Regulations, December 28, 2010 A copy may be obtained from [www.pclb.org](http://www.pclb.org).

12/2/92

4. Infants and toddlers shall not routinely be left in playpens or cribs except for rest or sleep. For sleeping and napping, infants through the age of twelve (12) months must be in their own crib, portacrib, or playpen with sides.

11/7/07

5. When infants are napping or sleeping, cribs must have a well fitting, protected mattress covered by a well fitting, cloth crib sheet. Pillows may not be used nor shall soft items such as blankets, towels, etc. be used under the infants when sleeping or napping.

Ch 65C-20.010(1)(m)

6. Children one (1) year of age or older may nap or sleep on beds used by the family provided individual linens are provided for each child. Each child shall have a separate bed, cot, crib, playpen, or mattress, except that two (2) sibling preschool children may share a double bed. Sleeping refers to the normal night time sleep cycle and playpens, air mattresses and foam mattresses may not be used for care when children are sleeping. The operator must prepare a written plan outlining the sleeping arrangements of the children in care to be provided to the licensing specialist upon request. If the children are sleeping overnight, the operator must ensure accepted bedtime routines, such as brushing teeth and face and hand washing are followed. Toothbrushes, towels, and wash cloths may not be shared.

Ch. 65C-20.010(1.)(n)

7. No double stacked or multi-deck cribs, cots, or beds may be used.

- Ch 61. S.9.(3)(d)3. & Ch. 65C-20.010(1.)*(o)
8. A minimum distance of two (2) feet must be maintained between individual napping space, except a maximum of two sides of a napping space may be against a solid barrier, such as a wall. The solid side of a crib does not meet the definition of a solid barrier.
- Ch 61. S.9.(3)(d)4.5.*
9. No child over the age of two (2) shall sleep in the same room with two (2) adults.  
Children of opposite sex over the age of five (5) shall not sleep in the same room.
- Ch 61. S.9.(3)(d)6.*
10. Sleeping quarters shall be near enough to those of a responsible adult to facilitate supervision of children.
- Ch 65C-20.010(1.)*(n)
11. When napping or sleeping, young infants that are not capable of rolling over on their own shall be positioned on their back and on a firm surface to reduce the risk of Sudden Infant Death Syndrome (SIDS), unless an alternative position is authorized in writing by a physician. The documentation shall be maintained in the child's record.
- Ch 61. S.9.(3)(d)3.*
12. All bedrooms for children receiving overnight care shall contain five hundred (500) cubic feet of air space per child.
- Ch 65C-20.010(1)(o)1.*
13. Napping spaces shall not be designated in kitchens, bathrooms, utility rooms, or garages.
- Ch 65C-20.010(1)(o)2.*
- Napping spaces shall not be under furniture, against furniture that may create a hazard, or blocking exit routes.
- Ch 65C-20.010(1)(o)3.*
- If separate rooms are used for napping, the doors to each room shall remain open to allow the operator to respond to emergencies and the needs of the children.

#### **G. Bathroom Facilities**

- Ch 61. S.9.(3)(e)1, 6/27/11*
1. Homes shall have at least one (1) toilet, one (1) bathtub and one (1) lavatory for handwashing purposes.
- Ch 65C-20.010(2)(c)*
2. Potty chairs, if used, shall be cleaned, and sanitized or disinfected after each use.
- Ch 65C-20.010(2)(f)*
3. Each child shall have his own individually labeled towel and wash cloth. If disposable towels are used, they shall be discarded after each use.
- Ch 65C-20.010(2)(d)*
4. Each family child care home shall provide and maintain toilet and bath facilities that are easily accessible and at a height usable by the children. Platforms or stools are acceptable when they are safely constructed, with impervious surfaces, and can be easily cleaned and sanitized or disinfected.
- Ch 65C-20.010(2)(e)*
5. Running water, soap, trash receptacles, toilet paper and individual towels/disposable towels shall be available and within reach of children using the toileting facility.

#### **H. Equipment**

- Ch 61. S.9.(3)(f)2.*
1. Play materials, toys, books, and equipment safe and developmentally appropriate shall be provided and accessible to children.
- 12/2/92*
2. Television, if used, shall be limited and appropriate.

## I. Cleanliness and Orderliness of the Family Child Care Home

Ch 61. S.9.(3)(g)1. &  
Ch 65C-20.010(1)(s)

1. All parts of the home, both indoors and outdoors, including the furnishings, equipment, and plumbing, shall be kept clean and sanitary, free of hazards, in an orderly condition, and in good repair at all times.

Ch 65C-20.010(1)(r)

2. Rodents and vermin shall be exterminated. Pest control shall not take place while rooms are occupied by children.

Ch 65C-20.010(2)(b)

3. Soiled items shall be immediately placed in plastic lined, securely covered containers, which are not accessible to children.

The container shall be emptied, cleaned, and sanitized or disinfected daily.

Children's wet or soiled clothing and crib sheets shall be changed promptly.

Ch 65C-20.010(2)(g) &  
7/25/91  
11/7/07

4. When children in diapers are in care, there shall be a designated diaper changing area with an impermeable surface that is cleaned and sanitized or disinfected after each use.

The diaper changing area shall be located separate from the food preparation, food service and feeding area.

In addition, items unrelated to diaper changing shall not be stored in the designated diaper changing area nor shall they be placed on the diaper changing table.

Ch 65C-20.010(2)(a)

5. Operators, substitutes, and children shall wash their hands with soap and running water, drying thoroughly, following personal hygiene procedures for themselves, or when assisting others and immediately after outdoor play.

## V. TRANSPORTATION

Ch. 65C-20.010(8)(a.)  
11/7/08

- A. When any vehicle is used by a family child care home to provide transportation, the driver shall have a current Florida driver's license in accordance with ss.322.03(1) F.S.

Ch. 65C-20.010(8)(b.)  
11/7/07

- B. All family child care providers must maintain documentation of current insurance on all vehicles used to transport children in care and documentation thereof.

6/4/03  
Ch. 65C-20.010(8)(d)

- C. Each child, when transported, must be in an individual factory installed seat belt or federally approved properly installed child safety restraint, unless the vehicle is excluded from this requirement by Florida Statute.

- D. 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, and integrated child seat, or a seat belt may be used.

Ch 61 S. 9.(2)

- E. Vehicles used for transporting children shall be maintained in safe condition at all times.

12/2/92

- F. A signed parental permission must be kept for each child the provider transports.

Ch.65C-20.010(8)(c)

- G. The maximum number of individuals transported in a vehicle shall not exceed the manufacturer's designated seating capacity or the number of factory installed seat belts.

Ch.65C-20.010(8)(e)

- H. An adult must remain within sight and hearing of children being transported in a

vehicle so as to respond to the needs of the children at all times.

- Ch.65C-20.010(8)(f)* I. Prior to transporting children and upon the vehicle(s) arrival at its destination, the following tasks shall be completed by the driver(s) of the vehicle(s) used to transport the children:
- Ch.65C-20.010(8)(f)(1)* 1. A log shall be maintained for all children being transported in the vehicle. The log shall be retained for a minimum of six (6) months. The log shall include each child's name, date, time of departure and time of arrival, and signature of the driver to verify the fact that all children have left the vehicle.
- Ch.65C-20.010(8)(f)(2)* 2. Upon arrival at the destination, the driver of the vehicle shall:
- Ch.65C-20.010(8)(f)(2)(a)* a. Mark each child off the log as the child departs the vehicle,
- Ch.65C-20.010(8)(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-20.010(8)(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-20.010(8)(g)* J. Smoking is prohibited in all vehicles while being used to transport children.
- Ch.65C-20.010(8)(h)* K. Emergency medical consent forms or copies of the consent forms signed by the custodial parent or legal guardian and emergency contact numbers must accompany the children on all field trips.
- Ch.65C-20.010(8)(i)* L. A permission and transportation release form signed by the custodial parent or legal guardian of the children in care must be on file for planned and unplanned activities. Written permission may be in the form of a general permission slip. Documentation of parental permission must be maintained for a minimum of six (6) months from the date of planned and unplanned activities.
- Ch.65C-20.010(8)(j)* M. A means of instant communication shall be available at all times while transporting children.

## VI. NUTRITION PRACTICES

- Ch 65C-20.010(4)(t)* A. If the operator chooses to supply food, the operator 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 My Pyramid may be obtained from the License Board, the local county health department or from the USDA website at [www.mypyramid.gov](http://www.mypyramid.gov).
- Using the USDA My Pyramid for Young Children,
  - 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.
- If a special diet is required for a child by a physician, appropriate documentation shall be maintained in the child's file for as long as the child is in care.
- If the custodial parent or legal guardian notifies the family child care home of any known food allergies, written documentation must be maintained in the child's file.

Meal and snack menus shall be planned and written, and must be available for review upon request by the custodial parent or legal guardian. Menus used to meet the USDA Food Program requirements shall also meet the licensing program's licensing standards.

Daily meal and snack menus shall be maintained for a minimum of six months for licensing purposes. Operators who participate in the USDA Food Program, shall provide nutritious meals and snacks and must keep menus in accordance with the Department of Health and the USDA.

- Ch 65C-20.010(1)(p)* B. Potable drinking water shall be available to children of all ages at all times. If disposable cups are used, they must be discarded after each use.
- Ch 65C-20.010(1)(q)* C. Single service paper or plastic plates, utensils, and cups shall not be reused. Plates, utensils, cups, bottles and sippy cups provided by the family child care home that are not disposable shall be washed, rinsed and sanitized between uses. All bottles and sippy cups prepared and used continuously throughout the day shall be individually labeled with the child's first and last name. Those brought from home must be returned to the custodial parent or legal guardian daily.
- 8/3/05* D. Children shall be individually fed or supervised at feedings and offered foods appropriate for their age. There shall be no propped bottles for infants. Formula shall be refrigerated and handled in a sanitary manner.
- 8/3/05* E. Formula shall not be heated in the microwave oven.

## VII. CHILD DISCIPLINE

*6/4/03* Minimum standards for child discipline practices shall ensure that age-appropriate, constructive disciplinary practices are used for children in care.

Such standards shall include at least the following requirements:

- A. Children shall not be subjected to discipline which is severe, humiliating, or frightening.
- B. Discipline shall not be associated with food, rest, or toileting.
- C. Spanking or any other form of physical punishment is prohibited.
- D. Prior to admission of a child to a family child care home, the provider shall notify the parents in writing of the disciplinary practices used in the home.
- Ch 65C-20.010(6)(b)*  
*6/4/03, 4/1/09* E. All family child care home operators, including substitutes, employees and volunteers, shall comply with the home's written disciplinary policy.
- 6/4/03, 4/1/09*  
*9/11/09* F. A copy of the discipline policy must be available for review by parents or legal guardian and the licensing specialist. A copy of a changed Discipline Policy shall be submitted to the Child Care Licensing Program at the time it is changed and be available for review.

*Ch 39.201*

## VIII. REPORTING CHILD ABUSE AND NEGLECT

### A. Definitions

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.
2. "Neglect" occurs when a child is deprived of, or is allowed to be deprived of, necessary food, clothing, shelter, or medical treatment.
3. "Harm" to a child's health or welfare can occur when any person:

- a. Inflicts or allows to be inflicted upon the child physical, mental, or emotional injury.
- 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.
- 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.

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

- 1. Any person including, but not limited to, any:
  - a. School teacher or other school official or personnel;
  - b. Social worker, child 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 of Children and Family Services in the manner prescribed in subsection 2.

9/11/09

An open child abuse investigation involving the Family Child Care Home, Large Family Child Care Home shall be reported to the Child Care Licensing Program (CCLP) within 24 hours or the next business day upon initial knowledge of the investigation.

- 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.
- 3. Reporters in occupation categories, designated in subsection (2) 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.
- 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 of Children and Family Services 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 of Children and Family Services, provided the fact that such person made the report is not disclosed.

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 of Children and Family Services or any law enforcement agency, shall be immune from any civil or criminal liability which might otherwise result by reason of such action.
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.
7. No resident or employee of a facility 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.
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.
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.
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 65-22.001(11)  
11/7/07

**C. Violation**

1. Acts or omissions of child care personnel that meet the definition of child abuse or neglect provided for herein constitute a violation of the Licensing Regulations.
2. Failure to perform the duties of a mandatory reporter pursuant to s. 39.201 F.S. constitutes a violation of the standards in Licensing Regulations.

4/1/09

**IX. APPLICATION, FEES, LICENSE**

**A. Application**

Ch 61. S.10.(1)  
Ch 65-20.008(1)

1. Application for license shall be made on the Child Care Licensing Program's current F-0054 Application for License to Operate a Family Day Care Home available through the child care licensing programs' office and shall be accompanied by fee.

- Ch 61. S.10.(2) 2. Application shall be under oath and shall contain the following:
- Ch 61. S.10.(2)(a) a. The name of the applicant.
- b. The address of the home for which a license is sought.
- 3/9/05 c. The maximum number of children allowed in attendance at any given time, ages of children, and hours of care.
- d. Such information relating to the experience, training, and moral character of the applicant, and household members, as the Board may deem necessary.
- Ch 402.3055(1)(a) e. A question that specifically asks the applicant, owner, or operator whether or not they have had any administrative action while employed in a family child care home or large home.
- 5/1/95 3. Family Child Care Home Request for License Change
- a. Family child care home providers making changes affecting the face of their license other than a change of address or addition of provider as noted in 5.a., must submit a Request for License Change. A new license reflecting the change(s) and showing the same expiration date as the last license will be issued following review of the request. These changes include:
- (1) provider's name change due to marital status,
  - (2) removal of a provider's name,
  - (3) addition of "doing business as,"
  - (4) capacity change,
  - (5) addition of or deletion of overnight care,
  - (6) addition or deletion of a swimming pool or spa,
  - (7) address change by Postal Service or municipality.
- b. Exception: A change of address is considered a new home and an application for a new license is required.
- 5/1/95 4. Family Child Care Home Addition of Provider's Name(s)
- a. A family child care home application for change of license is to be filed for an addition of a provider's name(s).
- b. The application for change of license is to be filed and approved before the change occurs even though this may be before the date of license expiration. A temporary permit is issued when all requirements are met. The application for license change must be presented to the License Board for determination. It is not a renewal with the automatic issuance of license.
- Ch 61. S.10.(3) **B. Fees**
1. The License Board is authorized to charge an application fee not in excess of twenty-five dollars (\$25.00) for each family child care home for which a license is sought. All family child care home application fees are set at \$25.00.
- 11/7/07 2. In addition to the application fee, each family child care home will be charged a license fee of \$25.00.

11/7/07

3. Prior to issuance of a temporary permit or license, the applicant or provider 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

4. 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 immediately 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 dishonored check 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.

Ch 61. S.11.(1)

### **C. License**

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 therefrom 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.
2. The family child care home license shall be issued in the name of the operator.

5/3/95

### **D. Temporary Permit**

1. A temporary permit will be issued by staff to a family child 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 is to be signed by the chairman or two 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 65C-20.008(1)

1. Family Child Care Homes 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 provider addressing all licensing renewal requirements including background screening.
- Ch 65C-20.008(2)
- 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.
- Ch 65C-20.012(3)(d)
- c. Failure to submit a completed current F-0054 Application for License to Operate a Family Day Care Home or F-0054B Application for License to Operate a Large Family Child Care Home, forms incorporated by reference, at least 45 days prior to the expiration date of the current license constitutes a licensing violation. The Child Care Licensing Program shall issue an administrative complaint imposing a fine of \$50.00 for the first occurrence, \$100.00 for the second occurrence, and \$200.00 for each subsequent occurrence within a five year period.
- Ch 65C-20.008(3)
- d. All background screening **clearances must** be received by the licensing program prior to the expiration of the current license in order to issue a renewal license. If screening clearances have not been received by the expiration date of the license, a renewal license will not be issued, the home will be closed, and the provider must reapply for a family child care home license.
- 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 family child care home, including in that process the examination of the premises and records of the family child care home 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 family child care homes. The family child care home 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 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 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 family child care home personnel have failed the screening required by Licensing Regulations.

Ch 61. S.11.(3)

**F. Term; Assignment**

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.

8/3/05

If the provider voluntarily closes the family child care home or large home, the license will be considered null and void.

**X. ADVERTISING**

Ch 61. S.18.  
8/1/07

A. A family child care home or large home licensed by the License Board may publish advertisements only of the service for which it is specifically licensed under Licensing Regulations. No person, firm, partnership, organization, corporation, association, or other group or society, unless licensed as a family child care home, large home, or legally exempt from licensure, shall publish any advertisement soliciting child care. The holder of a temporary permit may only advertise for the service for which the temporary permit was issued and the advertisement must state that the advertiser is the holder of a temporary permit.

5/19/86

B. "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 circulations or other means of publication designed to draw attention to child care services. This list is not intended to be exclusive.

5/19/86

C. A prospective family child care home 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 home is prospective and does not have the requisite temporary permit or license. It will be sufficient if the advertisement specifies that the home has applied for a temporary permit or license and that receipt of the same is pending.

5/19/86

D. The following does not constitute "advertising:"  
  
1. Advertisements in the classified ads for employment purposes.  
  
2. Preliminary community survey to determine whether or not a child care service is needed.

11/7/07; 402.318

E. A person, as defined in s. 1.01(3), may not advertise a family child care home or large home, as defined by the licensing regulations, without including within such advertisement the License Board license number of such family child care home or large home. Violation of this section is a misdemeanor of the first degree, punishable as provided in s. 775.082 or 775.083.

Ch 411.0101

**XI. CHILD CARE AND EARLY CHILDHOOD RESOURCE AND REFERRAL**

A family child care home licensed under *Licensing Regulations Governing Pinellas County Family Child Care Homes* 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.
- Ch 411.0101(3)(a)(6) D. Fees and eligibility for services.
- Ch 411.0101(3)(a)(4) E. Number of children served.
- Ch 411.0101(3)(a)(5) F. Significant program information
- Ch 411.0101(3)(a)(7) G. Availability of Transportation.

**XII. 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 family child care homes for child care, and shall work cooperatively with other organizations and agencies concerned with child care.

**XIII. ENFORCEMENT of FAMILY CHILD CARE HOMES**

Ch 65C-20.012

**DEFINITIONS**

**Day:** means a weekday, excluding weekends and holidays.

Ch 65C-20.012(1.)(b.)

**Probation:** is a licensing status indicating the license is in jeopardy of being revoked or not renewed due to violations within the control of the provider. 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 home must operate during the probationary period.

Ch 65C-20.012(1.)(c.)

**Standards:** are requirements for the operation of a licensed family child care home or large family child care home provided in statute or in rule.

Ch 65C-20.012(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><b>Class 1</b> Ch 65C-20.012(1.)(d.)(1.)</p>	<p>Class I Violation is an incident of noncompliance with a Class I standard as described on the Family Child Care Home Classification Summary and the Large Family Child Care Home Classification Summary that can be obtained from the Child Care Licensing Program website at <a href="http://www.pclb.org">www.pclb.org</a>. 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><b>Class 2</b> Ch 65C-20.012(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><b>Class 3</b> Ch 65C-20.012(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><b>Technical Support</b> Ch 65C-20.012(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>

Ch 402.311

Ch 65C-20.012(4)

**A. Inspection**

1. Access. The family child care operator must allow access to the entire premises of the family child care home or large family child care home to inspect for compliance with family child care home minimum standards. Access to the family child care home also includes access by the parent, legal guardian, and/or custodian, to their child(ren) while in care.

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 family child care home or large family child care home without a license, but no such entry or inspection of any premises shall be made without the permission of the person in charge thereof unless a warrant is first obtained from the circuit court authorizing same.

Any application for a license or renewal made pursuant to 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 family child care home or large family child care home 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 XIII. C.4.a.(1) for such refusal.

2. Inspection shall be at least once annually.

9/3/97

**B. Corrective Action**

1. When the Child Care Licensing Program determines that a family child care home or large family child care home is not in compliance with the Licensing Regulations, the Child Care Licensing Program shall make a reasonable attempt to discuss each violation with the provider and the time which the Child Care Licensing Program will establish for the provider 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 provider 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.
3. The Child Care Licensing Program may document any action by the provider taken to correct any violation cited.

Ch 65C-20.012(3)

**C. Disciplinary Sanctions**

Ch 65C-20.012(3)(a)

1. 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 family child care home or large family child care home to correct the violation when determining the appropriate disciplinary sanction.

Ch 65C-20.012(3)(b)

2. 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-20.012(3)(c)  
9/11/09

3. 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-20.012(3)(e)

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

**Ch 65C-20.012(3)(e)1.a.-b. through 4.a.-f. & 9/11/09 Fine Matrix (Fine Amounts)**

Violation	Class 1	Class 2	Class 3	Health/Immunization
1st	\$100 to \$500	TS	TS	TS
2nd	\$100 to \$500	\$50	TS with WL	TS with WL
3rd	\$100 to \$500****	\$60 (per day)	\$25*	\$25*
4th	\$100 to \$500****	\$75 (per day)	\$30 (per day)	\$30
5th	\$100 to \$500****	\$100 (per day) **	\$40 (per day)	\$40 (per day)
6th	\$100 to \$500****	\$100 (per day)	\$50 (per day)**	\$50 (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>				

Ch 65C-20.012(3)(d).(1.)

**a. Class 1 Violations**

Ch 65C-20.012(3)(e)1.a.

(1) For the first and second violation of a Class I standard, the Child Care Licensing Program shall issue an administrative complaint imposing a fine 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-20.012(3)(e)1.b.

(2) For the third and subsequent violations of a Class I standard, 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 not less than \$100 nor more than \$500 **per day** for each violation in addition to any other disciplinary sanction.

If a family child care home or large family child care home 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 family child care home or large family child care home license.

*Ch 65C-20.012(3)(e)2.*

**b. Class 2 Violations**

*Ch 65C-20.012(3)(e)2.a.*

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

*Ch 65C-20.012(3)(e)2.b.*

(2) For the second violation of a Class 2 standard, of the same standard within a two (2) year period, 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-20.012(3)(e)2.c. & 9/11/09*

(3) For the third violation of a Class 2 standard, of the same standard within a two (2) year period, the Child Care Licensing Program shall issue an administrative complaint imposing a fine of \$60 **per day** for each violation.

*Ch 65C-20.012(3)(e)2.d. & 9/11/09*

(4) For the fourth violation of a Class 2 standard, of the same standard within a two (2) year period, 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 \$75 **per day** for each violation.

*Ch 65C-20.012(3)(e)2.e. & 9/11/09*

(5) For the fifth and subsequent violations of a Class 2 standard, of the same standard within a two (2) year period, 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.

*Ch 65C-20.012(3)(e)(3)*

**c. Class 3 Violations**

*Ch 65C-20.012(3)(e)3.a.*

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

*Ch 65C-20.012(3)(e)3.b.*

(2) For the second violation of a Class 3 standard, of the same standard within a two (2) year period, 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-20.012(3)(e)3.c.*

(3) For the third violation of a Class 3 standard, of the same standard within a two (2) year period, 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-20.012(3)(e)3.d. & 9/11/09*

(4) For the fourth violation of a Class 3 standard, of the same standard within a two (2) year period, the Child Care Licensing Program shall issue an administrative complaint imposing a fine of \$30 **per day** for each violation.

Ch 65C-20.012(3)(e)3.e. & 9/11/09

- (5) For the fifth violation of a Class 3 standard, of the same standard within a two (2) year period, 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 \$40 **per day** for each violation.

Ch 65C-20.012(3)(e)3.f. & 9/11/09

- (6) For the sixth and subsequent violations of a Class 3 standard, of the same standard within a two (2) year period, 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 **per day** for each violation.

Ch 65C-20.012(3)(e)4.

**d. Children's Health/Immunization Records Disciplinary Sanctions**

Ch 65C-20.012(3)(e)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-20.012(3)(e)4.b.

- (2) For the second violation of the same 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-20.012(3)(e)4.c.

- (3) For the third violation of the same 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-20.012(3)(e)4.d. & 9/11/09

- (4) For the fourth violation of the same Class 3 Children's Health or Immunization standard violation, the Child Care Licensing Program shall issue an administrative complaint imposing a fine in the amount of \$30 for each violation.

Ch 65C-20.012(3)(e)4.e. & 9/11/09

- (5) For the fifth violation of the same 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 \$40 **per day** for each violation.

Ch 65C-20.012(3)(e)4.f. & 9/11/09

- (6) For the sixth and subsequent violation of the same 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 \$50 **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)*

2. No provisional license may be issued unless the provider 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 family child care home is in compliance with the requirements for screening of child care personnel in the Licensing Regulations.

*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 or revoked if periodic inspections made by the License Board indicates that insufficient progress has been made toward compliance.

*7/7/99*

*11/7/07*

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 XIII D. Provisional License will remain the same. No application for change shall be accepted during the probationary-provisional license period.

*Ch 65C-20.008(4)*

6. A provisional license may not be issued as the initial license.

*Ch 61. S. 13.*

#### **E. License, Grounds for Denial**

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

*Ch 61. S. 13.(1)*

- a. failure to meet any of the minimum standards,

*Ch 61. S. 13.(2)*

- b. 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. 14.*

#### **F. License, Grounds for Revocation**

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

*Ch 61. S. 14.(1)*

- a. cruelty or indifference to the welfare of children;

*Ch 61. S. 14.(2)*

- b. violation of any provision of this act;

Ch 61. S.14.(3)

- c. any ground upon which a license may be denied as prescribed above in Licensing Regulations XIII.

9/3/97

#### **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.

#### **H. Procedure for Reinstatement of Revoked or Suspended License**

Ch 61 S.16.(1)

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 requalify. 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.

#### **I. License Required; Injunctive Relief**

Ch 402.312(1)  
Ch 65C-20.012(2)  
2/1/06

1. The operation of a family child care home without a license or a large family child care home without a license is prohibited. If the License Board discovers that a family child care home is being operated without a license, or a large home is being operated without a license, the License Board is authorized to seek injunctive relief in the circuit court where the home is located to enjoin continued operation of the family child care home or large home that is not licensed. Pursuant to Section 120.60(6), F.S. an emergency suspension order may also be used to stop the continued operation if the family child care home poses immediate serious danger to the public health, safety, or welfare of the children who are enrolled.

Ch 402.312(2)

2. Other grounds for seeking an injunction to close a family child care home, or large home 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 a family child care home, or large home.

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 family child care home, or large home 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 family child care home, or large home operating without a license consistent with the provisions of Licensing Regulations XIII.I.

Ch 61. S.21.

**J. Penalty**

Every person who violates any of the provisions of this law governing the operation of family child care homes 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 family child care homes, 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 61. S.20.

**K. 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 402.319

1. 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 family child care home.

Ch 402.319(1)(b)

(2) Operate or attempt to operate a family child care home without a license.

Ch 402.319(1)(d)

(3) Operate or attempt to operate a family child care home under a license that is suspended, revoked, or terminated.

Ch 402.319(1)(e)

(4) Misrepresent by act or omission, a family child 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 family child care home to a parent or guardian who has a child placed in the family child care home or is inquiring as to placing a child in the family child care home, or to a representative of the License Board, 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 family child care home;

Ch 402.319(1)(f)2

(b) The part of the family child 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 child care home complies with the screening requirements of Licensing Regulations, or

Ch 402.319(1)(f)5

(e) Whether child care personnel have the training as required by Licensing Regulations.

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 family child 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.

The following section, "Gold Seal Quality Care Program" (65C-20.014 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-20.014 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.
  1. "Effective" refers to the beginning date of a Gold Seal Quality Care provider's designation certificate issued by the Child Care Program Office.
  2. "Expired" refers to the end date of a provider's Gold Seal Quality Care designation certificate issued by the Child Care Program Office.
- b. "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 for accreditation and has been designated a Gold Seal Quality Care Accrediting Association by the Department of Children and Family Services.
  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) Gold Seal Quality Care Provider Requirements.**

- a. Gold Seal Quality Care Provider Designation Certificate

Pursuant to s. 402.281(1), F.S., family child care homes and large homes seeking to obtain 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](http://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 family child care home's Gold Seal designation will be terminated upon expiration of accreditation. In order

to obtain and maintain Gold Seal Quality Care provider designation, a family child care home 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, the Gold Seal Quality Care designation will be terminated effective on the date of revocation.
3. If a provider'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) Gold Seal Quality Care 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, August 2007, 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](http://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](http://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.
- d. Inactive Gold Seal Quality Care Accrediting Associations seeking to renew their active 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.