

Section 1. Each unit of local government within Pinellas County shall, no later than December 31, 1970, review existing population acts and shall prepare those local or special acts deemed necessary for enactment during the 1971 session of the legislature. Such legislation shall be submitted to the Pinellas County legislative delegation for consideration, with sufficient copies of all proposed bills relating to each subject for each delegation member. The constitutional officers of the several units of local government shall be responsible for carrying out the provisions of this act.

Section 2. For the purposes of this act, the district school board of Pinellas County and other special districts, authorities, commissions, or boards shall be deemed units of local government.

Section 3. This act shall take effect upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 8, 1970.

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CHAPTER 70-893

House Bill No. 4022

AN ACT relating to Pinellas County, licensing and regulating of children's centers and family day care homes; amending section 2(1), (4), (5), and (6), 4, 6(2) and (3), 7(2), 9, 11, 17, 18, 20, 21 and 22 of chapter 61-2681, Laws of Florida; redefining children's centers and family day care homes; providing for meetings of the license board; providing for minimum personnel standards; amending provision for inspection of license board records; providing for temporary permits; providing for annual inspection; permitting holders of temporary permits to advertise; providing that state attorney shall prosecute violations and civil matters to be represented by county attorney; amending provision relating to penalties; authorizing the license board to accept contributions; providing effective date.

*Be It Enacted by the Legislature of the State of Florida:*

Section 1. Subsections (1), (4), (5), and (6) of section 2 of chapter 61-2681, Laws of Florida, are amended to read:

Section 2. Definitions.—

(1) A children's center includes any day nursery, nursery school, kindergarten, or other facility whatsoever which, with or without compensation, cares for five (5) or more children seventeen (17) years of age or under, not related to the operator by blood, marriage, or adoption, away from the child's own home for from two (2) to twelve (12) hours per day per child. This term shall not be construed to include any center under the jurisdiction of the state board of education or to include any nonpublic academic school except in regard to children below first grade level.

(4) A kindergarten means a children's center consisting of improved realty, equipment and staff, conducted for children ranging from five (5) years through six (6) years nine (9) months in age, for the purpose of offering an educational program of directed, organized play and training at the level of the children's growth and development, and providing shelter, food, rest, and care for from two (2) to seven (7) hours per day per child.

(5) (a) A family day care home means a facility for child care in a place of residence of a family, person, or persons who receive no more than four (4) children under seventeen (17) years of age away from their own homes who are not related to such person or persons by blood, marriage, or adoption, for the purpose of providing family care and training for such children for from two (2) to twelve (12) hours per day. No more than three (3) of the four (4) children may be under two (2) years of age. This term shall not be construed to include children above first grade level except in homes where children below first grade level are also received for care.

(b) Under special circumstances, family day care homes may be licensed to care for children twenty-four (24) hours a day. To fall under the administration of the license board, these family day care homes may not receive children from any licensed child-placing agencies. These family day care homes shall meet the same minimum standards established by the state welfare board for the care of children under seventeen (17)

years of age being cared for away from their own parents or guardians, except where the requirements are in conflict with this law or changed as provided herein.

(6) Children's centers licensed hereunder shall not provided regular overnight care for children. Overnight care on New Year's Eve and other similar occasions to be specified by the license board for a number not in excess of the total enrollment authorized on its license is permissive, subject to the determination by the license board that such overnight care is reasonable under the circumstances.

Section 2. Sections 4, subsections (2) and (3) of section 6, subsection (2) of section 7, and section 9 of chapter 61-2681, Laws of Florida, a are amended to read:

Section 4. License board creation.—There is created in Pinellas County the license board for children's centers and family day care homes herein called the license board, which shall be composed of:

(1) A member of the board of county commissioners, said member to be designated by action of the board of county commissioners.

(2) The director of the district division of family services or a person delegated by him.

(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.

(4) The district school superintendent or a teacher in elementary preschool education delegated by him.

(5) The county health officer or a person delegated by him.

(6) One (1) member in good standing of the upper Pinellas County preschool association and one (1) member in good standing of the Pinellas County preschool association on children under six (6) selected by majority vote of the elected officers of each of said associations.

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.

Section 6. Minimum standards for children's center and family day care home personnel.—

(2) Education.—

(a) Day nursery workers caring directly for children in any day nursery shall be high school graduates. The staff member in charge of the staff and program shall have completed a minimum of six (6) semester hours of college credits in early childhood education with passing grades.

(b) The nursery school or kindergarten teacher in charge of curriculum, staff, and program shall have completed two (2) years of college training including twelve (12) semester credit hours in early childhood education with passing grades and shall have had two (2) years of teaching experience. Teachers working directly under the person in charge of curriculum, staff, and program shall be high school graduates, and in addition shall have complete two (2) years of college training including twelve (12) semester hours credit in early childhood education with passing grades or shall have completed twelve (12) semester hours credit in early childhood education with passing grades and have had two (2) years of teaching experience.

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

(d) A staff member not in charge of curriculum, staff, or program who does not fully meet requirements may be employed temporarily as a staff member of a licensed day nursery, nursery school, or kindergarten, if said staff member is in the process of acquiring the necessary educational qualifications.

(e) An experienced staff member who does not meet the educational requirements for a staff member as outlined in this section may apply for an exemption examination approved by the license board. Successful completion of the exemption

examination will serve to exempt the teacher from the college credit requirements, except that every three (3) years the staff member shall continue professional training by earning at least three (3) semester credit hours in early childhood education as hereinbefore required.

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

(3) Number of personnel and supervision.—The number of adults on the child care staff shall be no less than the following:

- 1 adult for each 10 children 2 years old;
- 1 adult for each 15 children 3 years old;
- 1 adult for each 20 children 4 years old;
- 1 adult for each 25 children 5 years old or over.

(a) In groups where children of varying ages are combined, number of staff shall be determined by the age of the youngest children in the group. These adults shall be engaged in child care exclusively and shall regularly work no more than eight (8) hours in twenty-four (24) hours. No infants under two (2) years of age shall be taken into a day nursery for group care unless the license board determines that no family day care home is available. A staff member qualified to be in charge shall be on the premises at all times when children are present.

(b) In children's centers where only one (1) child care staff member is required at least one (1) other person must be on the premises for emergency purposes.

(c) The number of children in a family day care home is limited to a maximum of four (4) children other than the children or relatives of the operator and no more than five (5) preschool children including the preschool aged child or relatives of the operator may be in the family day care home at one time.

(d) In family day care homes, there shall be one (1) adult, the operator, who shall remain on the premises at all times when children under care are present, with at least one (1) on-call person available for emergency purposes.

Section 7. Minimum standards for children's center and family day care home records.—

(2) License board records.—All applications for licenses, inspection reports on facilities, recommendations of board members or employees, and formal action taken by the license board shall be kept on file for each children's center and family day care home.

Section 9. Minimum standards for safety, health, and sanitation.—

(1) Sanitation.—Each center and family day 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 and vermin, and in general good order.

(2) Transportation.—Vehicles used for transporting children shall be maintained in safe condition at all times as required by the motor vehicle inspection law.

(3) Minimum standards for the physical plant housing family day care homes and foster boarding homes:

(a) Building.—the building housing a family day care home or foster boarding home must be safe and in good repair. It must be adequately lighted and have a safe source of heat.

(b) Indoor space.—There must be adequate indoor play space per child in some part of the building designated for this purpose, apart from kitchens, bathrooms, pantries, and halls. A porch will be considered as indoor play space if it is enclosed and can be adequately heated.

(c) Outdoor play space.—There shall be adequate outdoor play space on the premises. Where children in care are under six (6) years of age the play space shall be enclosed if it is near well-traveled streets, lakes, ditches, brooks, or other hazards. It shall have adequate sun, with provision for shade in warm weather. Any unfenced yard shall have competent adult

supervision when preschool children are playing outdoors. Any swimming pool on the premises where children under six (6) years of age are in care shall be enclosed and a lock placed on all doors leading to it, high enough to be out of the reach of children.

(d) Sleep and napping space.—

1. Children receiving day care may sleep on beds used by the family providing that a sheet, solely for the use of each child, covers the bedding.

2. Children receiving overnight care shall be provided with separate beds except that two (2) children of the same family and of the same sex may share a double bed.

3. All bedrooms for children receiving overnight care shall contain five hundred (500) cubic feet of air space per child. Beds and cribs shall be two (2) feet apart on all sides.

4. No child over the age of two (2) shall sleep in the same room with two (2) adults who are of different sex.

5. Children of opposite sex over the age of five (5) shall not sleep in the same room.

6. Sleeping quarters shall be near enough to those of a responsible adult to facilitate supervision of the children.

(e) Bathroom facilities.—

1. Homes shall have at least one (1) toilet, one (1) bathtub and one (1) lavatory for handwashing purposes, provided no more than a total of eight (8) persons, including family of the operator, are using the bathroom facilities of the home.

2. For the use of infants there shall be an adequate number of toilet receptacles which shall be kept in sanitary condition.

(f) Equipment.—

1. Cribs, bassinets, or playpens with bases raised above the floor shall be provided for infants.

2. Play materials, toys, books, and equipment safe and suitable for the use of children of the age levels cared for shall be provided.

(g) Cleanliness and orderliness of the family day care home and foster boarding home.—

1. All parts of the building housing the family day care home or foster boarding home, the plumbing fixtures, furnishings, equipment and the premises shall be kept in clean, sanitary, and orderly condition at all times, and rodents and vermin shall be controlled.

2. Medicines and chemicals must be kept out of the reach of children.

Section 3. Section 11 of chapter 61-2681, Laws of Florida, is amended to read:

Section 11. License; temporary permit.—

(1) License.—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 enrolled.

(2) Temporary permit.—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.

(3) 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 originally issued. The license shall be valid for a period of one (1) year from the date of issuance.

Section 4. Sections 17 and 18 of chapter 61-2681, Laws of Florida, are amended to read:

Section 17. Inspection of children's centers and family day care homes.—Every children's center and family day care home conducted by a licensee hereunder, and any premises proposed

to be used by an applicant for license, shall be open at all reasonable times to inspection by the license board. Inspection shall be at least once annually.

Section 18. Advertising.—A children's center or family day care home licensed by the license board may publish advertisements only of the service for which it is specifically licensed under this act. No person, firm, organization, corporation, association, or society, unless licensed as a children's center or a family day care home, shall publish any advertisement soliciting child care in any home or other establishment. The holder of a temporary permit may advertise. Said advertisement shall state that the advertiser is the holder of a temporary permit.

Section 5. Sections 20, 21, and 22 of chapter 61-2681, Laws of Florida, are amended to read:

Section 20. Violations.—The state attorney or his successor shall prosecute to final determination all violations of this act. 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 this act. 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.

Section 21. Penalty.—Every person who violates any of the provisions of this law governing the operation of children's centers and family day care homes for children in Pinellas County, or who operates without obtaining a license to do so, or who operates after revocation or license board's refusal to renew license, or who intentionally or willfully makes any false statements or reports to the license board in connection with said children's centers and family day 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.

Section 22. Appropriation. The board of county commissioners is authorized to levy an annual tax to be used as an appropriation for the license board in accordance with its needs. Such appropriation shall be in addition to the revenue derived

from the application fees paid to the license board. Further, the license board is authorized to accept any financial gift or grant from any source, and shall properly account for same.

Section 6. 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.

Section 7. This act shall take effect upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 21, 1970.

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CHAPTER 70-894

House Bill No. 5053

AN ACT amending Chapter 26,356, Special Acts 1949, relating to Juvenile Welfare Board of Pinellas County, to provide for the addition of two members, one of whom will be the second judge of the Juvenile Court, and the second to be appointed by the governor; providing an effective date.

*Be It Enacted by the Legislature of the State of Florida:*

Section 1. Chapter 26,356, Special Acts 1949 is amended to read:

Section 25-1. Juvenile Welfare Board created; terms of members.

That there is hereby created for Pinellas County, Florida, a Board of Juvenile Welfare, which shall consist of [seven (7)] *nine (9)* members. [Three (3)] *Four (4)* of said members shall be the County Superintendent of Public Instruction, [the Juvenile Judge] *both Judges of the Juvenile Court*, and the Vice-Chairman of the Board of County Commissioners of Pinellas County, Florida, who each shall hold office on the said board during his term of office in his official capacity stated. The other [four (4)] *five (5)* members shall be appointed by the Governor of the State of Florida. [Two (2)] of the said members