



April 12, 2019

MR ERNEST L REDDICK
DEPARTMENT OF STATE
ADMINISTRATIVE CODE AND REGISTER
500 SOUTH BRONOUGH ST - RA GRAY BLDG RM 101
TALLAHASSEE FL 32399-0250

Re: Ordinance #19-5
Amending Chapter 28, Article VII, Sections 211-223, Hillsborough County Child Care
Facilities Ordinance 14-39; as Amended

Dear Mr. Reddick:

Pursuant to the filing requirements of Florida Statutes 125.66, we are forwarding an executed electronic original of Hillsborough County Ordinance #19-5 adopted by the Board of County Commissioners on April 3, 2019. It is respectfully requested that you provide this office with the required official acknowledgment of your receipt and filing of said ordinance by return e-mail.

Sincerely,

Sharon Sweet-Grant, Manager
BOCC Records/VAB

md
Attachment

ORDINANCE

19-5



Child Care Licensing Program

Hillsborough County Child Care Facilities Ordinance

**3152 Clay Mangum Lane
Tampa, FL 33618
Telephone: (813) 264-3925
Fax: (813) 264-2118**

ORDINANCE NO. 19-5

AN ORDINANCE OF HILLSBOROUGH COUNTY, FLORIDA AMENDING CHAPTER 28, ARTICLE VII, SECTIONS 211-223 OF THE HILLSBOROUGH COUNTY CODE OF ORDINANCES AND LAWS SETTING FORTH THE MINIMUM STANDARDS FOR CHILD CARE FACILITIES; PROVIDING FOR SHORT TITLE; PROVIDING FOR DECLARATION OF INTENT; PROVIDING FOR RULES AND REGULATIONS; PROVIDING FOR DEFINITIONS; PROVIDING FOR PUBLIC SCHOOL PROGRAMS; PROVIDING FOR LICENSING CHILD CARE FACILITIES; PROVIDING FOR NONPUBLIC SCHOOL PROGRAMS; PROVIDING FOR AFTER SCHOOL PROGRAMS SERVING ONLY SCHOOL-AGE CHILDREN; PROVIDING FOR CHILD CARE FACILITIES EXEMPT FROM LICENSURE PURSUANT TO FLORIDA STATUTES SECTION 402.316 AND THIS ORDINANCE; PROVIDING FOR INSPECTIONS; PROVIDING FOR A CHILD CARE ADVISORY BOARD; PROVIDING FOR ENFORCEMENT AND PENALTIES FOR VIOLATIONS; PROVIDING FOR RESOLUTION OF CONFLICT OF LAWS; PROVIDING FOR INCLUSION IN THE HILLSBOROUGH COUNTY CODE OF ORDINANCES AND LAWS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners is empowered, pursuant to Florida Statutes Chapter 402, to administer, enforce, and regulate conditions in Child Care Facilities in Hillsborough County; and

WHEREAS, , the Board of County Commissioners previously enacted Hillsborough County Ordinance No. 14-39, as codified in the Hillsborough County Code of Ordinances and Laws, Chapter 28, Article VII, Sections 211-223, with respect to the licensing, regulation and operation of the Child Care Facilities in Hillsborough County; and

WHEREAS, the State of Florida passed legislation which revised the statutes and administrative rules governing Child Care Facilities; and

WHEREAS, certain regulations pertaining to the operation of Child Care Facilities have also been changed by the State of Florida Department of Children and Families; and

WHEREAS, in accordance with Florida Statutes, Chapter 402 Hillsborough County has determined it is in the best interest of Hillsborough County to amend Hillsborough County Code of Ordinances and Laws Chapter 28, Article VII, Sections 211-223, Ordinance No. 14-39 (the "Code") entitled the Child Care Facilities Ordinance, which will conform to amended State

statutory and regulatory requirements and implement changes recommended by staff of the Hillsborough County Child Care Licensing Office.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA.

PART I. CHILD CARE FACILITIES ORDINANCE

- A. Definitions**
- B. Licensing Child Care Facilities**
- C. Public School Programs**
- D. Nonpublic Programs**
- E. School -Age Programs Serving Only School-Age Children**
- F. Child Care Facilities Exempt from Licensure**
- G. Child Care Licensing Advisory Board**
- H. Enforcement and Penalties for Violations**
- I. Resolution of Conflict of Laws**

PART II. RULES AND REGULATIONS HANDBOOK

SECTION 1. SHORT TITLE (#28-211 OF THE CODE):

This Ordinance setting forth the minimum standards for Child Care Facilities shall be known and cited as the "Child Care Facilities Ordinance."

SECTION 2. DECLARATION OF INTENT (#28-212 OF THE CODE):

The recitals set forth above are true and correct and are hereby incorporated herein by reference. The Board of County Commissioners finds and declares that the reasonable control and regulation of activities related to the health, welfare and safety of children under care in Child Care Facilities as such term is hereinafter defined, is necessary. It is the intent of the Board of County Commissioners to meet or exceed minimum standards which are necessary to protect children who are attending Child Care Facilities in Hillsborough County. The Board of County Commissioners is committed to ensuring the highest quality of child care standards to promote high-quality child care in Child Care Facilities in Hillsborough County.

SECTION 3. RULES AND REGULATIONS (#28-213 OF THE CODE):

There is hereby created a handbook that shall be used in conjunction with this Ordinance entitled "Rules and Regulations of the Hillsborough County Child Care Licensing Office," (hereinafter, the "Rules and Regulations") which sets forth the mandatory rules and regulations with which Child Care Facilities, Exempt Child Care Facilities, Nonpublic Schools and Specialized Child Care Facilities for Mildly-Ill Children, respectively, must comply. The Rules and Regulations may be maintained separate and apart from the Ordinance and may be updated from time-to-time with approval from the Hillsborough County Board of County Commissioners. However, the Hillsborough Board of County Commissioner's approval is not necessary for updating the Rules and Regulations Handbook in cases where Florida law or the rules or codes adopted thereunder

mandate standards or requirements that are more restrictive and in conflict with or are not addressed in the Handbook. In all instances, those laws, codes, or rules shall govern and are hereby adopted by reference and may be made a part of the Handbook by attachment. The Rules and Regulations shall be consulted for the purpose of determining the detailed rules and regulations related to:

- (1) Personnel.
- (2) Physical Facilities.
- (3) First Aid Treatment and Emergency Procedures.
- (4) Nutrition, Food Preparation and Food Service.
- (5) Admission and Recordkeeping.
- (6) Care for Children during Evening Hours.
- (7) Transportation.
- (8) Specialized Child Care.
- (9) Inspections.
- (10) Licenses.
- (11) Enforcement for Child Care Facilities and Nonpublic Schools.
- (12) Child Care Facilities Exempt from Licensure in Accordance with Florida Statutes, Section 402.316 and this Ordinance.
- (13) Specialized Child Care Facilities for the Care of Mildly-Ill Children.
- (14) Fines.
- (15) Enforcement Procedures.

SECTION 4. DEFINITIONS (#28-214 OF THE CODE):

For the purpose of this Ordinance, the following defined terms used herein, and in the Rules and Regulations, shall have the respective meanings ascribed to them in this Section. Defined terms are capitalized in this Ordinance and the Rules and Regulations for ease of reference. No attempt is made to define ordinary words which are used in accordance with their established dictionary meaning except when necessary to avoid misunderstanding.

- (1) **Age Appropriate** – Means of the right size, child sized, or adapted so that a child can safely use, and suitable to the chronological age range and developmental characteristics of a specific group or child.
- (2) **Board of County Commissioners** - The Hillsborough County Board of County Commissioners.
- (3) **Business Day(s)** - Business Day(s) means everyday excluding weekends, holidays and other days when the County is officially closed.
- (4) **Calendar Day(s)** - Calendar Day(s) means every day of the month including weekends and holidays. Where there is no reference between Business and Calendar Day, then the definition of Calendar Day shall apply.
- (5) **Capacity** - The maximum number of children for which a facility can legally be responsible for at any given time as determined by the Office of Child Care Licensing. The licensed capacity of the Child Care Facility shall be designated on the face of the license. This includes, but is not limited to: children in care on-site, children on Field Trips, and children being transported by the Child Care Facility. The Child Care Facility must not exceed, at any time, the licensed capacity designated on the license.
- (6) **Caterer** – A food service business that prepares food at a remote or distant location and transports ready-to serve meals to a provider for a fee. Caterers must be licensed and/or permitted by the applicable State or federal agency. A copy of the license or permit must be in the Child Care Facility and available for review by the licensing authority.
- (7) **Child Care** - The care, protection, and supervision of a child for a period of less than twenty-four (24) hours a day on a regular basis which supplements parental care, enrichment and health supervision for the child, in accordance with his or her individual needs, and for which a payment, fee, or grant is made for care. Notwithstanding the time restriction specified above, Child Care may be provided for twenty-four (24) hours or longer for a child whose Parent works a shift of twenty-four (24) hours or more. The requirement that a Parent work a shift of twenty-four (24) hours or more must be certified in writing by the employer. Said written certification shall be maintained in the Child Care Facility by the Owner and/or Operator and made available to the Local Licensing Agency, upon request. The time that a child remains in Child Care, however, may not exceed seventy- two (72) consecutive hours in any seven (7) day period. During a declared state of emergency, the Local Licensing Agency may temporarily waive the time limitations provided in this Section.
- (8) **Child Care Facility** - Any child care center or child care arrangement which provides child care for more than five (5) children unrelated to the Operator which receives a payment, fee, or grant for any of the children in care, wherever operated, and whether or not operated for profit. The following are not included in the definition of Child Care Facility for purposes of this Ordinance:

- (a) Public schools and nonpublic schools and their integral programs, except as provided herein;
 - (b) Summer camps having children in full-time residence;
 - (c) Summer day camps;
 - (d) Bible schools normally conducted during vacation periods; and
 - (e) Operators of transient establishments, as defined in Florida Statutes, Chapter 509, which provide Child Care services solely for the guests of their establishment or resort, provided that all Child Care Personnel of the establishment are screened according to the Level 2 Background Screening Requirements of Florida Statutes, Chapter 435.
- (9) **Child Care for Mildly-Ill Children** - The care of children with a short-term illness or symptoms of illness or disability, provided either as an exclusive service in a center specialized for this purpose, or as a component of other Child Care services offered in a distinct part of a regularly licensed Child Care Facility, for a period of less than twenty-four (24) hours per day.
- (10) **Child Care Personnel** - All Owners, Operators, employees, and Volunteers working in a Child Care Facility. Child Care Personnel are sometimes also referred to herein as "Staff Members." The term does not include persons who work in a Child Care Facility after hours when children are not present or Parents of children in a Child Care Facility. The term does not include public or nonpublic school personnel who are providing care during regular school hours or after hours for activities related to a school's program for grades Kindergarten through grade twelve (12). Students who observe and participate in a Child Care Facility as a part of their required coursework shall not be considered Child Care Personnel, provided such observation and participation are on an intermittent basis and the students are under the direct and constant supervision of Child Care Personnel. For purposes of screening, the term includes any member, over the age of twelve (12) years of age, of an Operator's family, including any person over the age of twelve (12) years of age, residing with the Operator, if the Child Care Facility is located in or adjacent to the home of the Operator or if the family member of, or person residing with, the Operator has any direct contact with children in the Child Care Facility during its hours of operation. Members of the Operator's family or persons residing with the Operator who are between the ages of twelve (12) years and eighteen (18) years shall not be required to be fingerprinted but shall be screened for delinquency records.
- (11) **Child with Special Needs** - A health-impaired child who requires special services as diagnosed by a physician or health care professional.

- (12) **Classroom** - A learning space or room in which care is provided or classes are held and where learning can take place uninterrupted by outside distractions. These areas must be approved by the licensing authority prior to its use as such. If floor-to-ceiling walls are not present, the area must be defined by stable barriers.
- (13) **Continuing Education Unit (CEU)** - A standard unit of measure of coursework used for training and credentialing purposes. CEUs are calculated at a rate of one (1) CEU for every ten (10) hours of contact training.
- (14) **County**- Hillsborough County - a political subdivision of the State of Florida.
- (15) **Day** – (referenced in “Enforcement”) A weekday, excluding weekends and holidays.
- (16) **Department** - The State of Florida Department of Children and Families.
- (17) **Direct Supervision** – Means actively watching and directing children’s activities, within close proximity and within the same room or designated outdoor play area, during transportation, or any activity inside or outside of the facility, and responding to the needs of each child while in care.
- (18) **Director** - The onsite administrator or individual of a Child Care Facility who has the primary responsibility for the day-to-day operation, supervision and administration of the Child Care Facility, whether or not he or she is the Owner of the Child Care Facility. Director is also referred to in this Ordinance and the Rules and Regulations as the "Operator."
- (19) **Drop-in Child Care** - Child Care provided occasionally in a Child Care Facility in a shopping mall or business establishment where a child is in care for no more than a four (4) hour period and the Parent remains on the premises of the shopping mall or business establishment at all times. Drop-in Child Care arrangements shall meet all requirements for a Child Care Facility unless specifically exempted.
- (20) **Evening Child Care** - Child Care provided during the evening hours and may encompass the hours of 6:00 p.m. to 7:00 a.m. to accommodate Parents who work evenings and late night shifts.
- (21) **Field Trip** - Any trip away from the Child Care Facility. Field trips commence when staff and children leave the facility property by any means, including, but not limited to, by vehicle or walking. Field Trips are not meant to include regular transportation to and from home or school for child pickup and delivery.
- (22) **First-Aid Training** - The successful completion or current enrollment in a course of instruction designed to provide fundamental principles, knowledge of, and skills in, first-aid and accident prevention. Such course must be approved by the Local Licensing Agency.

- (23) **Food Equipment** – All stoves, ranges, crock pots, microwaves, hoods, tables, counters, cabinets, refrigerators, freezers, sinks, dishwashing machines, and other items used in the preparation, reheating, and serving of food, with the exception of utensils.
- (24) **Foster Grandparents** - Foster Grandparents are directly supervised Volunteers who participate in the Federal program pursuant to Title 45 Code of Federal Regulations Part 2552. Foster Grandparents work with one or more children with special or exceptional needs in child care programs. Foster Grandparents are not counted in the staff-to-child ratio. Foster Grandparents shall be required to have 100% attendance in the following Department's training courses: Child Care Facility Rules and Regulations; Health Safety, and Nutrition; Identifying and Reporting Child Abuse and Neglect; and Special Needs Appropriate Practices. This requirement can be met by either instructor-led or online training. Foster Grandparents must begin training within thirty (30) days of working in the child care industry in any licensed Florida Child Care Facility. Training must be completed within one (1) year from the date of working in the child care industry in any licensed Florida Child Care Facility. Foster Grandparents are not classified as Child Care Personnel, and they may not be assigned the roles of teacher's aides, group leaders or other similar positions.
- (25) **Hillsborough County Child Care Licensing Advisory Board** - A seventeen (17) member board appointed by the Board of County Commissioners whose composition and duties are outlined in Section 11 hereof.
- (26) **Hillsborough County Code of Ordinances and Laws** - ("the Code") - The Code is a codification of the general Ordinances and Laws governing Hillsborough County.
- (27) **Indoor Recreational Facility** - An indoor commercial facility which is established for the primary purpose of entertaining children in a planned fitness environment through equipment, games, and activities in conjunction with food service and which provides Child Care for a particular child for no more than four (4) hours on any one (1) day. An indoor recreational facility must be licensed as a Child Care Facility under this Ordinance and Florida Statutes, Section 402.305, but is exempt from the minimum outdoor-square-footage-per-child requirement specified in that statutory section and in this Ordinance and the Rules and Regulations, if the Indoor Recreational Facility has, at a minimum, three thousand (3,000) square feet of usable indoor floor space.
- (28) **Infant** - A child less than twelve (12) months of age.
- (30) **Local Licensing Agency** - Hillsborough County Child Care Licensing Office.
- (31) **Mildly-Ill Children** - Children exhibiting illnesses or symptoms of illnesses which have caused or would cause them to be excluded from regular Child Care settings, as defined in Section 3.06(1) of the Rules and Regulations. Mildly-Ill children must meet the admission criteria for mildly-ill programs as described in Section 13.04 of the Rules and Regulations.

- (32) **Ordinance** - This Child Care Facilities Ordinance and the Rules and Regulations.
- (33) **Operator** - The onsite administrator or individual of a Child Care Facility who has the primary responsibility for the day-to-day operation, supervision and administration of the Child Care Facility, whether or not he or she is the Owner of the Child Care Facility. Operator is also referred to in this Ordinance and the Rules and Regulations as the "Director."
- (34) **Owner** - The person, company, corporation, partnership, association or firm licensed to operate a Child Care Facility.
- (35) **Parent** - The child's custodial parent, legal guardian or legal custodian.
- (36) **Potentially Hazardous Food** - Any food that requires time-temperature control (refrigeration or heating or warming) and contains in whole or in part: milk, milk products, eggs, meat, poultry, fish, shellfish, cooked plant food (rice, beans, vegetables, and baked potatoes), tofu, other soy protein products, mushrooms, cut melon, cut tomatoes, raw sprouts, and untreated garlic/oil mixtures.
- (37) **Preparation of Food** - Includes the selection, measurement and combining of ingredients in an ordered procedure to create a meal intended for consumption. This definition is not limited to cooking. Bottle preparation is included in this definition. This definition excludes warming of pre-prepared bottles and pre-prepared food (including catered food and food brought from home), distributing snacks, and learning activities provided by a child care program that may include raw and prepared food. A learning activity may not replace a regularly scheduled meal.
- (38) **Probation**- A licensing status indicating the license is in jeopardy of being revoked or not renewed due to violations of licensing standards. Probation may require the licensee to comply with specific conditions intended to ensure that the licensee comes into and maintains compliance with licensing standards.
- (39) **Sanitize** - The process of destroying or reducing organisms to a safe level, includes properly cleaned equipment and surfaces, such as sinks and sleep mats. Sanitation shall be accomplished with the application of a chemical sanitizer or the use of hot water or steam. Sanitizing agents must be used according to the manufacturer's label. Sanitizing agents used on food contact surfaces must be labeled by the manufacturer as safe for use on food contact surfaces and have specific instructions designed for use on food contact surfaces. The manufacturer's directions must be followed.
- (40) **School-Age Child/Children** - A child who is at least five (5) years of age or older by September 1 of the beginning of the school year and who attends Kindergarten through grade five (5).

- (41) **School-Age Child Care Program** - Any licensed Child Care Facility serving only School-Age Children as defined above in a child care program, or any before and after school program(s) that are licensed as a Child Care Facility as defined in Florida Statutes, Section 402.302, and serve only School-Age Children.
- (42) **Screening** – (also referred to as Level 2 Background Screening) - The act of assessing the background of Child Care Personnel and others as set forth in Florida law and Section 1.01 of the Rules and Regulations Handbook.
- (43) **Serious Injury** - Any injury/incident resulting in the death or serious physical or emotional harm to a child that prudently calls for medical attention, including medication errors that present a risk of ineffectiveness or adverse reaction.
- (44) **Serving Food** – Serving food for the purpose of this definition is limited to meals and snacks, as indicated on the posted menu.
- (45) **Single-Service Articles** – Any cups, containers, plates, straws, place mats, napkins, doilies, spoons, stirrers, paddles, knives, forks, wrapping materials and all similar articles that are constructed wholly or in part from paper, paperboard, molded pulp, foil, wood, plastic, synthetic or other readily destructible materials, and which are intended by the manufacturers to be for one-time, one-person use, and then to be discarded.
- (46) **Stable Walls or Barriers** – The boundaries that define a classroom space. Walls must be constructed in a sturdy manner and anchored together, or to the floor or walls and be stable and secure and not pose a threat to falling over. The material must be non-hazardous and may not be made of materials such as see-through or plastic curtains, fabric or mesh materials. The sturdy walls or barriers must be a minimum of thirty-two (32) inches in height from the floor in classrooms for children ages birth through age two (2) years and must be a minimum of four (4) feet in height from the floor in classrooms for children ages three (3) years and older. All classrooms must continue to meet fire code requirements for entrance(s) and exit(s) of the classroom.
- (47) **Standards** - Requirements for the operation of a licensed facility provided in statute or in rule.
- (48) **Substantial Compliance** - The level of adherence which is sufficient to safeguard the health, safety and well-being of all children in care. Substantial Compliance is greater than minimal adherence, but does not reach to the level of absolute adherence. If a violation or variation is identified as the type which impacts, or can be reasonably expected within ninety (90) days to impact, the health, safety or well-being of a child, substantial compliance has not been achieved.
- (49) **Substitute** - A person who provides care for children in the absence of regular Child Care Personnel.

- (50) **Summer Day Camp** - Recreational, educational and other enrichment programs which operate during summer vacations for children who are five (5) years of age or older by September 1st of the year in which their fifth birthday occurs.
- (51) **Tableware** – Utensils used for eating, drinking, and serving food including forks, knives, spoons, bowls, cups and serving dishes. Tableware may be either multi-use or single service.
- (52) **Technical Assistance**- The Department/licensing agency's offer of assistance to a licensee or registrant to correct the statutory or regulatory violation(s).
- (53) **Toddler** - A child who is at least one (1) year of age but under two (2) years of age.
- (54) **Urban Child Care Facility** –
- (a) A Child Care Facility operating in a building or complex of buildings located in an area designated on the comprehensive plans for unincorporated Hillsborough County, Tampa, Temple Terrace or Plant City for a high concentration of government centers, high intensity commercial uses, high density residential uses, regional shopping centers, hospitals, major office and employment areas, higher education facilities, and professional sports and recreational complexes; and
 - (b) Which is located in a land use and zoning district allowing a residential density of twenty (20) dwelling units per gross acre or higher or a floor area ratio higher than 0.25; and
 - (c) Which has inadequate outdoor play space available to meet the requirements of this Ordinance and the Rules & Regulations. Outdoor play space shall be considered adequately available if it is located on or adjacent to the parcel of land whereon the building or complex of buildings in which the Child Care Facility is located and if it meets the minimum square footage per child requirements set forth herein.
 - (d) In order to qualify as a provider of Urban Child Care the Child Care Facility the provider, must provide written documentation from the local governing body that confirms that the geographical area meets the conditions above. At the time of application, the applicant must provide written documentation that the outdoor play space requirement cannot be met, and must receive approval from the Local Licensing Agency prior to receiving children in care. An Urban Child Care Facility will not be approved if outdoor space is found by the Local Licensing Agency to be available.
- (55) **Utensils** – Pots, pans, ladles, pitchers, cutting boards, knives, or food containers used in the preparation, storage, transportation, or serving of food. *Rulemaking Authority 402.305 Florida Statutes Law Implemented 402.305 Florida Statutes History–New 8-1-13.*

- (56) **Violation** –Finding of noncompliance with a licensing standard by the Local Licensing Agency of any provision of the Ordinance and/or Rules and Regulations as described in an inspection report under Section 402.311, Florida Statutes, as follows with regard to Class I, Class II, and Class III violations.
- (57) **Volunteer** - A person who provides services to, for, or at a Child Care Facility with no promise of compensation and who receives no compensation or payment.
- (58) **Weekend Child Care** - Child Care provided between the hours of 6:00 p.m. on Friday and 6:00 a.m. on Monday.

SECTION 5. LICENSING CHILD CARE FACILITIES (#28-215 OF THE CODE):

The operation of a Child Care Facility that is not licensed by the Local Licensing Agency is prohibited, unless an exemption set forth in this Ordinance shall apply. It shall also be a violation of this Ordinance to operate a Child Care Facility under a license that is suspended, revoked, terminated or denied. Specific rules and regulations relating to Child Care Facilities, license fees, disciplinary actions, inspections and hearings are set forth in the Rules and Regulations.

SECTION 6. PUBLIC SCHOOL PROGRAMS (#28-216 OF THE CODE):

In accordance with the provisions of Florida Statutes, Sections 402.3025, the following shall apply for public school programs:

- (1) **Exempt from Licensure:** The following public school programs for children shall not be deemed to be Child Care and shall not be subject to the provisions of this Ordinance.
 - (a) Programs for children in five (5)-year-old Kindergarten and grades one (1) or above.
 - (b) Programs for children who are at least three (3) years of age, but who are under five (5) years of age, provided the programs are operated and staffed directly by the schools and provided the programs meet age-appropriate standards as adopted by the State Board of Education.
 - (c) Programs for children under three (3) years of age who are eligible for participation in these programs under the existing or successor provisions of Pub. L. No. 94-142 or Pub. L. No.99-457 provided the programs are operated and staffed directly by the schools and provided the programs meet age-appropriate standards as adopted by the Florida State Board of Education.
- (2) **Non-Exempt Programs:** The following programs for children shall be deemed to be Child Care and shall be subject to the provisions of this Ordinance and the Rules and Regulations:

- (a) Programs for children who are under five (5) years of age where the programs are not operated and staffed directly by the schools.
- (b) Programs for children under three (3) years of age who are not eligible for participation in the programs under existing or successor provisions of Pub. L. No.94-142 or Pub. L. No.99-457.

SECTION 7. NONPUBLIC SCHOOL PROGRAMS (#28-217 OF THE CODE):

In accordance with the provisions of Florida Statutes Sections 402.3025, the following shall apply for nonpublic school programs:

- (1) Nonpublic school programs for children under three (3) years of age shall be deemed to be Child Care and subject to the provisions of this Ordinance and the Rules and Regulations.
- (2) Nonpublic school programs for children in five year old Kindergarten and grades one (1) or above shall not be deemed to be Child Care and shall not be subject to the provisions of this Ordinance or the Rules and Regulations.
- (3) Nonpublic school programs for children who are at least three (3) years of age, but under five (5) years of age, shall not be deemed to be Child Care and shall not be subject to the provisions of this Ordinance or the Rules and Regulations, provided that: the program in the nonpublic school is operated and staffed directly by the school; a majority of the children enrolled in the school are five (5) years of age or older; and there is compliance with the Screening Requirements for Child Care Personnel pursuant to this Ordinance and the Rules and Regulations. A nonpublic school may designate certain programs as Child Care, in which case those designated programs shall be subject to the provisions of this Ordinance and the Rules and Regulations.
- (4) **Licensing Requirements:**
 - (a) **Substantial Compliance Required.** These nonpublic school programs shall substantially comply with the Child Care provisions as indicated in this Ordinance and in the Rules and Regulations.
 - (b) **Registration and Fee.**
 - 1. Nonpublic schools must submit an annual registration form to the Local Licensing Agency forty-five (45) days prior to expiration date of their Certificate of Compliance. It shall be a violation of this Ordinance for any person to fail, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose in any required written documentation for exclusion from licensure pursuant to Section 7(3), above, a material fact used in making a determination as to such exclusion.

2. The Local Licensing Agency shall establish a fee for inspection activities performed pursuant to this subsection, in an amount sufficient to cover costs. However, the amount of such fee for the inspection of a school shall not exceed the fee imposed for Child Care licensure pursuant to this Ordinance.

(c) **Enforcement and Penalties.**

1. The Local Licensing Agency may commence and maintain actions and proceedings as it deems proper and necessary for any or all of the following purposes:
 - (i) To protect the health, sanitation, safety, and well-being of all children under care;
 - (ii) To enforce the provisions of this Ordinance and of the Rules and Regulations; and
 - (iii) To attain compliance with corrective action plans approved by the Local Licensing Agency prior to the use of more restrictive enforcement measures.

The Local Licensing Agency may make application for an injunction to the proper circuit court, and the judge of that court shall have jurisdiction upon hearing and for cause shown to grant a temporary or permanent injunction, or both, restraining any person from violating or continuing to violate Florida Statutes Sections 402.301-402.319, or any provision of this Ordinance or of the Rules and Regulations Handbook. Any violation of Florida Statutes Section 402.3025(2), or of the standards applied under Florida Statutes Sections 402.305-402.3057, or of the provisions of this Ordinance or of the Rules and Regulations which threatens harm to any child in the school's programs for children who are at least three (3) years of age, but are under five (5) years of age, or repeated violations of Florida Statutes Section 402.3025(2), or of the standards under Florida Statutes Sections 402.305-402.3057, or of the provisions of this Ordinance or of the Rules and Regulations shall be grounds to seek an injunction to close a program in a school.

3. The Local Licensing Agency may impose an administrative fine, not to exceed one hundred dollars (\$100) per day, for each violation of the minimum child care standards promulgated pursuant to Florida Statutes Sections 402.305-402.3057, or for each violation of the provisions of this Ordinance or for each violation of the provisions of the Rules and Regulations. In addition, where it is appropriate, certain provisions of this Code may also be enforced administratively as a code enforcement violation against any licensee, business and/or property owner pursuant to Florida Statutes, Chapter 162. For purposes of administrative code

enforcement, municipal and County code enforcement officers, the Hillsborough County Child Care Licensing Office, code enforcement board(s) or special magistrate(s) are authorized and designated to enforce this Code, within the limits of their jurisdiction, for violations identified by the Local Licensing Agency as being appropriate for enforcement remedies under Florida Statutes, Chapter 162.

4. It shall be a misdemeanor of the first degree, punishable as provided in Florida Statutes, Sections 775.082 or 775.083, for any person willfully, knowingly, or intentionally to:
 - (i) Fail, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose in any required written documentation for exclusion from licensure pursuant to Florida Statutes, Section 402.3025(2), a material fact used in making a determination as to such exclusion; or
 - (ii) Use information from the criminal records obtained pursuant to Florida Statutes, Sections 402.305 or 402.3055, for any purpose other than screening for employment as specified in those Sections or release such information to any other person for any other purpose other than screening for employment as specified in Florida Statutes, Sections 402.305 or 402.3055.
5. It shall be a felony of the third degree, punishable as provided in Florida Statutes, Sections 775.082, 775.083, or 775.084, for any person willfully, knowingly, or intentionally to use information from the juvenile records of any person obtained under Florida Statutes, Sections 402.305 or 402.3055, for any purpose other than screening for employment as specified in Florida Statutes, Sections 402.305 or 402.3055, or to release information from such records to any other person for any purpose other than screening for employment s specified in Florida Statutes, Sections 402.305 and 402.3055.

(d) **Compliance Standards:**

1. The Local Licensing Agency shall monitor, as it deems necessary, unlicensed nonpublic school program(s) for children who are at least three (3) years of age, but under five (5) years of age, to ascertain whether such programs are satisfying all applicable requirements of the Ordinance and the Rules and Regulations.

The Local Licensing Agency shall enforce compliance with such requirements, where possible, so as to eliminate or minimize duplicative inspections or visits by Local Licensing Agency staff enforcing the standards of this Ordinance and of the Rules and Regulations and staff enforcing other standards under the jurisdiction of the Department.

- 3 The Local Licensing Agency and the nonpublic school accrediting agencies are encouraged to develop agreements to facilitate the enforcement of the Child Care requirements set forth in the Ordinance and in the Rules and Regulations as they relate to the schools, which the agencies accredit.

SECTION 8. SCHOOL-AGE PROGRAMS SERVING ONLY SCHOOL AGE CHILDREN (#28-218 OF THE CODE):

- (1) **Licensing Criteria:** School –Age Programs serving only School-Age Children must be licensed prior to operation and for continued operation unless the program demonstrates, by providing written notice to the Local Licensing Agency, that it is exempt from licensing pursuant to one (1) of the exemptions listed below. The written notice shall include, at a minimum, the basis for the exemption along with any facts and/or documents that support the program’s position. The Local Licensing Agency may request additional information or conduct inspections it deems necessary to ensure that all of the requirements for an exemption under this Section have been met.
- (2) **Exemptions:** A School-Age Program serving only School-Age Children is not required to be licensed if the program meets one (1) of the following exemptions outlined in paragraphs (a) – (e) below and complies with the minimum background screening requirements provided in Sections 402.305 and 402.3055, Florida Statutes. School-Age Programs exempted under subsections (a), (c), or (d) below may become licensed if they chooses to meet all of the applicable licensing standards.
 - (a) **Programs Located on School Sites:** The program is located on a public/nonpublic school site and:
 1. Is operated and staffed directly by that school or through a formal agreement, such as a contract, between the school (or school district, when the latter reserves authority for such agreements) and a provider which names the school/school district as the responsible party for the operation of the program. A lease for space or user agreement; with or without the endorsement of the program by the school/school district, does not meet the formal agreement requirement.

Serves only the School-Age Children attending the school during the school day. The program may provide services during any out-of-school time, including before school, after school, on teacher planning days, holidays, and intercessions that occur during the school district’s academic calendar year.
 3. Follows the standards set forth by the Florida Building Code State Requirements for Public Educational Facilities pursuant to Section 402.305(5), Florida Statutes, for programs operated in public school facilities, regardless of the Operator.

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

1. Does not cater, serve or prepare meals. The program may choose to provide drinks and ready-to-eat snacks that are individually pre-packaged and do not require refrigeration.

Does not advertise or otherwise represent that the program has attributes of Child Care, as defined in Section 402.302(1), Florida Statutes.

3. Enrollment information shall clearly define the duration of the instructional sessions. Session time may not exceed two (2) hours. If tutoring is provided in multiple academic areas, the total combined session time cannot exceed three (3) hours per day.
4. Does not contract to deliver a school readiness program pursuant to Section 1002.88, Florida Statutes.

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

1. Operates/serves children for less than four (4) hours per day; however, the program may provide services during any out-of-school time, including before school, after school, on teacher planning days, holidays, and intercessions that occur during the school district's official academic calendar year.

Does not advertise or otherwise represent the program is a child care program or that the program offers supervision.

3. Allow children to enter and leave the program at any time without permission, prior arrangements, or supervision, and the program does not assume responsibility for supervision. Prior to admission of a child to a School-Age Program, the program shall provide Parents with written notification of the supervision waivers required under this exemption. The notification form must be signed and dated by a Parent. Verification that the program has provided Parents with a clear, written description outlining the program's supervision practices shall be documented on the child's enrollment form or file. A current copy of the signed notification form provided to Parents must be made available to the Local Licensing Agency for review and/or approval for compliance with this subsection and the Florida Statutes.

4. Does not provide transportation, directly or through a contract or agreement with an outside entity, during the hours of operation for the purpose of field trips;
 5. Does not serve or prepare any meals, except those provided through the USDA Afterschool Meal Program (AMP) administered by the Florida Department of Health, pursuant to Section 402.305(1)(c), Florida Statutes. Programs not participating in the AMP may choose to provide drinks and ready-to-eat snacks that are individually pre-packaged and do not require refrigeration; and
 6. Does not contract to deliver a school readiness program pursuant to Section 1002.88, Florida Statutes.
- (d) **National Membership Organizations:** Any program that is not designated as a Gold Seal Quality Care Provider and is providing care for School-Aged Children that is operated by, or in affiliation with a national membership, non-profit or not for profit organization that certifies membership organizations as of February 1, 2017, in at least ten (10) states, that was created for the purpose of providing activities that contribute to the development of good character or good sportsmanship or to the education or cultural development of minors in this State, that charges a membership fee for children and may receive grant funding for services. Such is certified by its national association as complying with the association's purposes, procedures, minimum standards and mandatory requirements for all of its before school, after school or out-of-school time programs. The program must notify the Department prior to operating and annually, thereafter, of any operation of before school, after school or out-of-school time programs, provide verification of certification and good standing by its national association for all of its before school, after school or out of school time programs, and completes an annual attestation for compliance with background Screening Requirements. Failure by a program to comply with such reporting, providing required verifications, and Screening Requirements shall result in the loss of the program's exemption from licensure.
- (e) **School-Age Programs Serving Children Grades Six (6) and above:** The program is not designated as a Gold Seal Quality Care provider and provides Child Care exclusively for children in grades six (6) and above.
- (3) **License Required:** School-Age programs serving only School-Aged children that choose to expand their program beyond the parameters listed above must be assessed to determine if licensure is required. Additionally, any program accepting children under the age of a School-Age Child, as defined herein, or does not meet the definition and criteria of a School-Age Program serving only School-Age Children must be licensed and required to comply with the standards in the Rules and Regulations.

SECTION 9. CHILD CARE FACILITIES EXEMPT FROM LICENSURE PURSUANT TO FLORIDA STATUTES SECTION 402.316 AND THIS ORDINANCE (#28-219 OF THE CODE):

(1) **License Not Required:** Programs which are an Integral Part of a Church or Parochial School or a Member of an Organization which publishes and Requires Compliance with its standards for Health, Safety, and Sanitation as described below.

- (a) The provisions of Florida Statutes, Sections 402.301 through 402.319, except for the requirements regarding screening of Child Care Personnel and those set forth in subsection (3), below, shall not apply to a Child Care Facility which is an integral part of church or parochial schools conducting regularly scheduled classes, courses of study, or educational programs accredited by, or by a member of, an organization which publishes and requires compliance with its standards for health, safety, and sanitation. Any Child Care Facility, described in this Subsection shall be referred to hereinafter, as an “Exempt Child Care Facility.”

1. Notwithstanding the above, an Exempt Child Care Facility is required by Florida Statutes, Section 402.316, to meet minimum requirements of the applicable local governing body as to health, sanitation, and safety and must meet the Screening Requirements of Florida Statutes, Sections 402.305 and 402.3055. In accordance with Florida Statutes, Section 402.316, failure by an Exempt Child Care Facility to comply with such Screening Requirements will result in the loss of such facility’s exemption from licensure requirement.

As the local governing body, the County’s standards applicable to Exempt Child Care Facilities exempt from licensure pursuant to Florida Statutes, Section 402.316, in the areas of health, safety and sanitation are contained in the Rules and Regulations.

3. **Procedures:**

- (i) An Exempt Child Care Facility shall be exempt from licensure under this Ordinance, upon submission of a notarized Affidavit attesting that it is an integral part of a church or parochial school conducting regularly scheduled classes, courses of study, or educational programs accredited by an organization or body recognized by Hillsborough County or the State of Florida, which accrediting organization or body publishes and requires compliance with its standards for health, safety and sanitation, (hereinafter, the “Accreditation Affidavit”). The Accreditation Affidavit shall be submitted annually to the Local Licensing Agency within forty-five (45) days, prior to the anniversary of the date upon which such exemption initially took effect (hereinafter, the “Exemption Anniversary”), and shall certify that in the event the sworn statements contained therein become untrue or changed,

as a result of changed circumstances, that affiant will, within thirty (30) days, notify the Local Licensing Agency.

- (ii) An Exempt Child Care Facility, seeking initial exemption or renewal of exemption from licensure, must meet State Screening Requirements set forth in Florida Statutes, Sections 402.305 and 402.3055, and described in subsection 9(1)(a)l above. Any Child Care Facility requesting exemption from licensure pursuant to this Section shall submit a notarized affidavit utilizing the Local Licensing Agency's form (hereinafter the "Screening Affidavit") attesting that the minimum standards for Child Care Personnel, as set forth in Florida Statutes, Section 402.305, and this Section have been satisfied. The Screening Affidavit shall be submitted initially, and annually thereafter, to the Local Licensing Agency by the Owner or Operator of the Exempt Child Care Facility forty-five (45) days prior to the Exemption Anniversary. Failure of an Exempt Child Care Facility to comply with the Screening Requirements shall result in the loss of that Exempt Child Care Facility's exemption from licensure.
 - (iii) Exempt Child Care Facilities seeking initial exemption or renewal of exemption from licensure pursuant to this Section shall, prior to initial exemption and prior to the exemption anniversary, present written documentation of a satisfactory inspection of the exempt Child Care Facility by the Fire Marshall of the municipality where the exempt Child Care Facility is located. It shall also present written documentation of a satisfactory inspection of (well water and septic tanks or other sanitary facilities, if applicable,) by the Hillsborough County Health Department.
- (b) Nothing in Florida Statutes, Sections 402.301 through 402.319, or this Ordinance shall give any governmental agency jurisdiction or authority to regulate, supervise, or in any way be involved in any Sunday school, Sabbath school, or religious services or any nursery service or other program conducted during religious or church services primarily for the convenience of those attending such service.
- (1) **License Required:** Any religious organization that operates a Child Care Facility which is not an integral part of church or parochial schools conducting regularly scheduled classes, courses of study, or educational program(s) accredited by, or by a member of an organization or body which publishes and requires compliance with its standards for health, safety, and sanitation is not exempt from licensure.

- (2) **Election to be Licensed:** Any Exempt Child Care Facility covered by the exemption provisions above, may make application to be included in the provisions of this Ordinance pursuant to Section 5 of the Ordinance. Once licensed, however, such Exempt Child Care Facility may not withdraw from the provisions of this Ordinance until the expiration of its then current license.

SECTION 10. INSPECTIONS (#28-220 OF THE CODE):

The Local Licensing Agency is responsible for inspecting Child Care Facilities and ensuring compliance with this Ordinance and the Rules and Regulations and other applicable State and local laws. Such inspections shall be conducted a minimum of two (2) times per year or as often as deemed necessary by the Local Licensing Agency.

SECTION 11. CHILD CARE LICENSING ADVISORY BOARD (#28-221 OF THE CODE):

There is hereby created a Child Care Licensing Advisory Board to provide advice to the Local Licensing Agency on Child Care matters as specified below:

- (1) **Membership:** The Hillsborough County Child Care Licensing Advisory Board shall consist of seventeen (17) members and is appointed by the Board of County Commissioners in accordance with Board of County Commissioners Board Policies. Prior to any appointment, each member of the Child Care Licensing Advisory Board must pass a criminal background check. The composition of the membership of the Hillsborough County Child Care Licensing Advisory Board is as follows:
- (a) A representative of a local non-profit or governmental agency, other than a unit or department of County government, serving the needs of young children in Child Care and their parents in the County.
 - (b) The Director of Early Childhood Education for the Hillsborough County School System or his or her representative.
 - (c) The Director of the Hillsborough County Health Department or his or her representative.
 - (d) The President of an association whose purpose is to promote professionalism in early childhood programs or his or her representative.
 - (e) Two (2) Operators from a licensed, private, for profit Child Care Facility.
 - (f) The President or representative of a Child Care Provider's Association.
 - (g) One (1) Parent from the public-at-large who has a child enrolled in a licensed Family Child Care Home.

- (h) Two (2) Operators from licensed Family Child Care Homes representing all segments of the community.
 - (i) An Operator from a licensed public/private Child Care Facility that works primarily with migrant children.
 - (j) Three (3) Parents from the public who have a child enrolled in a Child Care Facility in Hillsborough County.
 - (k) An Operator of a religiously Exempt or licensed religiously affiliated Child Care Facility.
 - (l) A representative of an accrediting organization of an Exempt Child Care Facility.
 - (m) An Operator from a licensed Child Care Facility that serves at-risk or special needs children.
- (2) **Responsibilities:** The Hillsborough County Child Care Licensing Advisory Board shall:
- (a) Review the Child Care Licensing Ordinances annually and advise the Local Licensing Agency on recommended amendments.
 - (b) Review the Rules and Regulations annually and to advise the Local Licensing Agency on recommended amendments to the Rules and Regulations which effectuate the intent and purpose of the Ordinances.
 - (c) Recommend and assist the Local Licensing Agency in the development and implementation of training materials for Child Care Personnel.
 - (d) Advise the Local Licensing Agency on all matters pertaining to Child Care programs.
- (3) **Appointments/Vacancies:** Members of the Hillsborough County Child Care Advisory Board shall serve at the pleasure of the Board of County Commissioners without compensation; however, the members shall be reimbursed for mileage and parking while attending official meetings. Each term of membership shall be for three (3) years. A vacancy resulting from any cause other than expiration of a term shall be filled for the remainder of the unexpired term by appointment of the Board of County Commissioners. The Board of County Commissioners may assign such staff personnel to assist the Hillsborough County Child Care Licensing Advisory Board as the Hillsborough County Child Care Licensing Advisory Board deems necessary.
- (4) **Meetings:** Annually, in January, the Hillsborough County Child Care Licensing Advisory Board shall organize by electing from their members a chairman, and vice-chairman. The Hillsborough County Child Care Licensing Advisory Board shall meet at least quarterly or as often as necessary.

- (5) **By-Laws and Adherence to the Hillsborough County Board of County Commissioner's Policies:** The Hillsborough County Child Care Licensing Advisory Board shall adopt such bylaws and rules governing the conduct of its meetings as it deems necessary and appropriate, and which are not inconsistent with this Ordinance. In addition, the Child Care Licensing Advisory Board shall adhere to all applicable duly adopted Board of County Commissioner Policies.

SECTION 12. ENFORCEMENT AND PENALTIES FOR VIOLATIONS (#28-222 OF THE CODE):

The Local Licensing Agency may pursue any enforcement action or legal remedy available to the County in accordance with State law including:

- (1) **Civil Penalties for Violations:**
- (a) The Local Licensing Agency may deny, suspend, place on probation, or revoke a license for the violation of any provision of this Ordinance, the Rules and Regulations, Florida Statutes, Sections 402.301 through 402.319, or the rules adopted thereunder.
 - (b) The Local Licensing Agency may impose an administrative fine for the violation of any provision of this Ordinance, the Rules and Regulations, Florida Statutes, Sections 402.301 through 402.319, or the rules and regulations adopted, thereunder, in an amount not to exceed five hundred dollars (\$500.00) per violation, per day in addition to or in lieu of any other disciplinary action authorized by Florida Statutes, Section 402.310. In addition, where it is appropriate, certain provisions of this Code may also be enforced administratively as a code enforcement violation, against any licensee, business and/or property owner pursuant to Florida Statutes, Chapter 162. For purposes of administrative code enforcement, municipal and County code enforcement officers, the Hillsborough County Child Care Licensing Office, code enforcement board(s) or special magistrate(s) are authorized and designated to enforce this Code, within the limits of their jurisdiction, for violations identified by the Local Licensing Agency as being appropriate for enforcement remedies under Florida Statutes, Chapter 162.
 - (c) The Local Licensing Agency may seek emergency injunctive relief, and may seek temporary or permanent injunction from the circuit court. The judge of that court shall have jurisdiction upon hearing and for cause shown to grant a temporary or permanent injunction, or both, restraining any person from violating or continuing to violate Florida Statutes, Sections 402.301 through 402.319, the rules adopted thereunder or any provision of this Ordinance or of the Rules and Regulations.

- (d) Acts or omissions that meet the definition of child abuse or neglect provided for in Florida Statutes, Chapter 39, constitute a violation of the standards in Florida Statutes, Sections 402.301 through 319, and this Ordinance and support an enforcement action pursuant to Florida Statute Section 402.310 and Section 12 hereof. Failure to perform the duties of a mandatory abuse reporter pursuant to Florida Statutes, Section 39.201, constitutes a violation of the standards in Florida Statutes, Sections 402.301 through 319.

(2) **Statutory Criminal Penalties for Violations:**

- (a) Violations of the provisions of this Ordinance and/or the Rules and Regulations may be referred to the State Attorney's Office for prosecution, as provided by Florida Statutes, and any person found guilty of violating this Ordinance or the Rules and Regulations shall, upon conviction thereof, be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the County jail not to exceed sixty (60) days or both such fine and imprisonment.
- (b) Pursuant to Florida Statutes, Section 402.319, it is a misdemeanor of the first degree, punishable as provided in Florida Statutes, Sections 775.082 and 775.083, for any person knowingly, to:
 - 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 Florida Statutes, Sections 402.301 through 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 Florida Statutes, Section 402.302, in a Child Care Facility, family day care home, or other child care program.

Operate or attempt to operate a Child Care Facility without having obtained a license.
 - 3. Operate or attempt to operate a family day care home without a license.
 - 4. Operate or attempt to operate a Child Care Facility or family day care home under a license that is suspended, revoked or terminated.
 - 5. Misrepresent, by act or omission, a Child Care Facility or family day care home to be duly licensed pursuant to Florida Statutes without being so licensed.
 - 6. Make any other misrepresentation, by act or omission, regarding the licensure or operation of a Child Care Facility or family day care home to a Parent or legal guardian who has a child placed in the Child Care Facility or is inquiring as to placing a child in the Child Care Facility, or to a representative of the Local Licensing Agency, or to a representative of a

law enforcement agency, including, but not limited to, any misrepresentation as to:

- (i) The number of children at the Child Care Facility or the family day care Home;
 - (ii) The part of the Child Care Facility or family day care Home designated for Child Care;
 - (iii) The qualifications or credentials of Child Care Personnel;
 - (iv) Whether a family day care Home or Child Care Facility complies with the Screening Requirements of Florida Statutes, Section 402.305; or
 - (v) Whether Child Care Personnel have the training as required by Florida Statutes, Section 402.305.
- (3) If any Child Care Personnel makes any misrepresentation in violation of Florida Statutes, Section 402.319 to a Parent or legal guardian who has placed a child in the Child Care Facility or family day care home, and the Parent or legal 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 Florida Statutes, Section 775.082, Florida Statutes, Section 775.083, or Florida Statutes, Section 775.084.
- (4) It shall be a felony of the third degree, punishable as provided in Florida Statutes, Sections 775.082, Florida Statutes 775.083, or Florida Statutes 775.084, for any person willfully, knowingly, or intentionally to use information from the juvenile records of any person obtained under Florida Statutes, Sections 402.305 or 402.3055, for any purposes other than screening for employment as specified in Florida Statutes, Sections 402.305 or 402.3055, or to release information from such records to any other person for any purposes other than screening for employment as specified in Florida Statutes, Sections 402.305 or 402.3055.

SECTION 13. RESOLUTION OF CONFLICT OF LAWS (#28-223 OF THE CODE):

In all instances where Florida laws (as evidenced by the Florida Administrative Code, Florida Statutes, applicable case law or otherwise) mandate standards or requirements that conflict with the provisions of this Ordinance or the Rules and Regulations said laws shall govern and are adopted by reference in this Ordinance. For purposes of this Ordinance, a conflict shall exist where, upon a particular matter, Florida law addresses the matter in a manner that is stricter than the provisions of this Ordinance, or where a matter is addressed by Florida law that is not addressed by this Ordinance. In these two situations, Florida law shall control. It is a violation of this Ordinance for any person to commit an act or cause an act to be committed, or through

inaction permit a condition to exist in violation of those Florida laws, and in such instance, the enforcement provisions of this Ordinance shall apply and be enforced. In situations where this Ordinance addresses a matter in a manner that is stricter than that of Florida law, the provisions of this Ordinance shall control. In the event of a conflict between this Ordinance and the Rules and Regulations, the provisions of this Ordinance shall control. The Child Care Licensing Manager shall have authority to make all interpretations of the text of this Ordinance, Rules and Regulations, and Classification Guideline Summaries.

SECTION 14. INCLUSION IN THE HILLSBOROUGH COUNTY CODE OF ORDINANCES AND LAWS:

The provisions of this Ordinance shall be included and incorporated in the Hillsborough County Code of Ordinances and Laws, as an addition or amendment thereto, and shall be appropriately numbered to conform to the uniform numbering system of the Hillsborough County Code of Ordinances and Laws. This Ordinance shall be applicable throughout all areas of Hillsborough County.

SECTION 15. SEVERABILITY:

If for any reason, any section, phrase, sentence, clause, part or provision of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, the same shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the portion declared invalid.

(Remainder of page intentionally blank)

SECTION 16. EFFECTIVE DATE:

A certified copy of this Ordinance shall be filed with the Florida Department of State. This Ordinance shall take effect upon the receipt of acknowledgment that the Ordinance has been filed with that office.

SECTION 17. AMENDMENT OF HILLSBOROUGH COUNTY CODE OF ORDINANCES AND LAWS, CHAPTER 28, ARTICLE VII, SECTIONS 211-223, ORDINANCE 14-39:

Hillsborough County Code of Ordinances and Laws, Chapter 28, Article VII, Sections 211-223, Ordinance No. 14-39, relating to Child Care Facilities in Hillsborough County, Florida is hereby amended.

STATE OF FLORIDA)
COUNTY OF HILLSBOROUGH)

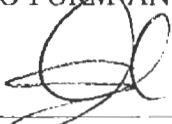
I, **PAT FRANK**, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance adopted by the Board at its public hearing on April 3, 2019 as the same appears in record in Minute Book 515 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 12th day of April, 2019.

PAT FRANK
CLERK OF THE CIRCUIT COURT

BY: Mildred K. Dief
Deputy Clerk.

APPROVED BY COUNTY ATTORNEY
AS TO FORM AND LEGAL SUFFICIENCY:



Senior Assistant County Attorney



**RULES AND REGULATIONS OF THE HILLSBOROUGH COUNTY CHILD
CARE LICENSING OFFICE**

**THESE RULES AND REGULATIONS SET FORTH MANDATORY RULES AND
REGULATIONS WITH WHICH CHILD CARE FACILITIES, EXEMPT CHILD
CARE FACILITIES, NONPUBLIC SCHOOLS, SPECIALIZED CHILD CARE
FACILITIES FOR THE CARE OF MILDLY-ILL CHILDREN AND SCHOOL-
AGE CHILD CARE PROGRAMS MUST COMPLY.**

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- A. SECTIONS MARKED WITH AN ASTERISK (*) SHALL NOT APPLY TO EXEMPT CHILD CARE FACILITIES IN ACCORDANCE WITH FLORIDA STATUTES SECTION 402.316, AND THESE RULES AND REGULATIONS.
- B. THE SECTIONS NOT MARKED WITH AN ASTERISK (*) SHALL BE THE MINIMUM REQUIREMENTS OF HILLSBOROUGH COUNTY AS TO HEALTH, SANITATION AND SAFETY AND SHALL APPLY TO EXEMPT CHILD CARE FACILITIES EXEMPT FROM LICENSURE IN ACCORDANCE WITH FLORIDA STATUTES SECTION 402.316 AND THESE RULES AND REGULATIONS.
- C. THE APPLICABILITY OF MINIMUM STANDARDS FOR CHILD CARE TO NONPUBLIC SCHOOLS SHALL BE NOTED ON THE LEFT MARGIN OF EACH SUBSECTION THROUGHOUT THESE RULES AND REGULATIONS. THOSE SECTIONS THAT REQUIRE FULL COMPLIANCE OF NONPUBLIC SCHOOLS SHALL BE NOTED AS "FC." THOSE SECTIONS THAT REQUIRE SUBSTANTIAL COMPLIANCE OF NONPUBLIC SCHOOLS SHALL BE NOTED AS "SC." THOSE SECTIONS WHICH ARE NOT APPLICABLE TO NONPUBLIC SCHOOLS SHALL BE NOTED AS "NA."
- D. ADDITIONAL PROVISIONS SPECIFICALLY APPLICABLE TO SPECIALIZED CHILD CARE FACILITIES FOR THE CARE OF MILDLY-ILL CHILDREN ARE SET FORTH IN SECTION 13 OF THESE RULES AND REGULATIONS.

FOR PURPOSES OF THESE RULES AND REGULATIONS, UNLESS OTHERWISE DEFINED IN THESE RULES AND REGULATIONS, AN ALL CAPITALIZED TERM SHALL HAVE THE MEANING ASCRIBED TO IT IN SECTION 4 OF THE ORDINANCE.

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SECTION 1. PERSONNEL:

Background Screening:

FC **1.01(1)** All Child Care Facilities shall meet the Screening Requirements as specified in Florida Statutes, Chapter 435, for Level 2 Screening standards of all Child Care Personnel. All Child Care Personnel must have screening clearance prior to working in any role at the Child Care Facility, if background screening is required. No person who has been arrested for and is awaiting final disposition of, has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or has been adjudicated delinquent and the record has not been sealed or expunged for an offense listed in Florida Statutes, Chapter 435, shall be Child Care Personnel. Level 2 Screening information shall be documented on HC CCL 18, (REV 11110), Center Staff/Volunteer/Substitute Form, which may be obtained from the Local Licensing Agency. Volunteers who assist on an intermittent basis for less than ten (10) hours per month and who are under the direct and constant supervision of Child Care Personnel do not need to be screened. A Volunteer who Volunteers for more than ten (10) hours per month is deemed to be Child Care Personnel and must meet all the background Screening Requirements of Child Care Personnel.

FC **1.01(2) Background Screening Requirements:**

- (A) The Department shall conduct screening and background checks for the Owner, applicant, and/or Operator of a Child Care Facility, and, as required by Section 1.01(7) below, household members and/or residents. The Owner or Operator of the Child Care Facility shall conduct the screening for all employees, Volunteers, and Substitutes working at the Child Care Facility. The screening and background checks include, but are not limited to:
1. A State criminal records check through the Florida Department of Law Enforcement ("FDLE");
 2. A federal criminal records check through the Federal Bureau of Investigation ("FBI") submitted and processed through the Background Screening Clearinghouse and therefore, a LiveScan vendor that is Clearinghouse compatible and must be used for submission of fingerprints;
 3. An employment history check;
 4. An Attestation of Good Moral Character; at time of initial screening and/or upon change in employers;
 5. A sexual predator and sexual offender registry search; and
 6. A child abuse and neglect history of any state in which an individual resided during the preceding five (5) years.

- (B) An employment history check for the previous five (5) years at a minimum is required as part of background screening. An employment history check conducted under this subsection shall include confirmation of employment dates from previous job(s), position(s) held, and may include job performance. Failed attempts to obtain the employment history must be documented in the Child Care Facility's personnel file and include the date, time, and reason the information was not obtained.

FC **1.01(3) Background Screening Time Frames:**

- (A) A Child Care Attestation of Good Moral Character, CF Form 1649A, must be completed for all Child Care Personnel at the time of initial screening, or upon change in employers, or a break in service in excess of ninety (90) days.
- (B) Every five (5) years, a Level 2 Background Screening must be completed in accordance with State law requirements which must include at a minimum, a new criminal records check (both national and statewide), a sexual predator and sexual offender registry search, and child abuse and neglect history of any state in which an individual resided during the preceding five (5) years. Information pursuant to this subsection shall be documented on CF-FSP form 5131 as may be updated from time to time, in the background screening and personnel file requirements.
- (C) Child Care Personnel must be rescreened following a break in employment in the child care industry which exceeds ninety (90) calendar days. A person in this category must undergo Florida Statutes, Chapter 435, Level 2 Screening. If a Child Care Personnel takes a leave of absence for not more than one hundred eighty (180) calendar days including, but not limited to, maternity leave, extended sick leave and migrant child care programs, rescreening is not required unless the five (5) year rescreening has come due during the leave of absence. Written verification of the leave of absence status with the specific dates must be completed by the Owner or Operator of the Child Care Facility and included in the personnel file of each employee.

FC **1.01(4)** For the purpose of issuing a license, any out-of-state criminal offense, which if committed in Florida, would constitute a disqualifying felony offense, shall be treated as a disqualifying felony offense for screening purposes under the Ordinance and the Rules and Regulations.

FC **1.01(5)** No person who uses, or is under the influence of narcotics, alcohol, or other impairing drugs which affects his or her ability to provide supervision and safe Child Care shall be Child Care Personnel in a Child Care Facility; or otherwise be present in the Facility while children are in care.

FC **1.01(6)** No Child Care Personnel or other person at a Child Care Facility shall physically, sexually or emotionally abuse any child in care, nor shall any Child Care Personnel or any other person at a Child Care Facility allow any other adult or child to physically, sexually or emotionally abuse children in care.

- FC **1.01(7)** Except as set forth in the last two sentences of this subsection, any member of the family of an Owner or Operator or person residing with an Owner or Operator, if the Child Care Facility is located in or adjacent to the home of the Owner or Operator or if the family member or person residing with the Owner or Operator has any direct contact with the children in the Child Care Facility during its hours of operation, must be screened in the same manner as Child Care Personnel. For the purpose of this Section, "adjacent" means on the property of the Child Care Facility or on a property having a common border with the Child Care Facility's property line. If such individuals are between the ages of twelve (12) to eighteen (18) years, the individuals are not required to be fingerprinted, but shall be screened for delinquency records. Individuals under twelve (12) years of age are not required to be screened.
- FC **1.01(8)** Persons who work in a Child Care Facility after hours when children are not present and Parent(s) of children in a Child Care Facility are not required to be screened. Students who observe and participate in a Child Care Facility as part of their required course work are not required to be screened provided such observation and participation is on an intermittent basis and the students are under direct and constant supervision of Child Care Personnel.
- FC **1.01(9)** Teachers and non-instructional personnel who have been fingerprinted pursuant to Florida Statutes, Chapter 1012, and who have not been unemployed for over ninety (90) calendar days, and who under the penalty of perjury, attest to the completion of such fingerprinting and to compliance with this Section shall not be required to be re-fingerprinted.
- FC **1.01(10)** Within three (3) business days of employment, all Operators and employees shall have on file at the Child Care Facility a statement that they have read the brochure provided by the Local Licensing Agency on identifying and reporting child abuse.
- FC **1.01(11)** A notarized affidavit of screening shall be presented annually to the Local Licensing Agency by the Owner or Operator to verify that all persons required to be screened under the Ordinance and the Rules and Regulations have been screened.
- FC **1.01(12)** A Substitute must meet the Screening Requirements.
- NA **1.01(13)** The application for a child care license shall contain a question that specifically asks the applicant, Owner, or Operator if he or she has ever had a license denied, revoked, or suspended in any state or jurisdiction or has been the subject of a disciplinary action or been fined while employed in a Child Care Facility or been the subject of any abuse investigation. The applicant, Owner, or Operator shall attest to the accuracy of the information required under penalty of perjury. If the applicant, Owner, or Operator admits that he or she has been a party in such action, the Local Licensing Agency shall review: 1) the nature of the suspension, revocation, disciplinary action, or fine, 2) the severity of the violation, 3) the actions taken by the applicant to correct or remedy the prior violation, and 4) the applicant's prior licensing history before making a decision to grant or deny the application or to issue a provisional license to the applicant. The nature and number of any abuse investigations by the Department, law

enforcement reports or any conviction for any crime may be considered by the Local Licensing Agency when reviewing an application and such information may be used as a basis to deny or revoke a license. If the Local Licensing Agency determines as the result of such review that it is not in the best interest of the County for the applicant to be licensed, a license shall not be granted.

- NA **1.01(14)** The Child Care Facility shall require that the application for a Child Care Personnel position contain a question that specifically asks the applicant if he or she has ever worked in a Child Care Facility that has had a license denied, revoked, or suspended in any state or jurisdiction or has been the subject of a disciplinary action or been fined while employed in a Child Care Facility. The applicant shall attest to the accuracy of the information requested and the completed application under penalty of perjury. If the applicant admits that he or she has been a party in such action, the employer shall review the nature of the denial, suspension, revocation, disciplinary action or fine before making the decision whether to hire the applicant.
- NA **1.01(15)** The Department may grant exemptions from disqualification from working with children or the developmentally disabled as provided in Florida Statutes, Section 435.07.

**SECTION 1.02 SHALL NOT APPLY TO EXEMPT CHILD CARE FACILITIES
EXEMPT FROM LICENSURE IN ACCORDANCE WITH FLORIDA STATUTES,
SECTION 402.316 AND THE ORDINANCE.**

NA **1.02** **Child Care Personnel Training:**

NA **1.02(1)** **Definitions:**

- (A) "Active" shall refer to the status of a candidate's awarded credential or certification which demonstrates that the requirements have been successfully met.
- (B) "Before School and After School site" also referred to as a School-Age Child Care Program shall refer to a program, regardless of location, that provides Child Care for children who are at least five (5) years old and are enrolled in and attend a Kindergarten program or grades one (1) and above during a school district's calendar year. This is limited to programs that provide care only before and after the recognized hours of a district's school day and on teacher planning days, holidays, and intercessions that occur during the school district's official calendar year.
- (C) "Begin training for Child Care Personnel" shall refer to a candidate's commencement of at least one (1) of the Child Care training courses listed in Florida Statutes, Section 402.305(2)(d). This may be accomplished by classroom attendance in a Department-approved training course, acquiring an educational exemption from a Department-approved training course, beginning a Department-approved online child care training course, or by receiving results from a Department-approved competency examination within the first ninety

(90) days of employment in the child care industry in any licensed Florida Child Care Facility. The Child Care Facility is responsible for obtaining documentation from Child Care Personnel.

- (D) "Continuing Education Unit (CEU)" shall mean a standard unit of measure of coursework used for training and credential purposes. The Department shall accept CEUs from educational institutions accredited and recognized by the U.S. Department of Education or nationally affiliated state professional organizations.
- (E) "Director Credential" shall mean a Department-approved comprehensive credential that consists of education and experiential requirements as referenced in Section 1.04 of the Rules and Regulations.
- (F) "Early Childhood Education" shall refer to coursework, certification, a credential or degree specific to children ages birth through eight (8) years of age.
- (G) "Florida Child Care Professional Credential (FCCPC)," pursuant to Florida Statutes, Section 402.305(3)(b), certifies successful completion of a Department-approved training program that consists of a minimum of one hundred twenty (120) hours of early childhood instruction, four hundred eighty (480) contact hours with children ages birth through eight (8) years of age and at least two (2) methods of formal assessment that offers two (2) areas of certification; "Birth Through Five (5) (formerly the Department approved CDA Equivalency training programs)" and "School-Age (formerly the Florida School-Age Certification)." Credentials must be documented on CF-FSP Form 5270, April, 2006, Florida Child Care Professional Credential Certificate. A copy of CF-FSP 5270 may be obtained from the Department's website at www.myflfamilies.com/childcare. Active credentials are valid for five (5) years from the date of issuance. A list of approved and recognized FCCPC programs may be obtained on the Department's website at www.myflfamilies.com/childcare.
- (H) "Florida Department of Education Child Care Apprenticeship Certificate (CCAC)" shall mean a Department-approved child care credential that consists of a minimum of one hundred twenty (120) hours of early childhood instruction and four hundred eighty (480) contact hours with children ages birth through eight (8) years of age and meets or exceeds the requirements outlined in Florida Statutes, Section 402.305(3)(c). A list of approved and recognized Department of Education ("DOE") programs may be obtained on the Department's website at www.myflfamilies.com/childcare. Active credentials are valid for five (5) years from the date of issuance. Credential renewal certificates must be documented on CF-FSP Form 5270, April 2006, Florida Child Care Professional Credential Certificate.
- (I) "Florida Department of Education Early Childhood Professional Certificate (ECPC)" shall mean a Department-approved child care credential that consists of a minimum of one hundred twenty (120) hours of early childhood instruction and four hundred eighty (480) contact hours with children ages birth through eight

(8) years of age and meets or exceeds the requirements outlined in Florida Statutes, Section 402.305(3)(c). A list of approved and recognized DOE programs may be obtained on the Department's website at www.myflfamilies.com/childcare. Active credentials are valid for five (5) years from the date of issuance. Credential renewal certificates must be documented on CF-FSP Form 5270, April 2006, Florida Child Care Professional Credential Certificate.

- (J) "Florida Department of Education School-Age Professional Certificate (SAPC)" shall mean Department-approved child care credential that consists of a minimum of one hundred twenty (120) hours of early childhood instruction and four hundred eighty (480) contact hours with School-Age Children and meets or exceeds the requirements outlined in Florida Statutes, Section 402.305(3)(c). A list of approved and recognized DOE programs may be obtained on the Department's website at www.myflfamilies.com/childcare. Active credentials are valid for five (5) years from the date of issuance. Credential renewal certificates must be documented on CF-FSP Form 5270, April 2006, Florida Child Care Professional Credential Certificate.
- (K) "Foster Grandparents" shall mean directly supervised Volunteers who participate in the federal program pursuant to Title 45 Code of Federal Regulations part, 2552. Foster Grandparents work with one (1) or more children with special or exceptional needs in Child Care programs. Foster Grandparents are not counted in the Child Care Personnel-to-child ratio. Foster Grandparents shall be required to have one hundred percent (100%) attendance in the following Department's training courses: Child Care Facility Rules and Regulations; Health, Safety, and Nutrition; Identifying and Reporting Child Abuse and Neglect; and Special Needs Appropriate Practices. This requirement can be met by either instructor-led or online training. Foster Grandparents must begin training within thirty (30) days of working in the child care industry in any licensed Florida Child Care Facility. Training must be completed within one year from the date of working in the child care industry in any licensed Florida Child Care Facility. Foster Grandparents are not classified as Child Care Personnel, and they may not be assigned the roles of teacher's aides, group leaders or other similar positions.
- (L) "High School Diploma, GED and/or College Degree" shall mean a diploma or degree obtained from an institution accredited and recognized by the U.S. Department of Education. High school diplomas issued by private schools that are registered with the Florida Department of Education will be accepted. If a high school diploma is earned outside the U.S., it must be translated by someone who is a member of the American Translators Association, an approved credential evaluation agency approved by the Bureau of Educators Certification, or an accredited college or university. If a college degree is earned outside the U.S., it must be evaluated by an approved credential evaluation agency approved by the Bureau of Educators Certification or an accredited college or university to determine if it is equivalent to a U.S. degree.

- (M) "International Association of Continuing Education and Training (IACET)" – A non-profit organization that is recognized by the American National Standards Institute as a standard setting organization for continuing education and training.
- (N) "Inactive" shall refer to the status of a candidate's awarded credential or certification that is no longer active; although, remains eligible for renewal.
- (O) "National Early Childhood Credential" (NECC), pursuant to Florida Statutes, Section 402.305(3)(c), shall mean an early childhood credential approved by the Department and recognized by licensing authorities in at least five (5) states that incorporates 120 hours of early childhood instruction, 480 contact hours with children ages birth through eight (8) years of age and includes at least two (2) methods of formal assessment. This includes the Child Development Associate (CDA) credential issued by the Council for Professional Recognition in Washington, DC. A list of approved and recognized NECC programs may be obtained on the Department's website at www.myflfamilies.com/childcare.
- (P) "Nationally Affiliated Member Based State Professional Organization" – An organization that has several characteristics and is part of groups offering children's advocacy, opportunities for use and strengthen professional skills that benefit children, families, providers at the local and State level, and raise awareness to the importance of early child education through a unified organization voice.
- (Q) "Professional contribution" shall mean for the purpose of Director Credential renewal which demonstrates a dedication to early childhood or school-age education outside of the child care program responsibilities.
- (R) "Training Transcript" shall mean the electronic documentation of statutorily mandated training and staff credential qualifications for Child Care Personnel. Training transcripts may be downloaded on the Department's website at www.myflfamilies.com/childcare.
- (S) "Weighted score" shall mean 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.
- (T) "Years of Experience" shall mean equivalent to a minimum of one thousand forty (1,040) hours of paid and/or nonpaid documented work experience.

NA **1.02(2) Training Requirements:**

- (A) Child Care Personnel hired on or after October 1, 1992, must successfully complete the Department's forty (40) hour Introductory Child Care Training, as evidenced by successful completion of competency based examinations offered by the Department or its designated representative with a weighted score of seventy (70) or better. Child Care Personnel who successfully completed the mandatory forty (40) hour Introductory Child Care Training prior to

January 1, 2004, are not required to fulfill the competency examination requirement.

1. All Child Care Personnel, including Volunteers, who work ten (10) hours or more per month, must begin training within ninety (90) calendar days of employment in the child care industry and successfully complete training within twelve (12) months from the date training begins. Training completion may not exceed fifteen (15) months from the date of employment in the child care industry in any licensed Florida Child Care Facility.
2. All Child Care Personnel, including Substitutes and Volunteers, who work in a facility that offers care to Infants, must have training regarding guidance on safe sleep practices, preventing symptoms of shaken baby syndrome and abusive head trauma, strategies for coping with crying, fussing, or a distraught child and the development and vulnerabilities of the brain in infancy in early childhood within thirty (30) days of hire at the facility. Documentation of training must be maintained on the Department's training transcript and maintained in the Child Care Personnel record. To satisfy this requirement, the training must be accomplished through one of the following methods:
 - a. The DCF Health, Safety, and Nutrition Course;
 - b. Safe Sleep Course; or
 - c. The Early Learning Florida's Safe Sleep Practices.
3. The forty (40) hour Introductory Child Care Training requirements are divided into two (2) parts. Part I is comprised of thirty (30) hours of training that consists of the Department's training courses, developed by the Department, and identified below:
 - a. Child Care Facility Rules and Regulations;
 - b. Health, Safety, and Nutrition;
 - c. Identifying and Reporting Child Abuse and Neglect;
 - d. Child Growth and Development; and
 - e. Behavioral Observation and Screening.
4. Part II is comprised of ten (10) hours of training that consists of a selection from the Department's specialized training courses, developed by the Department, and identified below:

- a. Infant and Toddler Appropriate Practices (five [5] hours);
 - b. Preschool Appropriate Practices (five [5] hours);
 - c. School-Age Appropriate Practices (five [5] hours);
 - d. Basic Guidance and Discipline (five [5] hours online);
 - e. Early Literacy for Children Age Birth to Three (five [5] hours online);
 - f. Early Childhood Computer Learning Centers (five [5] hours online); and/or
 - g. Emergent Literacy for Voluntary Pre-Kindergarten (VPK) Instructors (five [5] hours online).
5. Child Care Personnel must complete ten (10) hours of Special Needs Appropriate Practices or two (2) of the above five (5) hour courses to be in compliance with the Part II training.
 6. Child Care Personnel, in compliance with the School-Age requirements in Section 1.02(2)(C) below, shall be considered in compliance with the Child Care Personnel training requirements.
 7. Child Care Personnel who left the child care industry and were in compliance with training requirements, upon returning to employment, shall be granted ninety (90) calendar days to comply with any new mandated training requirements. Completion of such training may be counted toward the in-service training requirement.
 8. Child Care Personnel who left the child care industry and were not in compliance with training requirements must complete required training prior to re-employment.
 9. Child Care Personnel employed at the same Child Care Facility prior to October 1, 1992, with no break in employment with the same employer, are exempt from completing Part II of the child care training.
- (B) Pursuant to Florida Statutes, Section 402.305(2)(d)5, all Child Care Personnel must complete a single course of training in early literacy and language development of children ages birth through five (5) years of age.
1. All Child Care Personnel must complete early literacy training within twelve (12) months of the date of employment in the child care industry. Proof of completion must be documented on the certificate of course completion, classroom transcript, or diploma.

2. In order to meet the literacy training requirement, Child Care Personnel must complete one (1) of the following:
 - a. One (1) of the Department's online literacy courses available on the Department's website at www.myflfamilies.com/childcare;
 - b. One (1) of the Department's approved literacy training courses. A list of these courses may be obtained from the Local Licensing Agency or on www.myflfamilies.com/childcare; or
 - c. One (1) college level early literacy course (for credit or non-credit) if taken within the last five (5) years.
- (C) Child Care Personnel in School-Age Child Care Programs hired on or after October 1, 1992, must successfully complete forty (40) hours of child care training by completing the following Department's training. Child Care Personnel must successfully complete competency examinations offered by the Department, or its designated representative, with a weighted score of seventy (70) or better.
1. Child Care Facility Rules and Regulation;
 2. Health, Safety, and Nutrition; and
 3. Identifying and Reporting Child Abuse and Neglect; and
 4. School-Age Appropriate Practices; and
 5. Any combination of the following:
 - a. Child Growth and Development (six [6] or ten [10] hours);
 - b. Behavioral Observation and Screening (six [6] or ten [10] hours);
 - c. Infant and Toddler Appropriate Practices (five [5] hours);
 - d. Preschool Appropriate Practices (five [5] hours);
 - e. Special Needs Appropriate Practices (ten [10] hours);
 - f. Basic Guidance and Discipline (five [5] hours online);
 - g. Early Literacy for Children Ages Birth through Three (five (5) hours on line);
 - h. Early Childhood Computer Learning Centers (five (5) hours online);

- i. Emergent Literacy for Voluntary Pre-Kindergarten (VPK) Instructors (five [5] hours online); or
 - j. Completion of the remaining hours through specialized school-age training, provided by the Department or a national organization or its affiliates, that requires demonstration of competencies through passage of examination(s) or completion and assessment of a Professional Resource File (portfolio of materials that demonstrate competency).
- (D) Child Care Personnel who successfully completed the training identified in 1.02(2)(c) of the Rules and Regulations above, prior to January 1, 2004, are not required to fulfill the competency examination requirement.
- NA (E) Personnel in School-Age Child Care Programs are exempt from the training requirement of five (5)-clock-hours of early literacy and language development of children from birth to five (5) years of age, under Section 1.02(2)(B) of the Rules and Regulations.
- NA (F) School-Age Child Care Programs are exempt from the Staff Credential requirements as specified in Section 1.02(8) of the Rules and Regulations.
- NA **1.02(3) Exemptions from the Introductory Child Care Training:**
 - (A) Competency Examination Exemptions. Child Care Personnel shall have one (1) opportunity, if they choose, to be exempted from one (1) or more of the Department's Introductory Child Care Training courses prior to attending training by achieving successful completion of corresponding competency examinations with a weighted score of seventy (70) or better. If the Part II training course is only available online, exemption examinations are not authorized.
 - (B) **Educational Exemptions:**
 - 1. The Department, or its designated representative, shall exempt Child Care Personnel from the Health, Safety, and Nutrition; Child Growth and Development; and Behavioral Observation and Screening courses who meet one (1) of the following educational qualifications:
 - a. Associate's degree or higher with six (6) college credit hours in early childhood/child growth and development or degree in elementary education with certification to teach children of any age from birth through sixth grade; or
 - b. An active National Early Childhood Credential (NECC) or an active Birth through Five (5) Florida Child Care Professional Credential (FCCPC).

2. The Department, or its designated representative, shall exempt Child Care Personnel with a Bachelor's degree or higher in early Childhood Education or Preschool Education from the Infant and Toddler Appropriate Practices course and Preschool Appropriate Practices course.
3. The Department, or its designated representative, shall exempt Child Care Personnel with a Bachelor's degree or higher in Elementary Education from the School-Age Appropriate Practices course.
4. The Department, or its designated representative, shall exempt Child Care Personnel with a Bachelor's degree or higher in Exceptional Student Education from the Special Needs Appropriate Practices course.
5. There are no educational exemptions for Rules and Regulations training, Identifying and Reporting Child Abuse and Neglect training or from the Department's online training courses.

NA **1.02(4) Individuals who are not required to complete the training include the following:**

- (A) Volunteers who assist on an intermittent basis for less than ten (10) hours a month, provided that the Volunteer is under direct and constant supervision of Child Care Personnel. If the Volunteer is working at a facility that offers care to Infants, they must complete approved training regarding guidance on safe sleep practices, preventing shaken baby syndrome and abusive head trauma.
- (B) Occasional or part-time support staff including, but not limited to, swimming instructors, piano teachers, and dance and gymnastic instructors.

NA **1.02(5) Documentation of Training:** Effective October 1, 2010, the Department's 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, will no longer be accepted by the Department after October 1, 2010, nor will any previous version of the form. Form CF-FSP 5267 is provided to participants upon completion of a Department approved training course. A copy of the Department's Training Transcript may be obtained from the Department's website at www.myflfamilies.com/childcare.

- (A) Training Transcript must be included in each Staff Member's Child Care Personnel record and maintained at each Child Care Facility.
- (B) Training Transcript for the Director of a Child Care Facility must be presented to the Local Licensing Agency.

- (C) Training documented on CF-FSP Form 5267 that is not included on an individual's Training Transcript had to be sent to the Department, or designated representative, prior to October 1, 2010, to be documented on the individual's Training Transcript.
- (D) 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, Child Care Facilities will be out of compliance with the mandated training standards.

NA **1.02(6) Child Care Trainer Qualifications:** Child Care Professionals approved to teach the Department's Child Care Training courses must meet, at a minimum, the following qualifications:

- (A) At least twenty-one (21) years of age.
- (B) Have completed the Department's six (6)-clock-hour Train-the-Trainer course.
- (C) Meet one (1) of the following educational and experiential credentials verified by the Department or its designated representative:
 - 1. Four (4)-year college degree or higher with six (6) college credit hours in early childhood education/child growth and development and four hundred eighty (480) hours experience in a child care setting serving children ages birth through eight (8) years of age. A Florida teaching certificate may be substituted for the four hundred eighty (480) hours of experience in a child care setting;
 - 2. Associate degree in Early Childhood Education or Child Development and four hundred eighty (480) hours experience in a child care setting serving children ages birth through eight (8) years of age;
 - 3. Associate degree with six (6) college credit hours in early childhood/child growth and development and nine hundred sixty (960) hours experience in a child care setting serving children ages birth through eight (8) years of age;
 - 4. Four (4)-year college degree with a Florida teaching certificate and be currently employed by a school district in the State of Florida to teach Early Childhood Education in the Education and Training Cluster under the Department of Education Career and Technical Education Program. Trainers who meet this education and experience qualification are limited to teaching only in the Florida Department of Education Early Childhood Professional Certificate (ECPC) and Child Care Apprenticeship Certificate (CCAC) programs;

5. A high school diploma or GED, a National Early Childhood Credential or a Department-approved Birth through Five FCCPC and three (3) years of full-time experience in licensed family child care within the past five (5) years. Trainers who meet this education and experience qualification are limited to teaching only the six (6) hour Family Child Care Home Rules and Regulations course; or
 6. Four (4)-year college degree or higher with six (6) college credit hours in school-age education, and four hundred eighty (480) hours experience in a child care setting serving School-Age Children. A Florida teaching certificate may be substituted for the four hundred and eighty (480) hours experience in a child care setting. Trainers who meet this education and experience qualification are limited to teaching only the ten (10) hour School-Age Appropriate Practices course.
- (D) The Department or its designated representative may require a trainer to attend a specific child care training course prior to being approved.

NA 1.02(7) Annual In-Service Training:

- (A) All Child Care Personnel must complete a minimum of ten (10)-clock-hours or one (1) CEU of in-service training annually during the state's fiscal year beginning July 1 and ending June 30.
- (B) The annual ten (10)-clock-hours or one (1) CEU of in-service training concentrating on children ages birth through twelve (12) years of age must be completed in one or more of the following areas (college level courses will be accepted):
 1. Health and safety, including universal precautions;
 2. Infant and/or child CPR;
 3. First Aid (may only be taken to meet the in-service requirement once every three (3) years);
 4. Nutrition;
 5. Child development-typical and atypical;
 6. Child transportation and safety;
 7. Behavior management;
 8. Working with families;
 9. Design and use of child oriented space;

10. Community, health and social service resources;
 11. Child abuse;
 12. Child care for multilingual children;
 13. Working with children with disabilities in child care;
 14. Safety in outdoor play;
 15. Literacy;
 16. Guidance and discipline;
 17. Computer technology;
 18. Leadership development/program management and staff supervision;
 19. Age-Appropriate lesson planning;
 20. Homework assistance for School-Age care;
 21. Developing special interest centers/spaces and environments; or
 22. Other course areas relating to child care or child care management.
- (C) Documentation of the in-service training requirement must be recorded on CF-FSP Form 5268, March 2009, Child Care In-Service Training Record, and included in the Child Care Facilities' personnel records. CF-FSP Form 5268 may be obtained from the Department website. A new in-service training record is required each fiscal year. The in-service training records for the previous two (2) fiscal years must also be maintained at the Child Care Facility for review by the Local Licensing Agency.
- (D) Mandated forty (40)-clock-hour introductory child care training, Parts I and II, may be used to meet the annual in-service training requirement during the first fiscal year of employment.
- (E) All Child Care Personnel continuously employed or hired between July 1 and June 30 of the State's fiscal year must complete the annual in-service training requirement. This includes any changes in employment from one program to another.

- (F) Child Care Personnel continuously employed or hired between July 1 and June 30 of the State's fiscal year and who do not complete the required annual in- service training during any given year must complete the remaining in service training hours within thirty (30) days of the noncompliance finding by the Local Licensing Agency. These hours cannot be used to meet the current year's in-service training requirements.

NA **1.02(8) Staff Credentials:**

- (A) **Staff Credential Requirement:** Pursuant to Florida Statutes, Section 402.305(3), a licensed Child Care Facility must have a minimum of one (1) credentialed Child Care Personnel for every twenty (20) children.
1. A credentialed Child Care Personnel is defined as a child care professional that has been issued a Staff Credential Verification, documented on the individual's Training Transcript. Florida law requires that Voluntary Pre-Kindergarten (VPK) instructional personnel possess an appropriate credential. If the Local Licensing Agency identifies a designated VPK teacher who does not have an active credential, the Local Licensing Agency will notify the local Early Learning Coalition or its designated representative.
 2. To apply for staff credential verification, a candidate must complete CF-FSP Form 5211, March 2009 Florida Child Care Staff Credential Verification Application. A copy may be obtained on the Department's website at www.myflfamilies.com/childcare. The candidate must meet one (1) of the following six (6) qualifications as cited on CF-FSP Form 5211:
 - a. An active National Early Childhood Credential (NECC); or
 - b. Formal Educational Qualifications; or
 - c. An active Birth Through Five (5) Florida Child Care Professional Credential awarded as a Florida Child Care Professional Credential (FCCPC); or
 - d. An active Florida Department of Education Child Care Apprenticeship Certificate (CCAC), or Early Childhood Professional Certificate (ECPC); or
 - e. An active School-Age Florida Child Care Professional Credential awarded as Florida Child Care Professional Credential (FCCPC) or School-Age Professional Certificate (SAPC). Graduates who successfully complete a school-age training program offered by a branch of the U.S. Military will be recognized as having met the School-Age FCCPC requirement. A School-Age FCCPC will not be accepted to meet the minimum staff credential requirements for VPK; or

- f. An Employment History Recognition Exemption will not be accepted to meet the minimum staff credential requirements for VPK or towards a Director Credential. Applications for Employment History Recognition Exemption will not be accepted after July 1, 2006.

(B) **Calculation of Number of Personnel Necessary:** The required number of credentialed staff for a Child Care Facility shall be calculated as follows:

1. A Child Care Facility with nineteen (19) or less children is not subject to the credential requirement.
2. For every twenty (20) children, a Child Care Facility must have one (1) Child Care Personnel who meets the staff credential requirement. Based on this formula, Child Care Facilities with twenty (20) through thirty-nine (39) children must have one (1) credentialed Child Care Personnel, Child Care Facilities with forty (40) through fifty-nine (59) children must have two (2) credentialed Child Care Personnel, and so forth. The Local Licensing Agency shall calculate the required number of credentialed Child Care Personnel required based on daily attendance.
3. Child Care Personnel meeting the staff credential requirement in Section 1.02(8)(A), above, must work at the Child Care Facility a minimum of twenty (20) hours per week. A credentialed staff person must be on-site during all operational hours for those Child Care Facilities that operate twenty (20) hours or less per week.
4. Nap times and lunch times are excluded from this calculation.
5. Volunteers who work at the Child Care Facility a minimum of twenty (20) hours per week and meet the credential requirement may be included in calculating the credential ratio.
6. Children who are five (5) years of age and older and who are enrolled in and attend a kindergarten program or grades one (1) and above are excluded from the credential ratio.
7. An individual with an expired or inactive credential is ineligible to be counted as a credentialed Child Care Personnel pursuant to Section 1.02(8)(A), above, until the credential is renewed or the individual meets one (1) of the qualifications listed in Section 1.02(8)(A), above.

(C) **On-Site Documentation:** A copy of the Training Transcript for each credentialed Child Care Personnel must be maintained on-site at the Child Care Facility, in the employee personnel file, for review by Local Licensing Agency. Child Care Facilities must maintain written documentation of credentialed Child Care Personnel's work schedules. Written documentation shall include an employee's time sheets, personnel work schedules, and employment records.

(D) **Staff Credential Renewal:**

1. To maintain an active National Early Childhood Credential, it must be renewed through the agency that awarded the original credential. Once renewed, for licensing purposes, individuals must complete a CF-FSP Form 5211, Florida Child Care Staff Credential Verification Application to have the individual's Training Transcript update with renewed credential information.
2. A staff credential awarded for formal education qualifications perpetually active and does not need to be renewed.
3. To maintain an active Birth through Five (5) or School-Age Child Care Credential, every five (5) years a candidate must complete the renewal Section of the CF-FSP Form 5211. If all criteria are met, the individual's Training Transcript will be updated with renewed credential information. Renewal applications may be submitted by the candidate no earlier than one (1) year prior to the end of the active period of the Birth through Five (5) or School-Age Child Care Credential. An individual with an inactive Birth through Five (5) or School-Age Child Care Credential may submit a renewal application; but while inactive, the individual shall not be counted to meet the staff credential requirement. The application will be reviewed, and if approved, a certificate will be issued with a renewal date of five (5) years from the date the renewal requirements are met.
4. A staff credential awarded for Employment History Recognition Exemption is perpetually active and does not need to be renewed.

(E) Florida Child Care Professional Credential Training Program Providers.

1. **Birth through Five (5) FCCPC Training Providers:**

- a. Training providers seeking to offer the Birth Through Five (5) FCCPC training must utilize the criteria approved by the Department referenced on CF-FSP Form 5191, March 2009, through Five (5) Florida Child Care Professional Credential (FCCPC) Training Program Application. CF-FSP Form 5191 may be obtained on the Department's website at www.myflfamilies.com/childcare. Training providers must submit a completed CF-FSP Form 5191 to the Department or designated representative for approval.
- b. Training providers that offer the Birth Through Five (5) FCCPC shall submit FCCPC training student completion documentation in the format referenced on CF-FSP Form 5191 to the Department for issuance of the Birth through Five (5) FCCPC and to update the graduate's child care Training Transcript.

- c. Training providers approved to offer the Birth Through Five (5) FCCPC training must annually complete, sign, date and submit the attestation page of CF-FSP 5191 to the Department for review and approval based on the provider's anniversary date listed on CF-FSP 5191.

2. **School-Age FCCPC Training Providers:**

- a. Training providers seeking to offer the School-Age FCCPC training must utilize the criteria approved by the Department referenced on CF-FSP Form 5257, March 2009, School-Age Florida Child Care Professional Credential (FCCPC) Training Program Provider Application. CF-FSP Form 5257 may be obtained on the Department's website. Training providers must submit a completed CF-FSP Form 5257 to the Department or designated representative for approval.
- b. Training providers that offer the School-Age FCCPC training shall submit FCCPC training student completion documentation in the format referenced on CF-FSP Form 5257 to the Department for issuance of the School-Age FCCPC and to update the graduate's child care Training Transcript.

NA 1.03 **Child Care Owner and/or Operator Training:**

1.03(1) Consultation Sessions: The Local Licensing Agency provides consultation sessions involving the following subject areas: a review of required Child Care minimum standards for Hillsborough County, record keeping, staff training, classroom activities, menu planning, staff management, problem situations, health maintenance, and other Child Care related topics. Upon request by an Exempt Child Care Facility, consultation sessions shall be provided.

- (A) There is a two (2)-part consultation session required for each Owner and/or Operator prior to initial licensing.
- (B) All first time Owners and/or Operators are required to have taken the two (2)-part consultation session within the two (2) years prior to initial licensing.
- (C) Within ninety (90) of employment an individual who is employed for the first time as an Operator must attend the second part of the consultation sessions.

NA 1.04 **Director Credentials:**

1.04(1) Director Credential Requirements: Pursuant to Florida Statutes, Section 402.305(2)(f), every Child Care Facility must have a credentialed Director. An individual with an inactive Director Credential is ineligible to be the Director of a Child Care Facility. An applicant for the Director Credential or Advanced Director Credential must meet the requirements referenced in CF-FSP Form 5290, March 2009,

Florida Child Care Director Credential and Renewal Application. CF-FSP Form 5290 may be obtained on the Department's website at www.myflfamilies.com/childcare. All applications and documentation will be verified, and the credential issued by the Department, or designated representative, shall be on CF-FSP Form 5252, April 2006, Florida Director Credential Certificate. CF-FSP Form 5252, April 2006, is issued to participants upon meeting the requirements of issuance for a Director Credential.

- (A) Each Child Care Facility must have a credentialed Director who is on-site a majority of hours that the Child Care Facility is in operation, excluding weekends and evening hours when the Child Care Facility is in operation. Documentation of majority of hours must be maintained and available for review by the Local Licensing Agency.
- (B) An individual may not be the Director of two (2) or more Child Care Facilities that overlap in the hours of operation.
- (C) Every applicant for a license to operate a Child Care Facility or a license for a change of ownership of a Child Care Facility must document that the Director has an active Director Credential prior to issuance of the license.
- (D) Owners must notify the Local Licensing Agency within five (5) business days of the date when the Child Care Facility loses a credentialed Director or when there is a change of Director. The Local Licensing Agency may issue a provisional license, as provided for in Section 10.03 hereof, for a period not to exceed six (6) months for the Child Care Facility without a credentialed Director, provided that the Child Care Facility meets the requirements of the Rules and Regulations and the Ordinance. The effective date of the Provisional License shall be the first day the Child Care Facility is without a credentialed Director.
- (E) CF-FSP Form 5252 Florida Director Credential Certificate must be maintained at the Child Care Facility for review by the Local Licensing Agency.

NA **1.04(2) Exceptions:** The following exceptions to the Director Credential shall apply:

- (A) A credentialed Director is not required to be present during evening hours as defined in Florida Statutes, Section 402.302(7).
- (B) Pursuant to Florida Statutes, Section 402.305(1)(c), a credentialed Director may supervise multiple Before School and After School sites as outlined in Section 1.04(3) of the Rules and Regulations.

NA **1.04(3) Director Credential Requirements for Before School and After School sites:**

- (A) A credentialed Director may supervise multiple Before School and After School sites for a single organization as follows:

1. Three (3) sites regardless of the number of children enrolled; or
 2. More than three (3) sites if the combined total number of children enrolled at the sites does not exceed three hundred fifty (350). In calculating the total number of children enrolled, the number of children in the Before School and After School Program shall be calculated and viewed as separate programs.
- (B) When a credentialed Director is supervising multiple sites, the individual left in charge of the site during the Director's absence must meet the following requirements:
1. Be at least twenty-one (21) years of age;
 2. Have completed the approved forty (40)-clock-hour Introductory Child Care Training approved by the Department; and
 3. Have completed the Department's Part II specialized training course, Special Needs Appropriate Practices, or completed a minimum of eight (8) hours of in-service training in serving children with disabilities; or
 4. Have completed the Department's School-Age Appropriate Practices specialized training module.
- (C) Should Hillsborough County School District include four (4)-year old children in public Before School and After School programs, the Hillsborough County School District may participate in the multi-site supervision option. Should Hillsborough County School District serve four (4)-year old children in the Before School and After School Program, the program will be required to have a credentialed staff member pursuant to Section 1.02(8) of the Rules and Regulations in order to accommodate the four (4)-year old children.

NA **1.04(4) Director Credential Renewal:**

- (A) To maintain an active Director Credential at either level candidates must complete the renewal section of CF-FSP Form 5290, March 2009, Florida Child Care Director Credential and Renewal Application the requirements referenced on CF-FSP Form 5306, April 2006. The form may be obtained on the Department's website at www.myflfamilies.com/childcare.
- (B) Director Credential renewal, as documented on CF-FSP Form 5252 Florida Director Credential Certificate, is active for five (5) years from the date of issuance. The completed renewal application, including all required documentation, must be submitted to the Department for review and issuance of a Director Credential Renewal Certificate no earlier than one (1) year prior to the end of the active period of the Director Credential. The Director Credential renewal date is determined by the end date of the active period.

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

NA **1.04(5) Director Credential Training Providers:**

- (A) The Department is responsible for reviewing and approving "Overview of Child Care Management" courses offered through vocational-technical schools, community colleges and universities to determine if the requirements for the Director Credential coursework are met. The Department or its designated representative shall be responsible for reviewing and approving Training Providers as "compliant," "compliant/non-operational" or "noncompliant." The Department will accept a Director/administrator credential/certificate that has been issued by another state agency which authorizes an individual to be a Director of a Child Care Facility in that state, subject to approval by the Department of Children and Families. Third- party issuances of such credentials/certificates will not be accepted. Applications for new coursework will no longer be accepted by the Department. A list of approved "Overview of Child Care Management" courses may be obtained on the Department's website at www.myflfamilies.com/childcare.
- (B) All college level coursework pertaining to the following content areas will be accepted as approved coursework towards the Advanced Level Director Credential requirements:
1. Child Care and Education Organizational Leadership and Management; and
 - a. Child Care and Education Financial and Legal Issues; and/or
 - b. Child Care and Education Programming.

FC **1.05 Minimum Age Requirements:**

- FC **1.05(1)** The Operator of a Child Care Facility must be at least twenty-one (21) years of age. In the absence of the Operator, there must be a Child Care Personnel twenty-one (21) years of age or older in charge of the Child Care Facility and on the premises at all times.
- FC **1.05(2)** All Child Care Personnel, other than the Operator, in direct supervision of children must be at least eighteen (18) years of age. All Child Personnel who are at least sixteen (16) years of age, but less than eighteen (18) years of age, must be under the direct supervision of screened Child Care Personnel.

- FC **1.05(3)** A Substitute who is placed in charge of a group of children must be at least eighteen (18) years of age. Substitutes must be sixteen (16) years of age or older to be counted in the Child Care Personnel-to-children ratio and be under the Direct Supervision of screened Child Care Personnel. Substitutes must meet training requirements of Child Care Personnel.
- FC **1.05(4)** If exempt from screening, a Volunteer must be under direct and constant supervision of Child Care Personnel and must be sixteen (16) years of age or older to be counted in the Child Care Personnel to children ratio.

**SECTION 1.06 SHALL NOT APPLY TO EXEMPT CHILD CARE FACILITIES
EXEMPT FROM LICENSURE IN ACCORDANCE WITH FLORIDA STATUTES
SECTION 402.316 AND THE ORDINANCE WHERE SECTION 1.06 OF THE RULES
AND REGULATIONS IS IN CONFLICT WITH RELIGIOUS TEACHING OR
PRINCIPLES.**

FC **1.06** **Child Discipline:**

- FC **1.06(1)** Providers must have a comprehensive discipline policy that includes developmentally appropriate social-emotional and behavioral health promotion practices as well as discipline and intervention procedures that provide specific guidance on what Child Care Personnel should do to prevent and respond to challenging behaviors. The Child Care Facility Operators, employee, Substitutes, and Volunteers must comply with written disciplinary and expulsion policies. The following discipline techniques shall be prohibited in the Child Care Facility:

- (1) The use of corporal punishment, including but not limited to,
 - a. Hitting, spanking, shaking, slapping, twisting, pulling, squeezing, or biting;
 - b. Demanding excessive physical exercise, excessive rest, or strenuous or bizarre postures;
 - c. Compelling a child to eat or have in his/her mouth soap, food, spices, or foreign substances;
 - d. Exposing a child to extreme temperatures;
 - e. Rough or harsh handling of children, including but not limited to, lifting or jerking by one (1) or both arms, pushing, forcing or restricting movement, lifting or moving by grasping clothing, covering a child's head.
- (2) Isolating a child in an adjacent room, hallway, closet, darkened area, play area, or any other area where the child cannot be seen or supervised.
- (3) Binding, tying or restricting movement, or taping the mouth.

- (4) Using or withholding food or beverage as punishment.
- (5) Toilet training methods that would demean, punish or humiliate a child.
- (6) Any form of emotional abuse, including rejecting, terrorizing, extended ignoring, isolating, or corrupting a child.
- (7) Any abuse or maltreatment of a child.
- (8) Abusive, profane or sarcastic language or verbal abuse, threats, or derogatory remarks made in front of the child or about the child or the child's family.
- (9) Placing a child in a crib/portable crib for a time out or for disciplinary reasons.
- (10) Children may not be completely denied active indoor and/or outdoor play as a consequence of misbehavior.
- (11) Child Care Personnel must appropriately interact with children to foster a healthy, safe environment that will encourage the child's physical, intellectual, motor, and social development. Interactions with children that are aggressive, demeaning or intimidating in nature are strictly prohibited.

FC **1.06(2)** Prior to admission of a child to a Child Care Facility, the Child Care Facility shall notify the Parent, in writing, of the disciplinary and expulsion practices used by the Child Care Facility. The specific types of discipline used for each age group must be included in the written material provided to Parent. Verification that the Child Care Facility has provided the Parent a copy of the disciplinary and expulsion practices shall be documented on the enrollment form or an equivalent form with the signature of the Parent.—A copy of the Child Care Facility's current written disciplinary and expulsion practices must be available to the Local Licensing Agency to review for compliance with Florida Statutes, Section 402.305(12).

FC **1.07** **Supervision of Children in Care:**

FC **1.07(1)** Direct supervision means actively watching and directing children's activities: within close proximity, within the same room or designated play area, both indoors and outdoors and responding to each child's needs. Child Care Personnel at a Child Care Facility must be assigned to provide direct supervision to a specific group of children and be present with that group of children at all times including, but not limited to, during meals and snack time. A child must never be left inside or outside the facility, in a vehicle, or at a field trip location by himself/herself. When caring for School-Age Children, Child Care Personnel shall remain responsible for the supervision of the children in care and shall be capable of responding to emergencies, and are accountable for children at all times, including those times when children are separated from their groups. School-age personnel must know where the children are and what they are doing at all times.

Supervision standards apply at all times away from the Child Care Facility, during fieldtrips, outdoor play, and when picking up or dropping off children at designated locations, such as bus stops, school or a child's home. Children that are delivered to a location off-site from the facility by someone other than the Parent or legal guardian become the responsibility of the child care program at that designated location and time as agreed upon by the provider and the Parent/legal guardian. The provider is responsible for the supervision of the child upon the child's arrival at the designated point. If a child is not present at the time of pick-up, prior to leaving the designated location, Child Care Personnel must verify the whereabouts of the child.

- FC **1.07(2)** During nap time, if there are no Infants or Toddlers present, Direct Supervision means sufficient Child Care Personnel watching in close proximity, within sight and hearing of all children. In order to meet the required Child Care Personnel-to-children ratio, all other Child Care Personnel shall be within the same building on the same floor and be readily accessible and available to be summoned to ensure the safety of the children. During nap time, if Infants and Toddlers are present, the children must be directly supervised at all times as provided in Section 1.07(1) above.
- FC **1.07(3)** Parents/legal guardians must provide prior written documentation to the program that identifies all individuals who are authorized to pick up the child from the program, prior to the release of the child from the program to that individual. The program must verify the individual picking up the child is authorized by using a picture form of identification. Each child transported must be dropped off at the designated location as agreed upon in writing, by the provider and the custodial parent/legal guardian, and must be released to an authorized individual.
- FC **1.08** **Ratio of Child Care Personnel to Children:** The following Child Care Personnel- to-children ratios set forth in Sections 1.08(1) through 1.08(6) of the Rules and Regulations are based on Child Care Personnel having primary responsibility for the direct supervision of children and apply at all times while children are in care at the Child Care Facility. Additional Child Care Personnel are required for swimming activities as provided for in Section 1.08(6) of the Rules and Regulations. In addition to the number of Child Care Personnel required to meet the Child Care Personnel-to-children ratios, one (1) additional adult must also be present on all Field Trips away from the Child Care Facility to assist in providing Direct Supervision and responding to each child's needs. The additional adult could be a Parent Volunteer as long as that person is under direct and constant supervision of a screened and trained staff member.
- FC **1.08(1)** The following are the minimum required Child Care Personnel-to-children ratios:

Age of Children:

Under one (1) year of age	One (1) Child Care Personnel for four (4) children
At least one (1) year of age but under two (2) years	One (1) Child Care Personnel for six (6) children
At least two (2) years of age but under three (3) years	One (1) Child Care Personnel for eleven (11) children
At least three (3) years of age but under four (4) years	One (1) Child Care Personnel for fifteen (15) children
At least four (4) years of age but under five (5) years	One (1) Child Care Personnel for twenty (20) children
At least five (5) years of age and older	One (1) Child Care Personnel for twenty-five (25) children

- FC **1.08(2)** At all times, in groups of mixed age ranges, where any Infants, Toddlers or two (2)-year old children are included, the Child Care Personnel-to-children ratio for that group shall be determined by the age of the youngest child in the group. Where any Infants, Toddlers or two (2)-year old children are not included, the Child Care Personnel-to-children ratio for that group shall be based on the age group with the largest number of children within the group. When equal numbers of children in each age group are in care the most restrictive Child Care Personnel-to-children ratio shall apply.
- FC **1.08(3)** There shall be an arrangement for another Child Care Personnel or Substitute to be readily available to replace the Child Care Personnel in charge in case of an emergency.
- FC **1.08(4)** If children and children with special needs are in care, it may be necessary for the Operator to make an adjustment in the Child Care Personnel-to-children ratio to insure adequate and proper care of all the children in care. Any such adjustment shall be determined by the Local Licensing Agency and communicated to the Operator.
- FC **1.08(5)** An individual while participating in a community service work experience activity under Florida Statutes, Section 445.024(1)(d), or a work experience activity under Florida Statutes, Section 445.024(1)(e), at a Child Care Facility may not be considered in calculating the Child Care Personnel-to-children ratio.

FC **1.08(6)** When transporting children, staff-to-child ratios must be maintained at all times. The driver may be included in the staff-to-child ratio if he or she meets the screening and training requirements.

FC **1.08(7) Swimming Activities:** The following requirements do not apply to professional aquatic classes.

- (A) If a Child Care Facility has an on-site pool, there must be present on the premises at all times at least one (1) Child Care Personnel who has completed the American Red Cross Community Water Safety Course, or its equivalent, as determined by the Local Licensing Agency for every fifty (50) children, or fraction thereof, in attendance.
- (B) All Child Care Personnel included in the ratios below at an off-site or on-site swimming activity including, but not limited to, beach or lake activities, must have a current certificate of completion for first aid, pediatric CPR, and the American Red Cross Community Water Safety Course, or its equivalent, as determined by the Local Licensing Agency.
- (C) For swimming pools of an average depth of eighteen (18) inches or less no lifeguard is required and the following supervisory ratios apply:

Age of Children:

Infants	One (1) Child Care Personnel for one (1) child
Toddlers	One (1) Child Care Personnel for three (3) children
Age two (2)	One (1) Child Care Personnel for four (4) children
Ages three (3), four (4), five (5) and higher	One (1) Child Care Personnel for ten (10) children

- (D) For all swimming areas other than the swimming pools described in Section 1.08(6)(C), above, the following rules apply:
 - 1. The ratio for certified lifeguards is one (1) lifeguard per thirty-five (35) children. If there are less than thirty-five (35) children, one (1) lifeguard is still required;
 - 2. An evacuation plan and an emergency plan must be developed by the Child Care Facility and approved by the Local Licensing Agency. For Child Care Facilities with on-site pools, a log must be kept indicating that this plan has been practiced every two (2) weeks when the pool is in use;

3. Children must be in shallow water (no higher than chest deep on the child or less) or be safe swimmers unless there is one (1) Child Care Personnel engaged in the water with each child. A safe swimmer is defined as a child who can swim the length of the pool comfortably taking breaths as he or she goes; and
4. Supervisory ratios for water activities do not include the lifeguard. Water staff Child Care Personnel is responsible for directly supervising children in the water. Constant and active supervision must be maintained when any child is in or around water. During water play activities, the supervising adult(s) must be within an arm's length providing "touch supervision." Rovers are Child Care Personnel who are directly supervising children in the pool area, water or bathroom/locker in the pool area. There must be one (1) rover for each group listed below, except as indicated in Subparagraph (e), below. The following supervisory ratios shall apply for all water activities:
 - a. For children under two (2) years old, there shall be one (1) water staff for each child;
 - b. For children at least two (2) years old but less than three (3) years old, there shall be one (1) water staff for every eight (8) children involved;
 - c. For children at least three (3) years old but less than four (4) years old, there shall be one (1) water staff for every fifteen (15) children involved;
 - d. For children at least four (4) years old but less than five (5) years old, there shall be one (1) water staff for every twenty (20) children involved; and
 - e. For children who are at least five (5) years old and older, there shall be one (1) water staff supervising for every twenty-five (25) children involved. If there are less than ten (10) children in this age category, then only one (1) water staff is required.

2.01 General Requirements:

- FC **2.01(1)** All Child Care Facilities (indoor and outdoor) shall be inspected daily for basic health and safety. Facilities shall be maintained in a state of good repair, free from health and safety hazards, clean and free from vermin infestation. Child Care Providers must adopt a pest management program to ensure long-term pest suppression to include pest control, sanitation, clutter control, and elimination of conditions that are conducive to pest infestations. During the hours that a Child Care Facility is in operation, no portion of the building or premises shall be used for any business or

purpose unrelated to providing child care that can interfere with compliance with child care standards or permit the presence of individuals who do not meet screening and training requirements when children are present. A Child Care Facility that utilizes any area(s) that is subject to use by persons outside of the program must have exclusive control of such area when used by the program and provide effective measures to exclude individuals who do not meet screening and training requirements from that area.–All areas and surfaces or items accessible to children shall be free of toxic or hazardous materials and pose no threat to the health and safety of the children or staff.

Animals and/or fowl must be properly immunized and documentation regarding vaccinations shall be maintained at the Child Care Facility. Animals that are poisonous, venomous, pose a potential threat of harm to children, been declared dangerous, and/or aggressive in nature are prohibited¹. The animals and/or fowl must be free of disease, clean and create no health or safety hazard. The Parent must be informed in writing of all animals on the premises. Such information may be provided by way of conspicuously posted notice or bulletin, policy of Rules and Regulations, Parent flier, or a statement included on the enrollment form. Documentation of current immunizations must be available for review upon request by the licensing authority. Animals are prohibited in areas where food is prepared. If animals or birds are kept in classrooms as pets, they shall be caged away from the food storage and preparation of service areas and cages kept clean. No animal may freely roam the indoor/outdoor premises. Children must be properly supervised at all times and never left alone with any animal, pet or fowl.

- FC **2.01(2)** All Child Care Facilities shall conform to all State, County and local building, zoning, fire safety codes and regulations. All Child Care Facilities shall meet the health and sanitation requirements as shown on Form HC CCL 121. Pursuant to Florida Statutes, Section 402.305(5), child care programs for School-Age Children operated in public school facilities, regardless of the Operator, shall follow as a minimum the standards set forth by the State Uniform Building Code for Public Educational Facilities Construction and any applicable local fire authority requirement(s). All Child Care Facilities shall, on an annual basis, file with the Local Licensing Agency documentation indicating compliance with the applicable fire codes. All Child Care Facilities that have a well system must maintain current written records indicating that the well system meets the requirements of the Department of Health on an annual basis. Design and construction of a new Child Care Facility or modifications to an existing facility must meet the requirements of the applicable local governing body. This includes construction of a new building; renovation of an older building; or after a natural disaster.

¹ In order to protect the health, safety, and well-being of children in care, the list of animals, fowls, or pets that are prohibited during operational hours, includes but is not limited to: (1) constrictor snakes such as anacondas, pythons, and boas, and other large bred species; (2) Class I or II exotic animals as outlined in Florida Administrative Code Ann. 68A-6.002; and (3) poisonous reptiles, insects, and amphibians. Animals that may pose a potential risk of serious injury to a child if bitten or attacked based on their size and weigh shall be secured in a manner ensuring their safety at all times. (Please note for informational purposes only the U.S. Department of Health and Human Services data citing the Center for Disease Control, "Dog Bite Related Fatalities," US, 1995-1996, MMWR Weekly, May 30, 1997/46, 463-466 and "Nonfatal Dog Bite Related Injuries Treated in Emergency Departments," US, 2001, MMWR Weekly, July 4, 2003/52(26); and 605-619.

2.01(3) Rooms Occupied By Children:

- SC (A) All rooms must have and maintain lighting the equivalent of sixty (60) foot-candles at three (3) feet from the floor to allow for supervision and for safe methods of entering and exiting each room. At all times, lighting must be sufficient to allow children to be observed and supervised, including during naptime.
- FC (B) An inside minimal temperature of sixty-five (65°F) degrees Fahrenheit (65°F) to eighty degrees Fahrenheit (80°F) must be maintained at all times.
- SC (C) All rooms shall be adequately ventilated. If windows are present, they shall be operable except in air conditioned or mechanically ventilated buildings. All operable windows and doors that are open shall be securely screened and properly maintained.
- NA (D) The Child Care Facility shall not care for Infants above the first floor. Areas where Infants are cared for shall be accessible to ground level for purposes of evacuation.
- FC **2.01(4)** All potentially harmful items including, but not limited to, cleaning supplies, flammable products and poisonous, toxic or hazardous materials must be labeled. These items including knives, sharp tools and other potentially dangerous hazards shall be stored in a locked cabinet in locations inaccessible to children in care and shall be stored in a manner as to ensure the safety of children. Bathtubs, buckets, diaper pails, and other open containers of water must be emptied immediately after use.
- FC **2.01(5)** No firearms or weapons as defined in Florida Statutes, Section 790.001, shall be allowed or kept within any building or conveyance, or upon any person located on the premises, excluding federal, State, or local Law Enforcement Officers.
- FC **2.01(6)** Smoking is prohibited within the Child Care Facility and all outdoor play areas, during field trips, and in vehicles when being used to transport children. Owners/Operators are required to notify custodial parents and legal guardians in writing, that smoking, including e-cigarettes, is prohibited on the premises of the Child Care Facility.
- FC **2.01(7)** No narcotics, alcohol or other impairing drugs shall be present on the premises.
- SC **2.01(8)** All areas of the Child Care Facility are to be kept clean and in good repair. Cleaning shall not take place while rooms are occupied by children except for general clean-up activities which are part of the daily routine.

- FC **2.01(9)** All accessible electrical outlets must be “tamper resistant electrical outlets” that contain internal shutter mechanisms to prevent children from sticking objects into receptacles. In settings that do not have “tamper resistant electrical outlets,” outlets shall have safety covers.
- FC **2.01(10)** Guardrails or protective barriers, such as baby gates, must be provided at open sides of stairs, ramps, and other walking surfaces from which there is more than a thirty (30) inch vertical distance to fall.
- FC **2.01(11)** Televisions must be anchored or mounted to prevent tipping over.
- FC **2.01(12)** Indoor climbing structures require padding or carpet for landing.
- FC **2.01(13)** Bathtubs, buckets, diaper pails, and other open containers of water must be emptied immediately after use.

2.02 **Indoor Floor Space:**

- SC **2.02(1)** A Child Care Facility that held a valid license on October 1, 1992, must have a minimum of twenty (20) square feet of usable indoor floor space for each child. This standard applies as long as the Child Care Facility remains continuously licensed at the site occupied on October 1, 1992, and shall not be affected by any change in the ownership of the site. A Child Care Facility that did not hold a valid license on October 1, 1992, and seeks regulatory approval to operate as a Child Care Facility must have a minimum of thirty-five (35) square feet of usable indoor floor space for each child. The square footage requirements for usable indoor floor space under specific circumstances, and with the proper documentation are determined as follows:
- (A) A Child Care Facility which holds a license prior to October 1, 1992, but physically expands or adds to the existing physical structure must comply with the thirty-five (35) square feet per child requirement for the new area if the building permit for the expansion was issued after October 1, 1992.
- (B) The usable indoor floor space requirement calculated at twenty (20) square feet will not be affected by a change in ownership due to the sale of an existing Child Care Facility which held a license prior to October 1, 1992, and which has been continuously licensed.
- (C) Usable indoor floor space refers to that space available for indoor play, classroom, work area, or nap space. Usable indoor floor space for the Child Care Facility as a whole is calculated by measuring at floor level from interior walls and by deleting space for stairways, toilets and bath facilities, permanent fixtures and non-movable furniture. Kitchens, and designated food preparation areas, offices, laundry rooms, storage areas, hallways and other areas not used in normal day-to-day operations are not included when calculating usable indoor floor space. Each room routinely

used as a classroom must provide the minimum square footage per child as defined in this Section.

- (D) Shelves or storage for toys and other materials shall be considered as usable indoor floor space, if accessible to children.
- (E) The capacity, as calculated by the Local Licensing Agency for each room, must be posted in a conspicuous location within the room. When common or multi-purpose rooms are used for dining or occasional large group assembly activities and special events, the applicable twenty (20) or thirty-five (35) square feet requirement of usable space for each child does not apply for that period of time only; however, the Child Care Facility must maintain minimum square footage per child in accordance with the local fire authority requirements. Supervision and ratio requirements still apply during the times this area is in use. A multi-purpose room is defined as a space that is used as a common dining area or for large group assemblies/activities that is included in the usable indoor floor space for purposes of determining overall facility capacity. A multi-purpose rooms' square footage may not be counted in such a manner as to expand the capacity of individual rooms in the facility. Square footage per child and room capacity are determined on a room-by-room basis. Common area square footage may not be counted toward the facility's overall capacity, unless the space is used regularly and other classroom capacity requirements are not exceeded.
- (F) Infants shall have open indoor floor space outside of cribs and playpens. The space used for play may be interchangeable with space used for cribs and playpens.
- (G) A School-Age Child Care Program may request, in writing, to the Local Licensing Agency for permission to operate under an exception to all the usable indoor floor space requirements. The written request shall include a justification warranting the exception and a plan to accommodate all children in care during instances of inclement weather.

2.03 Outdoor Play Space:

- SC **2.03(1)** There shall be a minimum of one hundred (100) square feet of usable, safe and sanitary outdoor play area per child. A minimum play area shall be provided for one-half of the capacity, but shall be not less than one thousand (1,000) square feet. If the minimum play area is calculated at half (1/2) of the capacity, then only half (1/2) capacity of children may be allowed in the outdoor play area. The Owner or applicant may request in writing to the Local Licensing Agency that the minimum standard for outdoor play area shall not apply in calculating square footage for Infants provided that there is a separate outside space of a minimum of four hundred (400) square feet containing the appropriate outdoor Infant(s) equipment conducive to physical activities appropriate for the age and physical development of the Infant(s). This space shall not be counted in the calculations of the Child Care Facility's outdoor square footage. Infants in care shall be provided opportunities for outdoor time each day that weather permits. Based on the outdoor square footage, the total number of

children using the play area may not exceed the outdoor capacity.

- FC **2.03(2)** The outdoor play area shall be clean, free of litter, nails, glass, and other hazards.
- SC **2.03(3)** Outdoor play areas shall provide adequate shade to allow groups of children to be protected from direct sunlight. A permanent shade structure must be provided for this purpose.
- FC **2.03(4)** During outdoor play, Child Care Personnel must situate themselves in the outdoor play area so that all children can be observed and Direct Supervision provided.
- FC **2.03(5)** The outdoor play areas shall have and maintain a safe and adequate fence or wall at a minimum of four (4) feet in height unless otherwise specified by the Local Licensing Agency. All fencing, including gates, must be continuous and shall not have gaps that would allow any child to exit the outdoor play area. Outdoor fencing must have at least two (2) exits, with at least one (1) being remote from the buildings. If the outdoor area was approved for use prior to the effective date of this rule, no new exits are required. However, if the outdoor fencing is changed, then the standard would apply and two (2) exits must be provided. The base of the fence must remain at ground level free from erosion or build-up to prevent inside or outside access by children or animals.
- NA **2.03(6)** A School-Age Child Care Program may request, in writing, to the Local Licensing Agency permission to operate under an exception to the fence, wall and/or gate requirements provided all of the following provisions are met:
- (A) The children using the outdoor play area are School-Age Children; and
 - (B) In addition to requirements set forth in Section 1.08 of the Rules and Regulations regarding Personnel-to-child ratios, for the purpose of safety, an additional Staff Member is present at all times during outdoor activities to assist in providing Direct Supervision; and
 - (C) The outdoor play area is bordered by a road or street open to travel by the public with a posted or un posted speed limit of no more than twenty-five (25) miles per hour, or where the posted or unposted speed limit is no greater than thirty-five (35) miles per hour and the playground is a minimum of thirty (30) feet from the edge of the road; and
 - (D) The Local Licensing Agency has provided written authorization to the program to operate without a fence, wall and/or gate.
 - (E) If at any time one (1) or more of the required conditions listed above are not satisfied, the exceptions shall be automatically deemed terminated.

- FC **2.03(7)** All water hazards such as pools, swimming pools, wading pools, ditches, fish and retention ponds, etc., shall be adequately fenced in accordance with accepted safety practices and local ordinances. This fence shall be at least six (6) feet in height. All gates leading to water hazards must be locked.
- FC **2.03(8)** Any swimming pool or wading pool used by a Child Care Facility must be constructed and operated in compliance with applicable County and local building standards and codes and in compliance with Chapter 64E-9, Florida Administrative Code, Swimming Pools and Bathing Places. Providers must ensure that all pools have drain covers that are in compliance with the Virginia Graeme Baker Pool and Spa Safety Act, as referenced in Caring for Our Children Basic Health and Safety Foundation for Early Care and Education.
- FC **2.03(9)** Each swimming pool more than six (6) feet in width, length, or diameter must be provided with a ring buoy and rope, a rescue tube, or a throwing line and a shepherd's hook that will not conduct electricity. This equipment must be long enough to reach the center of the pool, kept in good repair, and stored safely and conveniently for immediate use. Child Care Personnel must be trained on the proper use of this equipment and have proof of training on file at the Child Care Facility.
- SC **2.04 Napping Space:**
- SC **2.04(1)** Each Child Care Facility must include a designated napping area where a child can sit quietly or lie down to rest or nap. When not in use, napping space and usable indoor floor space may be used interchangeably. Napping refers to a brief period of rest during daylight or early evening hours.
- SC **2.04(2)** Each child in care, except for children in a School-Age Child Care Program, must be provided safe and sanitary bedding which must be used when the child is napping. Bedding means a cot, bed, crib, playpen, or floor mat. Floor mats must be at least one (1) inch thick and covered with an impermeable surface which is cleaned and sanitized or disinfected after each use. The correct fitting mattress in all cribs, portable cribs or playpens must be securely covered by tight fitted sheets with no excess bedding, which includes, but is not limited to: bumper pads, hanging mobiles, quilts, comforters, pillows, stuffed animals, and cushions. Bedding must be appropriate for the child's size. Bedding is not required for School-Age Children; however, the Child Care Facility shall provide an area as described in Section 2.04(1) of the Rules and Regulations for those children choosing to rest.
- SC **2.04(3)** Linens used on bedding must be individually assigned and laundered at least once a week and more often if soiled or dirty. Children's wet or soiled bedding must be changed promptly. Linens must be stored in a sanitary manner which prevents the spread of germs or lice from other linens. Bedding and linens shall not be stored in the bathroom, unless store in closed cabinets.

- FC **2.04(4)** A minimum distance of eighteen (18) inches must be maintained around individual napping spaces, except a maximum of two (2) sides of a napping or sleeping space may be against a stable barrier, such as a wall. The solid side of a crib does not meet the requirement of a stable barrier. Napping and sleeping spaces shall not be under furniture or against furniture that may create a hazard. All exit areas must remain clear and unobstructed at all times in accordance with State Uniform Fire Safety Standards and any applicable local fire authority requirements.
- FC **2.04(5)** No double or multi-decked cribs, cots or beds may be used.
- NA **2.04(6)** Each Infant must be in his or her own crib, portable crib or playpen with sides. When napping or sleeping, Infants who are not capable of rolling over on their own should be positioned on their backs and on a firm surface to reduce the risk of Sudden Infant Death Syndrome (SIDS), unless an alternate position is authorized in writing by a physician. This documentation must be maintained in the child's record. Crib sides must be raised and secured while an Infant is in the crib and crib bar spacing must not exceed two three-eighths (2 3/8) inches. All cribs must meet federal construction regulations, as outlined in Title 16, Parts 1219 and 1220, Code of Federal Regulations, December 28, 2010. A copy may be obtained from the Department's website www.mvflorida.com/childcare.
- FC **2.04(7)** Cribs, playpens and other sleeping bedding must be placed away from window blinds, draperies, or any window treatments/covers that pose a strangulation hazard.
- FC **2.04(8)** All personnel that care for Infants must follow safe sleep practices.

2.05 Toilet and Bath Facilities:

- SC **2.05(1)** Each Child Care Facility must have and maintain conveniently located toilet and bath facilities which are easily accessible to the children in care. The toilet and bath facilities must be maintained in a sanitary condition and properly supplied.
- FC **2.05(1)(a)** For children ages two (2) to five (5) years of age, bathrooms must be in the classroom, or adjacent to the classroom, with a doorway cut that provides access to the bathroom.
- NA **2.05(2)** Any Child Care Facility licensed after 1989 shall have one (1) toilet with a seat and one (1) sink for every fifteen (15) children in care, or as mandated by the regulations of the County Construction Code or building and plumbing codes of the local jurisdiction, if applicable. Child Care Facilities licensed prior to 1989 must have one (1) toilet and one (1) sink for the first fifteen (15) children and one (1) toilet and one (1) sink for every thirty (30) children thereafter. Child Care Facilities whose capacities increase must meet all applicable State and Hillsborough County Construction, Building and/or Plumbing Codes. Potty chairs, if used, shall be in addition to the toilet requirements and shall be cleaned and sanitized or disinfected

after each use. If only diapered Infants are in care at the facility, then one (1) toilet and two (2) sinks per thirty (30) Infants shall be required.

- FC **2.05(3)** Each Child Care Facility utilized by a School-Age Child Care Program for one (1) to fifteen (15) children shall at a minimum have one (1) toilet and one (1) sink. There shall be a minimum of one (1) additional toilet and one (1) sink for every thirty (30) children, thereafter. For design and construction of a new Child Care Facility or modification to an existing Child Care Facility, Section 2.01(2) of the Rules and Regulations shall apply.
- FC **2.05(4)** No toilet facility shall open directly into an area where food is prepared. Where the indoor play space also serves as the dining area, and the children are closely supervised while using toilet and bath facilities, a toilet facility may open directly into areas where food is served.
- SC **2.05(5)** Toilets and sinks shall be constructed at such a level as to allow the children to conveniently use them. If toilets or sinks are not installed at this level, a platform shall be constructed. Platforms must be safely constructed, use non-porous covering, and be easily cleaned and sanitized or disinfected.
- FC **2.05(6)** Children must receive supervision and care in accordance with their age and required needs and be accounted for at all times while bathing or toileting.
- NA **2.05(7)** At least one (1) portable or permanent bath facility shall be provided and available at the Child Care Facility for bathing children, unless the Child Care Facility serves School-Age Children exclusively. The portable or permanent bath facility shall be emptied, cleaned and sanitized or disinfected after each use.
- FC **2.05(8)** Running water, toilet paper, single use disposable towels, soap and trash receptacles shall be available and within reach of children using the toileting facility. Single use disposable towels or automatic hand drying devices that are properly installed and maintained are required.
- FC **2.05(9)** Each basin and toilet must be maintained in good operating condition, cleaned and sanitized or disinfected, as needed, and at least once per day. After each diapering or toileting procedure, all surfaces touched shall be cleaned and sanitized or disinfected to prevent the spread of germs.
- FC **2.05(10)** Children's wet or soiled clothing shall be changed promptly.
- SC **2.06** **Isolation Area:** Each Child Care Facility must include a designated area away from other children for a child who becomes ill at the Child Care Facility. Such space shall be adequately ventilated and heated, and equipped with a bed, cot or mat, and materials that can be cleaned and sanitized or disinfected easily. Linens and disposables shall be changed after each use. Until cleaned or disposed, used linens and disposables shall be kept in a closed container in the isolation area. Disposable items shall be kept

in a closed container in the isolation area until thrown away.

FC **2.07 Fire and Emergency Safety:**

FC **2.07(1)** Unless statutorily exempted, all Child Care Facilities shall conform to State standards adopted by the State Fire Marshal, Chapter 69A-36, Florida Administrative Code, Uniform Standards for Life Safety and Fire Prevention in Child Care Facilities and shall be inspected annually. A copy of the current and approved annual fire inspection report by a certified fire inspector must be on file with the Local Licensing Agency, along with valid proof of payment for the fire inspection(s) and fire inspection report. It is the responsibility of the Owner and/or Operator to ensure all areas and equipment of the Child Care Facility are free from fire hazards, such as lint build up in heating and air vents, filters, exhaust fans, ceiling fans, and dryer vents. All fire exits must be clearly marked – if illuminated, exit signs must be in working order. Fire exits must never be blocked.

FC **2.07(2)** The Child Care Facility must properly maintain fire extinguishers at all times with a minimum rating of 2A10BC. All staff shall be trained in and be proficient in the use and operation of a fire extinguisher within thirty (30) days of employment. The facility must maintain documentation that all staff have completed training. Travel distance shall not be more than seventy-five (75) feet from rooms occupied by children. A fire extinguisher must be present in areas where food is prepared.

FC **2.07(3)** Fire drills shall be conducted monthly and maintained on file for a minimum of two (2) years. All fire drills must be conducted at various dates and times when children are in care. A current attendance record/daily roster must accompany staff out of the building during a drill or actual emergency evacuation and be used to account for all children at the safe space after exiting and returning to the program. The fire drills conducted must include, at a minimum:

(A) One (1) fire drill during the established napping and/or sleeping times;

(B) One (1) fire drill using a different and alternate evacuation route, and

(C) One (1) fire drill in the presence of and at the request of the Local Licensing Agency in coordination with the Operator or designee. When the Child Care Facility's fire alarm is activated, all adults and children must evacuate the Child Care Facility.

FC **2.07(4)** The Operator shall develop a written emergency preparedness plan to include, at a minimum, procedures to be taken by the Child Care Facility during a fire, lockdown and inclement weather for example; hurricanes, tropical storms or tornadoes, and to facilitate Parent/legal guardian reunification. The plan shall describe how the facility will meet the needs of all children, including children with special needs, during and following an emergency event as well as how the facility will notify and update Parents in the event of an emergency. Emergency preparedness drills shall be conducted when children are in care. Each drill, excluding 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 two (2) years. A current attendance record must accompany staff during the drill or actual emergency and must be used to account for all children.

2.07(5) The Operator shall prepare and post an emergency evacuation plan in each room of the Child Care Facility including a diagram of safe routes by which the Child Care Personnel and children may exit in the event of fire or other emergency. The Operator is not required to post the emergency evacuation in restrooms.

2.07(6) Automatic range-top fire suppression systems are required in the kitchen for facilities that produce steam or grease laden vapors or shallow fry or deep fry food. Suppression hood systems must be maintained and inspected in accordance with the Florida Fire Prevention Code as adopted in Chapter 69A-60, F.A.C.

2.08 Health and Sanitation:

FC **2.08(1)** All Child Care Facilities shall conform to applicable State, County and local water and sewage building standards.

FC **2.08(2)** Rodents and vermin shall be exterminated. Pest control shall not take place while rooms are occupied by children.

FC **2.08(3)** Child Care Personnel, Volunteers, Substitutes and children shall wash their hands with soap and running water, drying thoroughly at least at the following times, and whenever hands are contaminated with body fluids such as:

- (A) Before food preparation, handling or serving;
- (B) After toileting or changing diapers;
- (C) After assisting a child with toilet use;
- (D) Before and after eating meals or snacks;
- (E) After handling pets or other animals;
- (F) Immediately after outdoor play;
- (G) Following personal hygiene procedures for themselves or when assisting others;
- (H) Following the use of any cleaners or toxic chemical; and
- (I) Before and after administering medication.

Single use gloves may be used when handling food or changing diapers, but they do not replace the requirement for hand washing as indicated above. The use of hand sanitizers does not substitute for hand washing. Handwashing procedures must be posted in all food preparation, diapering and toileting areas.

SC **2.08(4)** Safe drinking water shall be available to children of all ages indoors and outdoors throughout the day. For children above twenty-four (24) months of age, drinking water must be available in such a manner as to not require adult intervention. If drinking fountains are provided, they shall be slant type, protected fountains. The stream of water shall be above the protected lip and shall be sufficient for the child's needs. Sink/water fountain combinations are prohibited. If disposable cups are used, they must be discarded after each use. On hot days, bottle fed Infants may be given additional breast milk or formula mixed with water provided by Parent/legal guardian and with parental permission.

NA **2.08(5) Diapering Requirements:**

- (A) When Infants or children with special needs in diapers are in care, there shall be hand washing facilities, which include a sink with running water under pressure, soap and disposable towels or hand drying machines that are properly installed and maintained and a trash receptacle. The hand washing facility shall be in the room where Infants or children with special needs in diapers are in care.
- (B) When Infants and Toddlers are in care, hot running water shall be available in the Infant and Toddler area. Child Care Personnel will have access to a hand washing sink. Portable sinks are allowable. All surfaces touched shall be cleaned and sanitized or disinfected to prevent the spread of germs.
- (C) Hand washing sinks shall be used only for the washing of hands and not for cleaning and sanitizing of any other items or food service preparation or food clean up.
- (D) When children in diapers are in care, there shall be a diaper changing area with an impermeable surface which is cleaned and sanitized or disinfected with a sanitizing solution after each use. Children must be attended at all times when being diapered or when changing clothes. A safety strap or harness must not be used on the diaper changing table/surface.
- (E) Diaper changing shall be in a separate area from the feeding or food service area and/or the food preparation area. In addition, items unrelated to diaper changing shall not be stored in the diaper changing area, nor shall they be placed on the diaper changing table.
- (F) There shall be a supply of clean diapers, clothes and linens, at all times, which shall be changed or removed promptly when soiled or wet.

- (G) Soiled disposable diapers shall be disposed of in a plastic lined, securely covered container which is not accessible to children. The container shall be emptied, cleaned and sanitized or disinfected at least daily.
 - (H) Soiled cloth diapers shall be emptied of feces into the toilet and placed in a securely covered container which is not accessible to children. The container shall be emptied, cleaned and sanitized or disinfected at least daily.
 - (I) Diaper changing procedures must be posted in all diaper changing areas of the facility and followed to protect the health and safety of children and staff.
- FC **2.08(6)** Hot running water exceeding one hundred-ten degrees Fahrenheit (110° F) shall be located out of the reach of children except in School-Age Child Care Programs.
- FC **2.08(7)** For children ages zero (0) to two (2) years of age, diapering sinks are required in the classrooms.
- SC **2.09** **Equipment and Furnishings:**
- SC **2.09(1)** **Indoor Equipment:**
- (A) A Child Care Facility shall make available toys, equipment and furnishings suitable to each child's age and development and of a quantity for each child to be involved in activities.
 - (B) Toys, equipment, and furnishings must be sturdy, operable, safe and maintained in good repair and in sanitary condition and shall be cleaned and sanitized or disinfected immediately, if exposed to bodily fluids, such as saliva. Provider should monitor the Consumer Product Safety Commission (CPSC) recommendations for use of use of equipment and to ensure no recalls have been issued on toys, equipment and furnishings (www.cpsc.gov).
 - (C) Equipment, toys and supplies shall be accessible and arranged in an orderly fashion so that children may select, use and replace items. For children ages one (1) through five (5), the Child Care Facility shall provide an adequate variety of play materials and equipment or their equivalent which shall be representative of the categories below:
 - 1. Art, music and creative expression;
 - 2. Construction play materials such as blocks, sand, and water play;
 - 3. Early literacy and language materials;
 - 4. Science and math games and materials;

5. Gross motor and fine motor development materials; and
 6. Other materials that will enhance a child's development.
- (D) Infant equipment must allow for experience which encourages motor, language and cognitive development, such as soft and durable books, blocks, dolls, stuffed animals, mirrors and musical materials.
- (E) For School-Age Children an amount of equipment such as sports equipment, table games, books, and creative materials must be available and sufficient for the number of children and for the age group in care.
- SC **2.09(2) Outdoor Equipment:** A Child Care Facility shall provide and maintain equipment and play activities suitable to each child's age and development. All equipment must be installed safely and properly maintained. The equipment must be placed to ensure safe usage by children and allow for water drainage. Standing water in/on playground equipment is not allowed when children are present. Maintenance shall include, but not limited to, inspections, at least every month, of all supports above and below the ground, all connectors and moving parts of outdoor equipment. Documentation of maintenance inspections must be maintained at the Child Care Facility for at least two (2) years. All equipment, fences and objects on the Child Care Facility's premises shall be free of sharp, broken, and/or jagged edges and properly placed to prevent overcrowding or safety hazards in any one (1) area. Permanent or stationary playground equipment must have a minimum of six (6) inches in depth of loose ground cover (such as but not limited to: mulch, shredded rubber chips, or sand), or other shock absorbing protective surface, under the equipment and within the fall zone which provides resilience and is maintained to reduce the incidence of injuries to children in the event of falls. Asphalt, concrete, hard packed dirt, hay, grass or leaves are unsuitable for use in the fall zone areas. Metal and dark colored surfaces on equipment that children come into direct contact with, such as platforms and sliding boards, may not be utilized when in direct sunlight. All play equipment shall be securely anchored, unless portable by design, and in good repair in accordance with the most recent edition of Handbook for Public Safety, which is published by the U.S. Consumer Product Safety Commission.

SECTION 3. FIRST AID TREATMENT AND EMERGENCY PROCEDURES:

FC 3.01 CPR and First-Aid Training:

- FC **3.01(1)** All Child Care Facilities must have at least one (1) Child Care Personnel with a current and valid certificate of course completion for Infant and child cardiopulmonary resuscitation ("CPR") procedures for every fifty (50) children in care or fraction thereof. Child Care Personnel satisfying this training requirement shall be present at all times that children are in the care of the Child Care Facility, on Field Trips, and during all transportation activities. As of October 25, 2019, all staff must have current approved Pediatric CPR training. Certificates for course completion for Infant and child cardiopulmonary resuscitation training are valid according to time frames established by the organization providing the training and certification, not to exceed

three (3) years. Online CPR courses are not acceptable to meet this standard. Infant and child cardiopulmonary resuscitation training must be done by classroom instruction and must include an on-site instructor-based skills assessment by a certified CPR Instructor. Documentation that a Child Care Personnel has met the Infant and child cardiopulmonary resuscitation training requirement must be kept on-site at the Child Care Facility.

FC **3.01(2)** All Child Care Facilities must have at least one (1) Child Care Personnel for every fifty (50) children or fraction thereof who has completed a minimum of four (4) hours of First-Aid Training and who has a valid and current Certificate of Course Completion for First Aid Training. Child Care Personnel satisfying this training requirement must be present at all times when children are in the care of the Child Care Facility, on Field Trips, and during all transportation activities. All staff will be required to have proof of current approved first-aid training as of October 25, 2019.

(A) To satisfy the above requirement the First-Aid Training program must appear on the Department's list of approved First-Aid Training (Feb. 12, 1997); however, the Local Licensing Agency may approve other First-Aid Training programs that are nationally credentialed.

(B) First-Aid Training is valid for a maximum of three (3) years from the date such training is completed. Documentation that a Child Care Personnel has met the First-Aid Training requirement must be kept on-site at the Child Care Facility.

FC **3.02** **Supplies:** At least one (1) first aid kit containing materials to administer first aid must be maintained on the premises of all Child Care Facilities at all times. A first aid kit must also accompany Child Care Personnel when children are participating in Field Trips and other activities away from the facility. Each kit shall be a closed container and labeled "First Aid." The kits shall be accessible to Child Care Personnel at all times and kept out of the reach of children. If the first aid kit is stored in the food preparation area, it shall be stored in a manner to prevent contamination of food, food contact surfaces, or first aid supplies. At a minimum, each kit must include:

(A) Liquid Soap (to be used with water) and/or hand sanitizer (for use when water may not be available and only used with supervision);

(B) Adhesive bandages;

(C) Disposable, non-porous gloves;

(D) Cotton balls or applicators;

(E) Sterile gauze pads and rolls;

(F) Adhesive tape;

- (G) Digital thermometer;
- (H) Tweezers;
- (I) Pre-moistened wipes;
- (J) Scissors;
- (K) A current resource guide on first aid and CPR procedures; and
- (L) Bottled water for cleaning wounds or eyes.

FC **3.03 Emergency Procedures and Notification:**

FC **3.03(1) Accident/Incident Notification:** Parent shall be notified immediately in the event of any serious illness, accident, emergency or injury to their child. The specific instructions regarding the action to be taken under such circumstances shall be obtained when the Parent is notified and said action shall be followed. If the Parent cannot be reached, the Operator will contact those persons designated by the Parent to be contacted and shall follow the written instructions provided by the Parent on the Child's Enrollment/Information Form or an equivalent. In the event of serious injury or death, the incident must immediately be reported to the licensing authority.

FC **3.03(2) Written Instructions:** The Child Care Facility shall have written instructions from the Parent for Child Care Personnel to follow in arranging for immediate treatment in emergencies. These instructions must include:

- (A) Authorization for the Child Care Facility to seek medical treatment; and
- (B) Authorization for the health facility or physician to provide medical treatment as necessary.
- (C) Facilities must have in place a procedure for responding to situations when an immediate emergency response is required. Emergency procedures must be posted and readily available. All providers must be trained to manage an emergency. The following types of incidents must be addressed:
 - 1. Lost or missing child;
 - 2. Suspected maltreatment of a child;
 - 3. Injuries or illness requiring hospitalization or emergency treatment;
 - 4. Death of a child or staff member; and
 - 5. Presence of a threatening individual who attempts or succeeds in gaining entrance to the facility.

FC **3.04** **Corded Telephone and Required Telephone Numbers:** There shall be at least one (1) dedicated, operable corded telephone in the Child Care Facility which is neither locked, nor located at a pay station and which is available to all Child Care Personnel at all times during the hours of operation even in the event of a power outage. Emergency telephone numbers, including 911, ambulance, fire, police, poison control center, Florida Abuse Hotline and the Hillsborough County Health Department shall be posted on or near all Child Care Facility telephones. In addition, the Child Care Facility's address and directions to the Child Care Facility, including major intersections and local landmarks, must be posted on or near all Child Care Facility telephones. Emergency telephone numbers shall be used as necessary to protect the health, safety and well-being of any child in care.

FC **3.05** **Isolation:** Any child showing symptoms of illness during the day shall be removed from the group to the isolation area where he or she shall receive necessary attention. The isolated child must be within sight and hearing of a Child Care Personnel at all times. The child must be carefully observed for worsening conditions. The child must remain in the isolation area until such time as the Child Care Facility and the child's Parent can arrange the child's care elsewhere or until the child is capable to return to the group.

FC **3.06** **Communicable Diseases:**

FC **3.06(1)** **Signs and Symptoms:** Children in care shall be observed on a daily basis for signs of communicable disease. Any child who is suspected of having a communicable disease or exhibits other signs and symptoms, which include those listed below, shall be placed in the isolation area. The condition shall be reported to the Parent and the child shall be removed from the Child Care Facility, as soon as possible. For children whose symptoms do not require exclusion, verbal or written notification to the Parent/legal guardian at the end of the day is acceptable. If the health department or health care professional suspects that a child or staff member is contributing to the transmission of an illness, or is not adequately immunized during an outbreak of a vaccine-preventable disease, or the circulating pathogen poses an increased risk to the individual; the child or staff member may not return to the facility until the health department or health care professional determines the risk of transmission is no longer present and is able to provide written verification of such. Signs and symptoms of a suspected communicable disease include the following:

- (A) Severe coughing, causing the child to become red or blue in the face or to make a whooping sound;
- (B) Difficult or rapid breathing;
- (C) A stiff neck;
- (D) Diarrhea (more than one (1) abnormally loose stool within a twenty-four (24) hour period);

- (E) A temperature of one hundred-one degrees Fahrenheit (101°F) or higher taken by the auxiliary method when in combination with any other sign of illness; Any Infant younger than two (2) months of age with fever should get immediate medical attention;
 - (F) Conjunctivitis (Pink Eye);
 - (G) Exposed, open skin lesions;
 - (H) Head lice;
 - (I) Unusually dark urine and/or gray or white stool;
 - (J) Yellowish skin or eyes; and/or
 - (K) Any other unusual sign or symptom of illness.
- FC **3.06(2)** A child who has head lice will not be permitted to return until treatment has been accomplished. Treatment shall include the removal of all lice, lice eggs and egg cases. Verification shall be the physical inspection of the child. The Child Care Facility must also treat areas, equipment, toys and furnishings with which the child has been in contact.
- FC **3.06(3) Child Care Personnel:** Any Child Care Personnel or other person in the Child Care Facility who is suspected of having a communicable disease which includes any of the signs and symptoms described in Section 3.06(1), above, shall be removed from the Child Care Facility or placed in an isolation area until removed. Such person may not return without medical authorization or until the signs and symptoms are no longer present. Child Care Personnel who work in the food preparation area may not return until the signs and symptoms of the disease have not been present for forty-eight (48) hours.
- FC **3.06(4) Outbreaks:** Operators are required to notify the Hillsborough County Health Department immediately upon any suspected outbreak of a communicable disease in accordance with Chapter 64D-3, Florida Administrative Code, Communicable Disease Control and must follow the Health Department's direction. A suspected outbreak occurs when two (2) or more children or Child Care Personnel have the onset of similar signs or symptoms as outlined in Section 3.06(1), above, within a seventy two (72) hour period or when a case of a serious or reportable communicable disease is diagnosed or suspected on a child or any Child Care Personnel.
- (A) Directors must have a written plan regarding safety precautions in the event there is exposure to blood and potentially infectious agents.

FC **SECTION 4. NUTRITION, FOOD PREPARATION AND FOOD SERVICE:**

FC **4.01(1) Dietary Standards:** Child Care Facilities shall provide nutritious meals and snacks of a quantity and quality to supplement food served at home, so that the daily nutritional needs of the children are met. The most current version of the USDA My Plate June 2011, shall be used to determine what food groups to serve at each meal or snack and the serving size of the selected foods for children two (2) years of age and older. The "oils" and "discretionary calories" within the USDA My Plate cannot be counted as a food group. Copies of the USDA My Plate may be obtained from the USDA website at www.choosemyplate.gov. Using the USDA requirements, breakfast shall consist of at least three (3) different food groups; lunch and dinner shall consist of at least four (4) different food groups; and snacks shall consist of at least two (2) different food groups. Operators who participate in the USDA Food Program shall provide nutritious meals and snacks in accordance with the Department of Health and the USDA requirements.

4.01(2) If a facility chooses to provide food to children in care, directly or by contract with an outside source such as a Caterer, the food must be in sound condition, free from spoilage and contamination and safe for human consumption, and must be stored and handled in a sanitary manner at all times. The facility must have adequate equipment available to maintain food safety.

4.01(3)(a) Meat, poultry, fish, dairy products, and processed foods shall have been inspected under the USDA requirements.

4.01(3)(b) No raw milk or unpasteurized juice may be served without the written consent of the Parent or legal guardian.

4.01(3)(c) No home-canned food may be served.

4.01(3)(d) No home-grown eggs may be served.

4.01(3)(e) No recalled food products may be served.

4.01(3)(f) All raw fruits and vegetables shall be washed thoroughly before being served or cooked.

4.01(4) To prevent food from becoming potentially hazardous, hot foods shall be maintained at a temperature of one hundred thirty-five (135°F) degrees Fahrenheit or above, and cold foods shall be maintained at a temperature of forty-one degrees Fahrenheit (41°F) or below. The facility must supply adequate equipment to maintain temperature requirements.

4.01(5) Foods that comprise meals included on a facility's menu may not be prepared or partially prepared outside of the facility unless prepared by a Caterer or a licensed Child Care Facility under the same ownership that includes a food preparation area that meets licensing standards.

4.01(6) Food must be thoroughly cooked and or reheated according to the following table:

Food	Minimum Internal Temperature
Fruits, Vegetables, Grains, and Legumes	One hundred thirty-five degrees Fahrenheit (135° F)
Roasts (Fresh Beef, Pork and Lamb)	One hundred forty-five degrees Fahrenheit (145° F) [with a three (3) minute rest time]
Fish	One hundred forty-five degrees Fahrenheit (145° F)
Eggs	Cook until yolk and white are firm
Egg Dishes	One hundred sixty degrees Fahrenheit (160° F)

Food	Minimum Internal Temperature
Ground meats (beef, pork, and lamb) and fresh ham (raw)	One hundred sixty degrees Fahrenheit (160° F)
Poultry – whole, parts, or ground	One hundred sixty-five degrees Fahrenheit (165° F)
Leftovers	One hundred sixty-five degrees Fahrenheit (165° F)
Foods cooked in microwave	One hundred sixty-five degrees Fahrenheit (165° F)
Sauces, gravy, soups, casseroles	One hundred sixty-five degrees Fahrenheit (165° F)

4.01(7) If a facility chooses to provide or make available food to children in care from an outside source such as a Caterer, or as the result of a learning activity provided by a child care program, such as a garden, it is the responsibility of the provider to ensure all food intended for consumption by a child in care be in sound condition, free from spoilage, and contamination and safe for human consumption. The following documentation shall be maintained by the provider:

- (A) A copy of license or permit for Caterers, as referenced in rule 65C-22.0011(1).
- (B) Food Acceptance Log. A log shall be maintained for all pre-prepared meals being transported into the facility. The log shall be retained for a minimum of four months. The log shall include the date, time of arrival, quantity and types of food, verification by recipient of condition of food, verification by recipient of adequate temperatures of food, and the name and signature of recipient.

4.01(8) Parents or legal guardians must be advised in advance of each food-related activity, such as special occasions and learning activities, which include food consumption. Written parental permission may be obtained in the form of a general or specific permission slip. Documentation of Parent permission for food activities must be maintained for a minimum of four months from the date of each activity.

4.01(9) Milk and food shall not sit out for longer than fifteen (15) minutes prior to the beginning of the meal to avoid contamination and spoilage.

4.01(10) Employees, Volunteers, and Substitutes, while distributing snacks or Serving Food must wear disposable gloves, and use utensils, or similar items to prevent skin contact with food.

4.01(11) Food provided by Parents must be stored and handled in a sanitary manner at all times.

4.01(12) Breast Milk, Infant Formula and Food:

- (A) Breast milk and formula must be handled in a sanitary manner at all times and according to manufacturer's instructions and instructions by Parent. If the instructions are not readily available, Child Care Personnel must obtain information from the World Health Organization's Safe Preparation, Storage and Handling of Powdered Infant Formula Guidelines. www.who.int/foodsafety/publications/micro/pif_guidelines.pdf. Providers must develop and follow procedures for the storage and preparation of expressed milk as outlined by the Academy of Breastfeeding Medicine Protocol (www.bfmed.org). Providers can never give formula to a breastfed Infant without written parental consent. The provider must ensure all formulas and food brought from home are labeled with the child's first and last name. The provider is responsible for the label; therefore if the label is not completed by the Parent, the facility staff must complete the label upon receipt of the formula and food. Breast milk or Infant formula provided for a specific Infant by a Parent or legal guardian shall not be fed to other children. Prepared bottles shall be placed immediately in the refrigerator and used within forty-eight (48) hours.
- (B) In the event that the wrong breast milk or Infant formula is provided to an Infant in care, the provider must immediately inform the child's Parent or legal guardian of the incident as well as the Parent or legal guardian of the Infant for whom the formula/breast milk was intended. These events must be documented as an accident/incident referenced in 5.06.
- (C) Infants should not be given plain water in the first six (6) months of life unless directed to by the child's physician.

4.01(13) Bottle Warming:

- (A) For optimum digestion, breast milk and Infant formula are to be served at body temperature.
- (B) Bottle warming devices and crock pots, including cords, shall be kept inaccessible to children at all times; shall be maintained at the devices' lowest available temperature setting; and shall be secured in such a manner as to prevent them from tipping over, splashing, or spilling. Any bottle warming device that has a water reservoir must be emptied, washed, and refilled each day.
- (C) Bottled breast milk, Infant bottles, and formula shall not be heated in a microwave oven.
- (D) Heated bottles or food must be tested before feeding to ensure heat is evenly distributed and to prevent injury to children.
- (E) A bottle may be warmed only once; a warmed bottle may not be returned to the refrigerator or re-warmed. Facility staff must document each bottle warmed in preparation to feed an Infant in such a manner to prevent multiple warmings. All breast milk and Infant formula remaining in bottles after feeding shall be discarded within one (1) hour after serving an Infant or returned to the Parent in the bottle or container provided by the Parent.
- (F) Previously opened baby food jars shall not be accepted in the center. If food is fed directly from the jar by the caregiver, the jar shall be used for only one (1) feeding and the remainder discarded.

4.01(14) Due to extreme risk of choking, solid foods, including cereal shall not be given in bottles or with Infant feeders to children with normal eating abilities unless authorized by a physician. Solid foods must not be fed to an Infant younger than four (4) months of age unless directed by a physician. Solid foods must be of a safe consistency and must be developmentally appropriate for the age and developmental ability of the Infant. Foods that are associated with young children's choking incidents must not be served to children under four (4) years of age; such as but not limited to; whole/round hot dogs, popcorn, chips, pretzel nuggets, whole grapes, nuts, cheese cubes, and any food that is of similar shape and size of the trachea/windpipe. Food for Infants must be cut into pieces one-quarter ($\frac{1}{4}$) inch or smaller, food for Toddlers must be cut into pieces one-half ($\frac{1}{2}$) inch or smaller to prevent choking.

SC **4.02 Alternate Nutrition Plan:** If meals and/or snacks are furnished by the Parent, there shall be a written agreement between the Operator and the Parent. Said agreement shall be kept on file at the Child Care Facility with a copy given to the Parent. The agreement shall define the responsibilities of the Parent and the Operator for meeting the child's nutritional needs.

- SC **4.03** **Snacks:** All Child Care Facilities shall assure that each child is provided with a mid-morning and mid-afternoon snack in addition to the number of meals necessary to meet the child's nutritional needs as stated above. Mid-morning snacks may be deleted if breakfast is served. Child Care Facilities providing care beyond 6:30p.m. must provide those children with an additional snack.
- FC **4.04** **Special Diets:** Arrangements shall be made between the Operator and Parent for a child's special diet when prescribed by a physician. The physician's order and a copy of the diet and sample meal plan for the special diet shall be kept on file at the Child Care Facility as long as such child is in care. If the Parent notifies the Child Care Facility of any known food allergies, written documentation must be maintained in the child's file for as long as the child is in care. Special food restrictions must be shared with appropriate staff and posted in a conspicuous location.

**SECTION 4.05 SHALL NOT APPLY TO EXEMPT CHILD CARE FACILITIES
EXEMPT FROM LICENSURE IN ACCORDANCE WITH FLORIDA STATUTES,
SECTION 402.316 AND THE ORDINANCE.**

- NA **4.05** **Menus:** Menus for meals and snacks shall be planned, written, and posted at the beginning of each week. Menus shall be dated and posted in the food service area and in conspicuous areas where they are accessible to the Parent. Any menu substitution shall be posted on the menu. Records of menus served shall be placed on file at the Child Care Facility and kept for a minimum of four (4) months for licensing purposes. Operators who participate in the USDA Food Program must keep menus in accordance with the Department of Health and the USDA requirements. If the food served is not acceptable with licensing standards, the facility must have an alternate plan for meals.
- NA **4.06** **Feeding Procedures:** Infants and children shall be individually fed, supervised at feeding times, and offered food appropriate for their age and developmental abilities. Infants shall be held for bottle feedings until they are developmentally ready to sit in a high chair with good head control. Formula must be maintained in accordance with manufacturers' recommendations and handled in a sanitary manner before and after use. All bottles must be labeled with the child's first and last name. There shall be no propped bottles and no automatic devices used for feeding, unless medically prescribed. All bottles and sippy cups prepared and used continuously throughout the day or brought from home shall be individually labeled with child's first and last name. All bottles and sippy cups brought from home shall be returned to the Parent daily. Microwave ovens shall not be used to heat bottles. Heated foods and bottles must be tested before feeding to ensure heat is evenly distributed and to prevent injury to children. Food served to children must not exceed one hundred-ten degrees Fahrenheit (110°F). Cooling time for food must not exceed fifteen (15) minutes.

- SC **4.07 Seating:** Child Care Facilities shall provide sufficient Age Appropriate seating at tables, such as chairs and benches, so that all children can sit at tables for meal time and snack time while eating. Children shall not be left in high chairs or other types of feeding chairs outside of feeding times. The use of safety straps to prevent falls is required whenever children are placed in high chairs.
- NA **4.08 Meal Planning Staff Training:** The Child Care Personnel responsible for meal planning at a Child Care Facility shall complete the nutrition and meal planning course approved by the Local Licensing Agency, and possess valid certification thereof.
- FC **4.09 Food Preparation Staff Training:** At least one (1) person designated as responsible for food preparation at each Child Care Facility Serving Food shall complete the Environmental Health Food Services Management Training Course or a course determined by the Department or Local Licensing Agency to be an equivalent to meet Child Care Facility needs. This person must possess valid certification. When there is no food preparation on the premises, these courses are not required.
- FC **4.10 Food Preparation and Services:** All Child Care Facilities shall comply with the health and sanitation requirements as defined in 65C-22, Florida Administrative Code and must have an approved inspection by the Local Licensing Agency. Single service paper or plastic plates, utensils, and cups shall not be reused. Plates, utensils, cups, bottles and sippy cups provided by the Child Care Facility that are not disposable shall be washed, rinsed and sanitized between uses.
- FC **4.11 Food Preparation Area:** A food preparation area is a designated room, such as a kitchen or a designated space in a facility not used in normal day-to-day operations - such as indoor play, classroom, work, or nap spaces and not included when calculating usable indoor floor space. A food preparation area is required for facilities that choose to prepare food in a manner consistent with the definition of "Preparation of Food."
- 4.11(1)** The food preparation area must include the following:
- (A) Ventilation provided either by mechanical or natural means to provide fresh air and control of unpleasant odors, such as, a fan, vent, or open window with a screen.
 - (B) Smooth, nonabsorbent food contact surfaces with no unsealed cracks or seams. Food contact surfaces are surfaces of equipment, countertops, utensils, etc. that food contacts during food preparation.
 - (C) Food Equipment maintained and stored in a sanitary manner and out of reach of children.
 - (D) Shielded lighting.

- (E) Nonabsorbent and easily cleaned flooring or floor covering.
- (F) Ceiling must be easily cleanable or replaceable in the event of water and other damage, mildew or mold.
- (G) A separate hand washing sink station with hot running water a minimum of one hundred degrees Fahrenheit (100°F). A hand washing station must include a sink with running water and drainage, soap, trash receptacle, and disposable towels or hand drying machines that are properly installed and maintained. Hand washing stations must include posted signs visible to employees and children demonstrating proper hand washing technique. Portable sinks may not be used for warewashing or food preparation. If a portable sink is used for hand washing in the food preparation area, hot water must be provided.
- (H) Leak proof, nonabsorbent containers, covered with a tight-fitting lid, for all food waste stored inside the facility. The container shall be emptied, cleaned and sanitized or disinfected at least daily.

4.11(2) Employees, Volunteers, and Substitutes, while working in the food preparation area, must wear proper head covering, such as a hair net or hat. To prevent bare hand contact with ready-to-eat foods, staff must use disposable gloves in the food preparation area. Employees, Volunteers, and Substitutes with open wounds and/or any injury that inhibits hand washing, such as casts, bandages, or braces, shall not prepare food.

4.11(3) For safety, children shall not be present in the food preparation area when meals and snacks are prepared.

4.11(4) The food preparation area must be clean and free of dust, dirt, food particles, and pest and grease deposits.

FC **4.12 Food Storage:** Facilities choosing to prepare food must have a designated space for food storage within the designated food preparation area or in a room not calculated as part of indoor floor space, and in an area not used for diapering. Off-site food storage is permissible only if site of storage is a licensed Child Care Facility, under the same ownership, that includes a food preparation area that meets licensing standards.

4.12(1) Food containers, such as, but not limited to, cans, plastic containers, boxes and bags, shall be stored above the floor on clean surfaces protected from splash and other contamination.

- (A) Food must be consumed or discarded on or before the expiration dates listed by the manufacturer.
- (B) Cold food must be kept at or below forty-one degrees Fahrenheit (41°F) and hot foods at or above one hundred thirty-five degrees Fahrenheit (135°F) at all times.

- (C) Poisonous/toxic or cleaning products must be stored separately from food. Opened packages or perishable or leftover food items must be properly covered or sealed in containers or bags, labeled with date, properly stored, and discarded within seven (7) Calendar Days.
- (D) Food provided by Parents must be properly stored and handled in a sanitary manner at all times to prevent contamination or spoilage. Parents may provide ice packs to keep food cold.
- (E) Opened packages of perishable or leftover food items must be properly covered/sealed, properly stored, and discarded according to the manufacturer's recommended date or if the quality of the goods has been compromised.

4.12(2) Refrigerators/Freezers:

- (A) To prevent bacteria growth, an accurate alcohol thermometer designed to measure cold storage must be inside each refrigeration unit located in the center of the unit and be readily accessible. Refrigerators must be maintained at forty-one degrees Fahrenheit (41°F) or below, and freezers must be maintained at zero degrees Fahrenheit (0°F). Cold foods must be kept at or below forty-one degrees Fahrenheit (41°F).
- (B) Food may be frozen prior to the expiration date but when thawed it must be labeled with the date it was removed from the freezer and discarded within seven (7) Calendar Days.
- (C) Thermometer temperature readings higher than specified above shall require further temperature testing of food stored in the refrigerator/freezer using a probe type thermometer and adjustments to the unit setting to reach and maintain the required temperature readings, must be made.
- (D) Frozen food must be labeled by date and type noted below and stored according to the following table:

Food Item	Months
Bacon and sausage	One (1) to two (2) months
Casseroles	Two (2) to three (3) months
Frozen dinner and entrees	Three (3) to four (4) months
Ham, hot dogs, lunch meats	One (1) to two (2) months
Meat, uncooked	Four (4) to twelve (12) months
Meat, uncooked ground	Three (3) to four (4) months
Meat, cooked	Two (2) to three (3) months

Food Item	Months
Poultry, cooked	Four (4) months
Soups and stews	Two (2) to three (3) months

- (E) Food in the refrigerator and/or freezer should be stored in such a manner as to prevent cross contamination. Raw animal products such as beef, fish, pork, eggs or poultry, are to be stored below and/or away from all ready-to-eat foods.

FC **4.13 Warewashing and Sanitization:** For facilities that prepare food, non-disposable food equipment, tableware, and utensils utilized for food preparation and food consumption shall be properly cleaned by pre-rinsing or scraping, washing, rinsing, sanitizing, and air drying. If the Child Care Facility lacks adequate warewashing and sanitation described in this Section for dishes, equipment, and utensils, only disposable single-use items may be used. All single service items must be discarded after each use. Food equipment, tableware, and utensils used to prepare food must be washed and sanitized on-site, except when a Caterer is used, and the Caterer is responsible for warewashing as evidenced by a written agreement.

4.13(1) Warewashing and sanitation must be accomplished by one (1) of the following:

(A) A dishwasher with a sanitizing cycle.

1. The dishwasher must use heat or chemical injection for sanitization.
2. If chemical sanitization is used, the wash water temperature must be set at a minimum of one hundred-twenty degrees Fahrenheit (120°F) and the rinse water must be a minimum of seventy-five degrees Fahrenheit (75°F).
3. Automatic sanitizing dispenser must be properly installed and maintained.
4. A test kit or other device that accurately measures the concentration of the sanitizing solution must be available and used to confirm appropriate concentration of solution during one full cycle per day at minimum.
5. If hot water is used for sanitization, the dishwasher must achieve a temperature of one hundred sixty degrees Fahrenheit (160°F) on the surface of equipment, dishes and utensils being washed.
6. The facility must have a means for measuring the required temperature either by an irreversible registering temperature indicator (heat strip) or an external temperature display built into the machine.

- (B) An installed three compartment sink or an installed two compartment sink with a non-stationary or portable compartment receptacle. Installed compartment sinks may be used to wash produce and to fill cooking pots and pans with water when not in use for warewashing. Sinks must be sanitized before and after each use.
1. The first compartment must be used for washing, the second compartment must be used for rinsing, and the third compartment must be used for sanitizing. If only an installed two (2) compartment sink is available, the second compartment must be used for rinsing and a non-stationary or portable compartment receptacle must be available and used to sanitize.
 2. If chemical sanitization is used, an exposure time of at least seven (7) seconds is required for a chlorine solution of fifty milligrams per liter (50 mg/L) that has a pH of ten (10) or less and a temperature of at least seventy-five degrees Fahrenheit (75°F). If other sanitizers are used, the manufacturer instructions must be strictly followed.
 3. A test kit or other device that accurately measures the concentration of the sanitizing solution must be available and used to confirm appropriate concentration of solution during each use.
- (C) If hot water is used for sanitizing, equipment/dishes/utensils must be immersed for a period of at least one-half (1/2) minute in hot water at a temperature of one hundred seventy degrees Fahrenheit (170°) or above.

SECTION 5. ADMISSION AND RECORDKEEPING:

FC All health, enrollment, personnel, diet and other records required by State law or State regulations, the Ordinance, the Rules and Regulations or by the Local Licensing Agency must be kept on the premises of the Child Care Facility and maintained pursuant to Florida Statutes, Section 402.305, and shall be available at the Child Care Facility during the hours of operation for Local Licensing Agency staff to review. These records are subject to verification and any falsification shall be considered a violation of the Ordinance and subject to enforcement pursuant to Section 11 of the Rules and Regulations.

5.01 Health Examinations and Health Maintenance:

FC **5.01(1) Health Examination Certificate:**

- (A) Within thirty (30) calendar days of enrollment, unless statutorily exempt, each child must have on file at the Child Care Facility a current and completed form DH 3040, June 2002, Student Health Examination, which can be obtained from Hillsborough County Health Department or a signed statement by authorized professionals that indicates the results of the components included in the health examination. The Student Health Examination shall be completed by

a person given statutory authority to perform health examinations. If the Parent fails to provide the documentation contained in this Section within thirty (30) calendar days of enrollment, the Child Care Facility shall not allow the child to remain in the program.

- (B) The Student Health Examination form shall attest that the child is in good health or that any known medical condition or health problem is under treatment.
- (C) The Student Health Examination form is valid for two (2) years from the date the physical was performed.
- (D) For religious purposes only, any child may be exempt from medical or physical examination upon written or signed request of the Parent of such child. However, the laws, rules and regulations relating to contagious or communicable diseases and sanitary matters shall not be violated.

FC **5.01(2) Immunizations Certificate:**

- (A) The Child Care Facility is responsible for obtaining for each child in care a current, complete and properly executed Florida Certification of Immunization form Part A-1, B, or C, DH 680 (April 2009), or Religious Exemption from Immunization form, DH 681 (July 2008) from the Parent. DH Form 680 and DH Form 681 may be obtained from the Hillsborough County 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 medicine 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 Day Care Homes" as promulgated by the Florida Department of Health.
- (B) If the Parents fail to provide the documentation required in Section 5.01(2)(A) of the Rules and Regulations, above, within thirty (30) calendar days of enrollment, the Child Care Facility shall not allow the child to remain in the program.
- (C) School-aged children attending public or nonpublic schools are not required to have student health examination and immunization records on file at the Child Care Facility as such records are on file at the school where the child is enrolled.
- (D) If the Parents need assistance concerning these requirements, the Child Care Facility shall refer them to the Florida Department of Health or to the child's physician.
- (E) Medical records in this Section are the property of the Parent and must be returned to them when the child withdraws from the Child Care Facility. The medical records are transferable if the child attends another Child Care Facility,

should the Parent authorize the release and transfer. Owners and/or Operators are responsible for notifying the Parent approximately one (1) month prior to the expiration of the Florida Certification of Immunization form, Part A-1, B or C DH Form 680 and the Student Health Examination DH Form 3040, previously referenced in this Section.

- (F) At the time of enrollment, providers must include written notification to inform Parents, that some children in care may not have current immunizations.

SC **5.02** **Enrollment Information:** The Operator shall obtain enrollment information from the Parent prior to accepting a child in care. This information shall be documented on Child's Enrollment/Information Form Hillsborough County Child Care Licensing Form 5012 (Rev. 11/06) or an equivalent form that contains all the information required by the Local Licensing Agency. Enrollment information shall include parental consent for Child Care Personnel to have access to child's records. Enrollment information shall be kept current and on file. The following information must be kept current and maintained in the child's file at the Child Care Facility.

SC **5.02(1)** Signed statements that the Child Care Facility has provided the following information to the Parent:

NA (A) The most current version of the Local Licensing Agency's brochure B #2 statement on the child's enrollment form must be used for this purpose;

SC (B) A written description of disciplinary practices used by the Child Care Facility. (This requirement shall not apply to Exempt Facilities.); and

(C) Annually, during the months of August and September, the Director must provide Parents with information detailing the causes, symptoms, and transmission of the influenza virus. To assist providers the Department developed a brochure, CF/PI 175-70, June 2009, Influenza Virus, Guide to Parents, which may be obtained from the Department's website at www.myflfamilies.com/childcare.

(D) The Child Care Facility's food and nutrition policies that include language on food safety and food allergens.

SC **5.02(2)** **Personal Data:**

(A) The child's full legal name, birth date, current address, and preferred name(s);

(B) The name and address of the Parent(s);

(C) Telephone numbers or instructions as to how the Parent(s) may be reached during the hours the child is in the Child Care Facility;

- (D) Names, addresses, and telephone numbers of person(s) who can assume responsibility for the child if for some reason the Parent(s) cannot be reached immediately in an emergency;
- (E) Names and addresses and phone numbers of persons authorized to take the child from the Child Care Facility. The child shall not be released to any person other than the person(s) authorized by the Custodial Parent or listed on the enrollment form by the Custodial Parent;
- (F) 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;
- (G) Any child who has, or is at risk for a chronic physical, developmental, behavioral or emotional condition that may require additional services, must have a current Emergency Care Plan included in the child's file and readily accessible for those caring for the child. The plan will be developed cooperatively by the Parent, the Operator, and supervising physician and/or other specialists. This plan shall specify the condition and the special provisions which will be made to meet the needs of the child. The Child Care Personnel caring for the child with an Emergency Care Plan must be trained to recognize and respond appropriately to a medical emergency;
- (H) Alternate nutrition plan, as required in Section 4.02 of the Rules and Regulations; and
- (I) Authorization for Emergency Treatment as required in Section 3.03(2) of the Rules and Regulations.

**SECTION 5.03(H) OF THE RULES AND REGULATIONS BELOW SHALL NOT
APPLY TO EXEMPT CHILD CARE FACILITIES EXEMPT FROM LICENSURE IN
ACCORDANCE WITH FLORIDA STATUTES, SECTION 402.316 AND THE
ORDINANCE.**

- SC **5.03** **Personnel Records:** At the time of employment, records including the information listed in Section 5.03(A) through (J), below, shall be maintained and kept current for the Owner, Operator, and each employee, Volunteer and Substitute of the Child Care Facility and household members in a Child Care Facility being operated in a private residence.
- SC (A) Name, address and telephone number;
- SC (B) Driver's license and driver physical examination documentation. The physician certification or another form containing the same elements of the physician certification granting medical approval to operate the vehicle and valid certificate of course completion for First-Aid Training and cardiopulmonary

resuscitation (CPR) procedures must be maintained in the driver's personnel files;

- SC (C) Employment Application with the required statement pursuant to Florida Statutes, Section 402.3055(1)(b);
- SC (D) A person to contact in an emergency;
- SC (E) Position and date of employment;
- SC (F) Proof of date of birth upon request by the Local Licensing Agency;
- SC (G) The Department's final results regarding criminal history checks, except any other documentation related to background screening are confidential pursuant to Florida Statutes, Section 435.09;
- NA (H) Copies of all required training information or certificates and credentials;
- SC (I) A signed statement that the Child Care Personnel has read and understands the pamphlet on the identification and reporting of child abuse and neglect. E-FSP, Form 5337_must be signed annually; and
- (J) Prior to beginning volunteering in a Child Care Facility, Volunteer Affidavits HCC CCL 96 and CCL 97 may be obtained from the Local Licensing Agency, must be completed and on file at the Child Care Facility for the Volunteer. Written verification of Volunteer hours must be maintained by the facility and available for review by the licensing authority.

FC **5.04 Medication Records:**

- FC **5.04(1)** Only prescription and non-prescription medication brought by a Parent to the Child Care Facility may be dispensed by the Child Care Facility to that Parent's child in care. Prescription and non-prescription medication provided by the Parent and dispensed by the Child Care Facility must be in the original container or unopened box. It must have its original undisturbed manufacturer's label with dosage instructions affixed to the bottle or box, or a pharmacy's undisturbed printed label with the physician dosage instructions affixed to the bottle or box. Prescription and non-prescription medications that are used on an "as needed" basis requires the Parent/legal guardian to provide additional documentation on the authorization form to describe symptoms that would require when the medication should be given to the child.
- (A) All prescription and non-prescription medication shall be dispensed according to written directions on the prescription label or printed manufacturer's label or doctor's order.

- (B) Prescription medication must have a label stating the name and contact information of the physician, child's name, name of medication and medication directions.
- (C) No prescription or non-prescription medication may be dispensed to a child by the Child Care Facility, unless a written request signed and dated by the Parent is on file at the Child Care Facility specifying the name of the child, date, time, method and amount of dosage to be given, the name of the medication and the name of the person who dispensed the medication. The Child Care Facility shall record the name of the child, name of the medication, date, time and amount of dosage dispensed and must keep a picture or photocopy of the label with dosage instructions in the child's file. The record shall be initialed by the Child Care Personnel who gave the medication to the child. These records must be kept for at least four (4) months after the last day the child received the medication. Prior to administering medication to children, Child Care Personnel responsible for administering medication must have completed required training.
- FC **5.04(2)** If a Parent notifies the Child Care Facility of any known allergies to medication, written documentation from a physician must be maintained in the child's file. Special restrictions to medications must be shared with appropriate staff member and must be posted with stored medication.
- FC **5.04(3)** All medicines must have child resistant caps, if applicable, and shall either be stored in a locked area separately or must be inaccessible and out of reach of children. Medication must be stored and maintained at appropriate temperature. Medication which has expired, or is no longer being administered, shall be returned to the Parent or discarded, if the child is no longer enrolled in care at the Facility.
- FC **5.04(4)** Child Care Personnel must ensure sun safety for themselves and children under their supervision. It is recommended that Infants, younger than six (6) months of age, are kept out of direct sunlight, limiting sun exposure when ultraviolet (UV) rays are strongest. A signed, written authorization must be obtained by Parent/legal guardian prior to applying any topical creams, lotions or sprays to children in care. Manufacturer instructions must be followed when applying such lotions, creams or sprays.
- FC **5.05** **Special Diet Records:** See Section 4.04 of the Rules and Regulations.
- FC **5.06** **Records of Incidents and Accidents:** A written record of incidents affecting the program of the Child Care Facility including, but not limited to, accidents, injuries to or minor illnesses of children, accidental injuries to Child Care Personnel, Volunteers, Substitutes and other persons at the Child Care Facility must be documented on the day they occur and must be kept on file on the Accident or Incident Form approved by the Local Licensing Agency. The Parent of the child involved in the incident or accident must be notified of such incident on the date of occurrence and must sign the record verifying such notification. The completed form

shall be retained for a period of one (1) year. Documentation shall include the name of the affected party, date and time of occurrence, description of occurrence, actions taken and by whom and appropriate signatures of Child Care Personnel and Parent. If the Parent does not pick up the child on the day of the occurrence of the accident or incident, the individual authorized to pick up the child must sign and be provided a copy of the accident/incident form.

FC **5.07 Record of Fire Drills and Emergency Preparedness Drills:**

FC **5.07(1)** A written record on form HC CCL 5014 (Rev. 8/10) must be kept of each fire drill showing the date and time conducted, the number of all individuals in attendance, the evacuation route used and the time taken for all individuals to evacuate the premises. The fire drill record must be posted and kept for a minimum of two (2) calendar years from date of fire drill.

FC **5.07(2)** The Operator shall prepare an emergency evacuation plan including a diagram of safe routes by which the Child Care Personnel and children may exit the Child Care Facility in the event of fire or other emergency requiring evacuation of the Child Care Facility. A copy of the emergency evacuation plan must be posted in each room of the Child Care Facility.

FC **5.07(3)** The Operator shall conduct emergency preparedness drills a minimum of once a year. Documentation of the conducted fire and emergency preparedness drills must be shown on HC CCL 5014 (8/10) and must be kept showing the type of drill, the date and time conducted, the number of children and staff in attendance and the time taken for all individuals to complete the drill. This form shall be maintained for and one (1) year and posted in a conspicuous location.

FC **5.07(4)** After a fire or natural disaster, the Operator must notify the Local Licensing Agency within twenty-four (24) hours in order for the Local Licensing Agency to ensure health standards are being met for continued operation.

FC **5.07(5) Well Water Systems:** Child Care facilities that have a well system must maintain current written records indicating that the well system meets the requirements of the Department of Health on an annual basis.

**SECTION 5.08 SHALL NOT APPLY TO EXEMPT CHILD CARE FACILITIES
EXEMPT FROM LICENSURE IN ACCORDANCE WITH FLORIDA STATUTES,
SECTION 402.316 AND THE ORDINANCE**

SC **5.08 Activity Plan:** Each age group or class must have a written and implemented daily plan of scheduled activities appropriate to the age of the child. The written plan must meet the needs of the children and must include alternate activities in case of inclement weather. Children shall not be left in confining devices such as car seats as an alternative to active play or adult/child interaction, supervision or discipline. The written plan must include the following:

- (A) Varied activities that promote emotional, social, intellectual and physical growth.
- (B) Quiet and active play, both indoors and outdoors.
- (C) Meals, snacks, and nap times, if appropriate for the age and the times the children are in care.
- (D) Do not utilize electronic media time (television, videos, movies or computer games) with children younger than two (2) years of age.
- (E) Electronic media may only be used one (1) to two (2) hours for educational purposes or physical activity for children older than two (2) years of age.
- (F) The written plan must include a program to be implemented periodically for children of an appropriate age, which will assist in preventing and avoiding physical and mental abuse.
- (G) Infants birth to twelve (12) months should have adequate time and space to engage in activities that promote development of movement skills (tummy time, crawling, turning over, sitting, etc.). Infant seats (swings, bouncers, etc.) should be used for only short periods of time, no more than fifteen (15) minute intervals per Infant and no more than two (two) times per day that the child is in care.

**SECTION 5.09 SHALL NOT APPLY TO EXEMPT CHILD CARE FACILITIES
EXEMPT FROM LICENSURE IN ACCORDANCE WITH FLORIDA
STATUTES, SECTION 402.316 AND THE ORDINANCE.**

- NA **5.09** **Child Care Facility Brochure:** The Child Care Facility must present the most current version of the Local Licensing Agency Brochure B No. 2, to the Parent prior to or at the time of the child's enrollment. The statement of verification documenting the delivery of the Local Licensing Agency brochure to the Parent and the date it was delivered must be maintained in the child's personal record.

**SECTION 5.10 SHALL NOT APPLY TO EXEMPT CHILD CARE FACILITIES
EXEMPT FROM LICENSURE IN ACCORDANCE WITH FLORIDA STATUTES,
SECTION 402.316 AND THE ORDINANCE.**

- NA **5.10** **Referenced Forms, Brochures, Etc.:** The Hillsborough County Office of Child Care Licensing shall have the authority to develop, amend and revise all forms referenced in the Ordinance and the Rules and Regulations as may be necessary or convenient for the purpose of implementing the Ordinance and the Rules and Regulations. Any such form creation, amendment or revision shall not require an amendment to the Ordinance. Copies of forms referenced in this Ordinance may be obtained by accessing the Hillsborough County Child Care Licensing website www.hillsboroughcounty.org.

- SC **5.11 Field Trips:** The Parent must be advised in advance of each Field Trip activity. Advanced written parental permission must be obtained in the form of a general permission slip and such documentation must be included in the child's record. The date, time and location of the Field Trip must be posted at least two (2) business days prior to each Field Trip in a conspicuous location. If special circumstances arise where notification of an event cannot be posted for two (2) business days, then individual permission slips must be obtained from each Parent for each child participating on the Field Trip. Documentation of parental permission for Field Trips shall be maintained for a minimum of four (4) months from the date of each Field Trip. A list of the children on the Field Trip must accompany the children and staff on the Field Trip. A telephone or other means of communication shall be available to staff responsible for children during all Field Trips. Cell phones, two-way radio devices, citizen band radios, and other means of instant communication are acceptable. Child Care Personnel must have possession of contact information for each child while being transported by vehicle or on foot while away from the Child Care Facility.
- FC **5.12 Attendance Log:** Daily attendance of children shall be taken and recorded by Facility or program. Attendance devices used for the purposes of tracking attendance may be used, but Child Care Personnel must ensure the accuracy of the documented attendance. Each classroom must have an attendance sheet/class roster for the group of children occupying that space. The attendance log must include time of arrival at Child Care Facility and the time of departure from the Child Care Facility and shall be maintained at the Child Care Facility for a minimum of four (4) months.
- FC **5.12(1)** If a child does not arrive to the program or the agreed upon designated pick up location, Child Care Personnel must communicate as early as possible (within one (1) hour of the child's scheduled arrival) with the custodial Parent/legal guardian of the child's absence. If the Child Care Personnel are unable to reach the child's Parent/legal guardian, emergency contacts must be notified. Communication must be documented by Facility.

SECTION 6. CARE FOR CHILDREN DURING EVENING HOURS:

- NA Except as otherwise specifically provided in this Section 6 of the Rules and Regulations, the standards for Child Care Facilities also apply to Child Care Facilities which provide care during evening hours.
- NA **6.01 Approval for Evening Care:** A Child Care Facility shall obtain the approval of the Local Licensing Agency prior to instituting the provision of evening child care on a regular basis.
- NA **6.02 Meals:** Meals must be served to children who are in the Child Care Facility at ordinary meal times and who have not been served an evening meal before arrival or who remain through time for serving breakfast. The evening meal must be included in the Child Care Facility's menu.

NA **6.03 Beds:** Each child shall have a separate bed, crib or cot, with his or her own linens covering the bedding. Linens must be provided when children are sleeping, and pillows and blankets must be available. Floor mats, foam mattresses, air mattresses and play pens must not be used for care when children are sleeping. Sleeping refers to the normal nighttime sleep cycle. For additional requirements, see Section 2.04 (2) through (6) of the Rules and Regulations.

NA **6.04 Overnight:** If the children are sleeping overnight in a Child Care Facility, Child Care Personnel must ensure that accepted bedtime routines, such as brushing teeth, face and hand washing are performed. Toothbrushes, towels and wash cloths may not be shared. Toothbrushes shall be stored, so that they cannot touch each other.

NA **6.05 Outdoor Play Area:** For Child Care Facilities which only provide evening child care, outdoor play space is not required. However, an open area within the existing indoor floor space designated for play that promotes the development of gross motor skills must be available.

NA **6.06 Evening Child Care Personnel:** A Child Development Associate or a credentialed Child Care Personnel is not required for staffing evening child care. Director Credentialed Child Care Personnel is not required of evening child care as defined in Section 4(14) of the Ordinance.

6.07 Supervision: During evening child care hours, Child Care Personnel must remain awake at all times. While children are awake, Direct Supervision, as described in Section 1.07(1) of the Rules and Regulations must be provided. When children are sleeping, supervision, as defined in Section 1.07(2) of the Rules and Regulations, is required.

FC **SECTION 7. TRANSPORTATION:**

For the purpose of Section 7 of the Rules and Regulations, the term vehicle refers to those owned, operated or regularly used by the Child Care Facility and vehicles that provide transportation through a contract or agreement with an outside entity.

FC **7.01 Driver's Requirements:** When a vehicle is used for the occasional transportation of children enrolled in a Child Care Facility, the driver must be at least eighteen (18) years requirements, and possess a valid, current Florida driver's license. If the driver is to be counted in the staff-to-child ratio, he or she must also meet the Child Care Personnel training requirements. When any vehicle is regularly used by a Child Care Facility to provide transportation, the approved driver shall have a valid, current Florida driver's license, an annual physical examination which grants medical approval to drive, and valid certificate(s) of course completion for First-Aid Training and Infant and child cardiopulmonary resuscitation (CPR) procedures.

FC **7.02 Vehicles:**

FC **7.02(1) Statutory Requirements:** All Child Care Facilities must comply with the inspection responsibilities and insurance requirements found in Florida Statutes, Section 316.615.

FC **7.02(2) Inspections:** On an annual basis, all Child Care Facilities shall, have all vehicles regularly used to transport children inspected by a mechanic to certify and ensure proper working order. Documentation by the mechanic shall be maintained in the vehicle.

FC **7.02(3) Vehicle Indoor Temperature:** The interior of vehicles used to transport children must be maintained at a temperature comfortable to children.

FC **7.03 Seating Capacity:** The maximum number of individuals transported in a vehicle may not exceed the manufacturer's designated seating capacity or the number of factory installed seat belts.

FC **7.04 Seat Belt/ Child Restraint Requirements:** Each child, when transported, must be in a back seat in an individual factory installed seat belt or federally approved child safety restraint in accordance with Florida Statutes. Child safety restraints must be replaced if they have been recalled, are past the manufacturer's "date of use" expiration date, or have been involved in a crash that meets the U.S. Department of Transportation crash severity criteria or the manufacturer's criteria for replacement of restraints after a crash.

(A) Children aged birth to one (1) year old, must be secured in a rear facing car safety seat.

(B) Children aged one (1) through three (3) years, such restraint device must be a separate carrier or a vehicle built-in child safety seat.

(C) For children aged four (4) years, a separate carrier, a vehicle built-in car safety seat, or a child booster seat must be used with appropriate seat belt.

(D) All children five (5) years and older must be in factory installed seat belts.

(E) When applicable, any vehicle used for transporting children must accommodate the placement of wheelchairs.

FC **7.05 Communication Device:** When transporting children in a vehicle or on foot, a cell phone, two (2)-way radio or other means of instant communication must be available to staff.

- FC **7.06 Transportation Log:** When transporting children, in a vehicle or on foot, the Child Care Personnel-to-children ratios set forth in Sections 1.08, 1.08(1) and (2) of the Rules and Regulations must be maintained at all times. The driver or walking staff may be included in the Child Care Personnel-to- children ratio if training and Screening Requirements have been met. Prior to transporting children and upon the vehicle(s) arrival at its destination, the following shall be conducted by the driver(s) of the vehicle(s) used to transport the children.
- FC **7.06(1)** A log shall be maintained for all children being transported in the vehicle or on foot away from the premises of the Child Care Facility. The log shall include each child's name, date, time of departure and time of arrival at the destination, signature of driver, or in the case of travelling on foot, the signature of the Child Care Personnel, and the signature of a second Child Care Personnel to verify the log and the fact that all children have left the vehicle (if applicable) and arrived safely. The log shall be maintained for a minimum of four (4) months.
- FC **7.06(2)** Prior to transporting children, the transportation log must be recorded, signed and dated immediately, verifying that all children are accounted for and that the log is complete. If a child is not present at the time of pick up, and prior to leaving the designated location, Child Care Personnel must verify the whereabouts of the child.
- FC **7.06(3)** Upon arrival at the destination by vehicle or foot, the Child Care Personnel must record, sign and date the transportation log immediately, verifying that all children were accounted. The same must occur immediately upon returning to the facility premises. Upon arrival at the destination by vehicle, the driver of the vehicle must:
- (A) Mark the name of each child off the log as the child departs the vehicle;
 - (B) Conduct a physical inspection and visual sweep of the vehicle's interior to ensure that no child is left in the vehicle; and
 - (C) Sign, date and record the driver's log immediately, verifying that all children were accounted for and that the visual sweep was conducted.
 - (D) Ensure that a second staff member signs and dates the transportation log, verifying that all children were accounted for, and that the log is complete.
- FC **7.06(4)** Upon arrival at the destination by vehicle, a second and different staff member must:
- (A) Conduct a physical inspection and visual sweep of the vehicle to ensure that no child is left in the vehicle; and
 - (B) Sign, date and record the transportation log immediately, verifying that all children were accounted for and the driver's log is complete.

- FC **7.07 Emergency Plans:** Child Care Personnel must have possession of contact information for the Parent or legal guardian of each child being transported by vehicle or on foot while away from the Child Care Facility. When transporting children with chronic medical conditions (such as asthma, diabetes or seizures etc.), their emergency care plans and supplies or medication shall be available. The driver or Child Care Personnel shall be trained to recognize and respond appropriately to the emergency.

SECTION 8. SPECIALIZED CHILD CARE:

- NA **8.01 Drop-In Child Care:** Drop-in Child Care arrangements shall meet all requirements for a Child Care Facility set out in the Ordinance and in the Rules and Regulations, except as otherwise specifically provided in this Section 8.01 below.
- NA **8.01(1) Physical Facilities:** Because of the nature and duration of Drop-in Child Care, outdoor play space and outdoor equipment shall not be required for licensure; however, if such play space and equipment are provided, then the minimum standards regarding outdoor play space and equipment shall apply to Drop-in Child Care Facilities. Drop-in Child Care Facilities must be enclosed from any other coexisting business by a wall with a minimum height of six (6) feet.
- NA **8.01(2) Communications Systems:** Some type of communications system, shall be provided to a Parent whose child is in Drop-in Child Care to ensure the immediate return of the Parent to the child, if necessary.
- NA **8.01(3) Admissions and Recordkeeping:** Because of the nature and duration of Drop-in Child Care, requirements for pre-admission and periodic health examinations and requirements for medically signed records of immunization required for Child Care Facilities shall not apply. A Parent of a child in Drop-in Child Care shall, however, be required to attest to the child's health condition and the type and current status of the child's immunizations.
- NA **8.02 Urban Child Care:** Urban Child Care Facilities shall meet all requirements for a Child Care Facility as set forth in the Ordinance and the Rules and Regulations, unless specifically exempted, as follows.
- NA **8.02(1) Substituted Outdoor Play Space:** If outdoor play space is not available in the area, Urban Child Care Facilities may substitute indoor play space for outdoor play space:
- (A) Each Urban Child Care Facility shall have a minimum of fifty (50) square feet of large motor skill play space for each child. This space requirement shall be in addition to the minimum square foot indoor floor space requirement pursuant to Section 2.02(1) of the Rules and Regulations. The Urban Child Care Facility must provide this additional indoor space with equipment that provides physical activities appropriate for the age of the children.

- (B) The indoor and outdoor play space areas where the children are being cared for shall not be used for any other business, commercial or social purpose when the children are present in these areas.

NA **8.02(2) Indoor Play Space; Urban Child Care Facilities:** If indoor play space is to be substituted or credited for outdoor play space pursuant to Section 8.02(1) of the Rules and Regulations, above, the following requirements shall apply, in addition to other requirements and standards imposed by the Ordinance and the Rules and Regulations. The equipment shall be as follows:

- (A) Play equipment and materials shall be provided which are appropriate to the developmental needs, individual interests and ages of the children. There shall be a sufficient amount of play equipment and materials, so that there is not excessive competition and long waits.
- (B) Play equipment shall include toys and equipment for large muscle development (including, but not limited to, swings, balls, sports, equipment, climbing apparatus, tumbling mats and jump ropes).
- (C) Outdoor equipment, such as climbing apparatus, slides and swings shall be in good repair, placed in a safe location and shall be anchored firmly to prevent shifting, tilting, moving or falling.
- (D) Shock-absorbent matting or floor covering will be provided in indoor play space areas where anchored play equipment is used as follows:
 - 1. If the equipment has a climbing height of greater than eighteen (18) inches, but does not exceed thirty-six (36) inches, there shall be a permanently installed shock-absorbent mat or floor covering with a minimum thickness of one (1) inch. The shock-absorbent floor covering shall extend a minimum of forty-eight (48) inches beyond all sides of the equipment; and/or
 - 2. If the equipment has a climbing height of greater than thirty-six (36) inches, there shall be a permanently installed shock-absorbent mat or floor covering with a minimum thickness of one and one-half (1½) inches. The shock-absorbent floor covering shall extend a minimum of seventy-two (72) inches beyond all sides of the equipment.

SECTION 9. INSPECTIONS:

NA **9.01 Right of Inspection:** A licensed Child Care Facility must accord to the Local Licensing Agency the right of inspection, including access to the entire Child Care Facility, personnel and records at reasonable times during regular business hours to assure compliance with the provisions of the Ordinance and the provisions of the Rules and Regulations. In accordance with Florida Statutes, Section 402.311, the

right of entry and inspection shall also extend to any premises which the Local Licensing Agency has reason to believe are being operated or maintained as a Child Care Facility without a license. However, 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 Florida Statutes, Chapter 402, or the Ordinance or the advertisement to the public for the provision of Child Care as defined in Section 4(5) of the Ordinance 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.

- NA **9.01(1)** Failure to comply with reasonable requests of the Local Licensing Agency in connection with an inquiry, investigation or inspection shall be grounds for revocation, suspension or denial of a license. The Child Care Facility must not interfere with or prevent the licensing authority from copying records, photographing or recording a location or activity on the premises as documentation for the inspection/investigation.
- NA **9.01(2)** The most recent inspection report and notice of violations shall be posted in the Child Care Facility in a place conspicuous to Parents together with:
- (A) An explanation, written in simple language, of each citation;
 - (B) A description, written in simple language, of the corrective action, if any, taken by the facility for each citation. Included in the description shall be the dates on which the corrective action was taken; and
 - (C) Each citation, explanation, and description of corrective action shall remain posted for one (1) year after the citation's effective date.
- NA **9.01(3)** All Child Care Facilities shall be inspected by the Local Licensing Agency no less than two (2) times a year or as often as deemed necessary by the Local Licensing Agency.
- SC **9.01(4)** If the time selected for inspection proves to interfere with the normal operation of the Child Care Facility, the inspection shall take place, but the Operator shall have the option of requesting an appointment at another time for discussion of possible deficiencies and inspection of records.
- NA **9.01(5)** Any Child Care Facility which closes for a period longer than three (3) consecutive weeks must notify the Local Licensing Agency, of said closing, in writing. A satisfactory inspection will be required prior to reopening.

FC **9.02 Complaint Investigations:**

FC **9.02(1)** The Local Licensing Agency shall investigate all complaints alleging a violation of the Ordinance or violation of the Rules and Regulations, whether written or oral. Complainants shall not be required to identify themselves. In an investigation of alleged child abuse, neglect or exploitation, the investigation shall be conducted jointly with Hillsborough County Sheriff's Department Child Protection Division and other appropriate law enforcement agencies.

FC **9.02(2)** The Operator shall receive a copy of the complaint at the investigation visit and shall receive a copy of any written findings of the investigation upon request.

FC **9.02(3)** The right of inspection described in Section 9.01 of the Rules and Regulations shall also apply to complaint investigations.

FC **9.03 Technical Assistance by the Local Licensing Agency:**

FC **9.03(1)** The Local Licensing Agency may provide Technical Assistance to Operators on such matters as changes to laws and rules affecting the operation of Child Care Facilities.

FC **9.03(2)** The Local Licensing Agency may provide Technical Assistance in the form of optional in-service training sessions for Child Care Facilities in various aspects of the operation of Child Care Facilities.

FC **9.03(3)** The Local Licensing Agency may also provide Technical Assistance including but not limited to, literature, consultations, recommendations, and training sessions to Operators experiencing difficulty meeting standards set forth in the Ordinance and in the Rules and Regulations.

NA **9.04 Advertisements:** All Child Care Facilities must include their license number in any advertisement about their services, in accordance with Florida Statutes, Section 402.318. This requirement includes, but is not limited to, advertisements in the yellow pages of the telephone directories, community bulletin boards, fliers, pamphlets, classified ads, signs, radio or television announcements, and other advertising circulations as well as any electronic or social media advertisements. Violation of this section is a misdemeanor of the first degree, punishable in Florida Statutes, Section 775.082 or Section 775.083.

FC **9.05 Access:** A Child Care Facility must provide the Parent reasonable access in person and by telephone to the Child Care Facility during the operating hours of the Child Care Facility or during the time the child is in care.

**SECTION 10 SHALL NOT APPLY TO EXEMPT CHILD CARE FACILITIES
EXEMPT FROM LICENSURE IN ACCORDANCE WITH FLORIDA STATUTES,
SECTION 402.316 AND THE ORDINANCE.**

SECTION 10. LICENSING PROCEDURES:

NA 10.00 Licensing Procedure:

10.01(1) Application for a New License or Renewal of a License:

- NA (A) Application for a license or renewal of a license to operate a Child Care Facility shall be made in the manner and on the forms prescribed by the Local Licensing Agency as set forth in Florida Statutes, Section 402.308, and the rules promulgated thereunder. The application forms and other required forms may be obtained from the Local Licensing Agency. The applicant is also responsible for confirming with the zoning authority that the property can be used for the operation of a Child Care Facility prior to operation.
- NA (B) A completed application for renewal of licensure must be submitted to the Local Licensing Agency no later than forty-five (45) calendar days prior to the expiration date of the current license and must be accompanied by the appropriate license fee to ensure that a lapse of licensure does not occur. Failure to submit the application at least forty-five (45) calendar days prior to the expiration date will result in a late fee as defined in Section 10.02 of the Rules and Regulations, below. The license or renewal application shall be deemed incomplete until all Local Licensing Agency's licensing fines and fees are paid and valid proof of payment for the fire inspection(s) and fire inspection report is on file with the Local Licensing Agency. If an applicant for a new license or renewal of a license pays the licensing fee by a check which is returned for insufficient funds, the license fee or renewal fee, as the case may be, shall be deemed to have not been paid.
- NA (C) The application for a license or renewal of a license must be completed and signed by the individual Owner, prospective Owner, or the designated representative of a partnership, association or corporation and must include submission of background screening documents for the Owner and/or Operator. Within thirty (30) calendar days after receipt of the application, the Local Licensing Agency shall examine the application, notify the applicant of errors or omissions, and request any additional information the Local Licensing Agency deems necessary to ensure that all of the standards for licensure required by the Ordinance and the Rules and Regulations have been met. Whenever information is required to be submitted to the Local Licensing Agency by an applicant for a license to operate a Child Care Facility where the information concerns qualifications or characteristics personal to the applicant including age, moral character, and criminal records, the following shall apply: if the applicant is an individual the term "applicant" shall mean that individual if the applicant is a firm, partnership, association or corporation, the term "applicant"

shall mean the designated representative of that firm, partnership, association or corporation.

- (D) If the applicant is a partnership, the application shall contain the name and address of every partner of the partnership. If the applicant is a corporation, firm, or association, the application shall contain its name and address, and the names and addresses of the members of its board of directors its officers and the registered agent.
- NA (E) The application and supporting documentation must be complete, truthful and correct. Falsification of applicant information is grounds for denial of a license or the renewal of a licensee to operate a Child Care Facility and grounds for the imposition of penalties as stated in Florida Statutes, Section 402.319.
- NA **10.01(2)** The license is issued in the name of the Owner, which may be an individual, association, corporation or partnership. A license is non-transferable between Owners and locations.
- NA **10.01(3) Change in Ownership:**
 - (A) The Owner of a Child Care Facility license may not conduct a change in ownership with another party or entity with the intent to evade or circumvent disciplinary action. . If the Owner has received notice or a final decision from the Local Licensing Agency or should have reasonably expected to receive notice from the Local Licensing Agency that based upon the facility's recent conduct that reasonable cause exists to suspend, revoke or place the Owner's license on probationary status, a change in ownership pursued under these circumstances creates a rebuttable presumption that the Owner's intent in taking such action is to circumvent or evade disciplinary action(s). This action may be used by the Local Licensing Agency as a basis to deny the new license application.

Whenever a Child Care Facility is to be sold or the ownership is to be changed, including, but not limited to, instances where the shares of the corporation to which the license is issued or interests in the partnership to which the license is issued are transferred, the prospective Owner or designated representative of the prospective Owner shall make application to the Local Licensing Agency for a new license. The Local Agency may request additional information including, without limitation, copies of transfer documentation the Local Licensing Agency deems necessary to ensure that all of the standards for licensure required by the Ordinance and the Rules and Regulations have been met prior to the final sale of the business. The Local Licensing Agency shall grant or deny the application for licensure within forty-five (45) calendar days from the date the Child Care Facility submits a complete application, or the date the Local Licensing Agency receives all timely requested additional, corrected and/or omitted information, whichever occurs later. The failure to obtain a license pursuant to this subsection is grounds for imposition of the penalties stated in Florida Statutes,

Section 402.319, Section 12 of the Ordinance, and for obtaining the injunctive relief provided by Florida Statutes, Section 402.312, if Child Care continues to be provided.

- NA (B) At least seven (7) calendar days prior to the transfer of ownership of a Child Care Facility, and in compliance with Section 402.305(18), Florida Statutes, the custodial Parents/legal guardians shall be notified by one of the following methods:
1. Posting a notice in a conspicuous location at the Child Care Facility;
 2. Incorporating such information in any existing newsletter; or
 3. Sending out individual letters or fliers.
- NA (C) Upon issuance of the license or its renewal, it shall be displayed in a conspicuous place inside the Child Care Facility. The license must bear the distinctive seal of the County and of the Department in accordance with Florida Statutes, Section 402.3125. The capacity of the Child Care Facility shall be designated on the face of the license. The Child Care Facility must not exceed, at any time, the capacity designated on the license.
- NA **10.01(4)** The license for a Child Care Facility is issued by the Local Licensing Agency. It shall be issued for a specified address and for operation by specific individual(s) or a designated organization and for a specific age group. Child Care Facilities may not care for an age range not specified on the license. The Child Care Facility must not be used for any business or purpose unrelated to providing child care that can interfere with compliance with Child Care standards or permit the unsupervised presence of individuals who do not meet screening and training requirements (with the exception of Parents/legal guardians of children in care when children are present). The facility that utilizes any area that is subject to use by persons outside of the program must have exclusive control of such area when used by the program and provide effective measures to exclude individuals who do not meet screening and training requirements.
- NA **10.01(5)** A license issued pursuant to Section 5 of the Ordinance shall expire twelve (12) months after issuance; except that if during that twelve (12) month period a license is placed on probation for a period of time which extends beyond the license expiration date and the license is renewed, the renewal license shall be initially placed on probationary status for the remaining portion of the probation period.
- NA **10.01(6)** Prior to issuance of any license, all outstanding Local Licensing Agency's licensing fines and fees must be paid and submission of valid proof of payment for the fire inspection(s) and fire inspection report must be submitted and on file with the Local Licensing Agency. If, at the time of a license issuance, there is a pending administrative hearing seeking a proposed fine or imposition of a probationary status, the

facility will be issued a provisional license until the final order is entered and any fine imposed has been paid. If, at the license issuance, there is a pending revocation, suspension, or denial of a renewal license, the issuance of the license is dependent upon the final order, a satisfactory inspection if warranted, and the payment of any imposed fines. However, if the facility has timely filed a completed license application, it may be able to continue to operate under a provisional license as long as provisions are put in place to ensure the health and safety of the children in care. This provision does not limit the agency's authority to seek or enforce other administrative actions authorized by this Code or State law, including but not limited to, seeking emergency injunctive relief. Prior to the renewal of a license, the Local Licensing Agency shall re-examine the Child Care Facility including, but not limited to, the examination of the premises and records of the Child Care Facility as required in the Ordinance and the Rules and Regulations and by Florida Statutes, Section 402.305, to determine that minimum standards for licensure continue to be met.

- NA **10.01(7)** The Local Licensing Agency shall issue a license or renew a license upon being satisfied that all the requirements of the Ordinance, the Rules and Regulations, Sections 1.01(13) and 1.01(14) of this Code, Florida Statutes, Section 402.305, other applicable Florida Statutes and other applicable regulations and ordinances have been met. No license may be issued or renewed if any of the Child Care Personnel or the applicant of the Child Care Facility has failed the screening required by Section 1.01 of this Code, Florida Statutes, Sections 402.305(2), Florida Statutes 402.3055, and Florida Statutes Chapter 435.
- NA **10.01(8)** It shall be a violation of the Ordinance for any person to misrepresent, by act or omission, a Child Care Facility to be duly licensed pursuant to the Ordinance or Florida Statutes without being so licensed.
- NA **10.01(9)** It shall be violation of the Ordinance for any person to make any other misrepresentation, by act or omission, regarding the licensure or operation of a Child Care Facility to a Parent who has a child placed in the Child Care Facility or is inquiring as to placing a child in the Child Care Facility, or to a representative of the Local Licensing Agency, or to a representative of a law enforcement agency including, but not limited to, any misrepresentation as to:
- (A) The number of children at the Child Care Facility;
 - (B) Any change in the age range of the children in care;
 - (C) The part of the Child Care Facility designated for Child Care;
 - (D) The qualifications or credentials of Child Care Personnel;
 - (E) Whether a Child Care Facility complies with the Screening Requirements of Florida Statutes, Sections 402.305(2) and Florida Statutes 402.0355, of the Ordinance or of the Rules and Regulations;

(F) Whether Child Care Personnel have the training as required by Florida Statutes, Section 402.305; and/or

(G) Whether transportation is being provided.

NA **10.02 Licensing and Other Related Fees:**

10.02(1) A licensing fee shall be assessed for every license issued by the Local Licensing Agency to operate a Child Care Facility. This fee must be submitted with the application for license and shall be valid only for the duration of the license.

10.02(2) In addition to the license fee, a late fee must be submitted for a renewal application received by the Local Licensing Agency after the deadline for submission.

10.02(3) Once a license has been issued, the Owner and/or Operator must notify the Local Licensing Agency in writing of any changes to the license application. The Local Licensing Agency shall either approve or deny the change to the license. Any changes shall require a change license for which a fee shall be assessed.

10.02(4) A per person fee shall be assessed for each Local Licensing Agency's Consultation Session requested in accordance with the Child Care Owner/Operator Training requirements of the Rules and Regulations.

10.02(5) Fees shall be assessed in accordance with the Child Care Licensing Fee Schedule, as previously established and adopted by the Hillsborough County Board of County Commissioners as shown in **Appendix "B,"** which is incorporated by reference and attached herein for convenience. In addition, an administrative fee may be assessed for any administrative costs incurred by the County in conducting administrative hearings pursuant to Section 11.00 of the Rules and Regulations. The fee schedule may be amended, if necessary, by the Hillsborough County Board of County Commissioners by resolution. All fees shall be paid by check or money order payable to the Hillsborough County Board of County Commissioners and shall be non-refundable.

10.02(6) Non-payment of fees related to the application process plus any applicable insufficient funds charge(s) shall render the application incomplete. Non-payment of any other fees shall result in the non-issuance or non-renewal of the license until the fees and any applicable insufficient funds charge(s) have been paid in full.

10.02(7) Inactive License Status: A Child Care Facility license may be placed in an "Inactive Status" for a term not to exceed thirty-six (36) months. For purposes of this section, any holder of a license that is currently in an "Inactive Status" shall be deemed to have the license placed in that status as of the effective date of this Amendment to the Ordinance. To remain in this status, the Facility must be inspected a minimum of two (2) times per year during the licensing year and remain in compliance with the minimum licensing standards. The Owner must notify the Local Licensing Agency of his or her intent to resume operations prior to accepting any

children for care. The licensing agency will advise the Owner of any requirements that must be complied with prior to resuming operations under the license.

NA **10.03 Provisional License:**

NA **10.03(1) Conditions:** The Local Licensing Agency may issue a provisional license allowing a Child Care Facility to operate for a designated period of time in order to meet one or more licensing standard(s) or condition(s) as indicated below. A provisional license may not be issued unless the Operator makes adequate provisions for the health and safety of the children in care. No provisional license may be issued unless the Child Care Facility is in compliance with the requirements for screening of Child Care Personnel pursuant to Section 1.01 of the Rules and Regulations, Florida Statutes, Section 402.305(2) and Florida Statutes, Section 402.3055. A provisional license is not a disciplinary sanction.

NA **10.03(2) Time Limits:** The provisional license may not be issued for a period that exceeds six (6) months. It may be renewed one time only for a period that may not exceed six (6) months, under unusual circumstances beyond the control of the applicant.

NA **10.03(3) Suspension or Revocation of Provisional License:** The provisional license may be suspended or revoked if periodic inspection or review by the Local Licensing Agency indicates that insufficient progress has been made toward compliance. Nothing in this subsection precludes the Local Licensing Agency from issuing probationary status, suspension or revocation for violation(s) of the Ordinance and the Rules and Regulations.

10.03(4) Previous License Holders: The Local Licensing Agency may, at its own discretion, issue a provisional license allowing a Child Care Facility to operate for a designated period of time in cases where the applicant's previous license had been denied, revoked, suspended or placed on probationary status, had a history of significant Class I or Class II fine violations, or the applicant had not successfully completed the terms and/or conditions of a prior Stipulated Agreement or Corrective Action Plan. The Local Licensing agency may require specific conditions under which the facility must operate during this period for the purpose of assessing the safety and welfare of the children in care, to monitor the facility for compliance with licensing standards, or to ensure that similar or the same type of conduct is not repeated by the applicant during the probationary period. This license shall be subject to all other provisions indicated above and in Sections 1.01(13) and 1.01(14) of the Rules and Regulations.

**SECTION 11 SHALL NOT APPLY TO EXEMPT CHILD CARE FACILITIES
EXEMPT FROM LICENSURE IN ACCORDANCE WITH FLORIDA STATUTES,
SECTION 402.316 AND THE ORDINANCE.**

**SECTION 11. ENFORCEMENT FOR CHILD CARE FACILITIES AND NON
PUBLIC SCHOOLS:**

NA **11.01 Violation of Licensure Requirement:** The operation of a Child Care Facility without a license from the Local Licensing Agency or under a license which is suspended or revoked is strictly prohibited. The Board of County Commissioners is empowered to seek an injunction in Circuit Court to enjoin the operation or to enforce other restrictions of a Child Care Facility, whether licensed or unlicensed, under the jurisdiction of the Local Licensing Agency. Additionally, the Local Licensing Agency may impose an administrative fine on any Child Care Facility operating without a license consistent with the provisions of the Ordinance and the Rules and Regulations.

11.02 Local Licensing Agency's Administrative Actions:

FC **11.02(1) General:** The Local Licensing Agency is authorized to enforce the provisions of the Ordinance and the provisions of the Rules and Regulations by utilizing any one or more of the following administrative actions:

- (A) Technical Support. Technical Support means on-site Technical Assistance which would remedy the violation and impose a corrective action deadline date.
- (B) Corrective Action Plan. A Corrective Action Plan means a written document signed by the Local Licensing Agency and the Owner. The Corrective Action Plan must specify the actions the Owner must make to correct the violation(s) and to insure the violation(s) will not reoccur.
- (C) Administrative Fine. The Local Licensing Agency may impose administrative fines consistent with Section 11.05 of the Rules and Regulations below.
- (D) Stipulated Agreement. The Owner and the Local Licensing Agency may enter into a Stipulated Agreement to the address violations and sanctions.
- (E) Denial, suspension, probation, or revocation of a license. The Local Licensing Agency has authority to deny, suspend, place on probationary status or revoke a license.

NA **11.02(2) Probationary Status:** A license on probationary status is a license in jeopardy of being revoked or not renewed due to violation(s) of licensing standards. Probationary status may require the Owner to comply with specific conditions intended to ensure that the Owner comes into and maintains compliance with all licensing standards. Specific conditions may include, but are not limited to, requiring the Owner to remedy an existing violation, requiring a specific period during which compliance with

a licensing standard(s) must be strictly maintained, and requiring specific conditions under which the Child Care Facility must operate during the probationary period. Upon commencement of the probationary status, the Local Licensing Agency is authorized to frequently monitor the Child Care Facility to assess if violations have been corrected and the requirements of the Ordinance and Rules and Regulations have been met. Probationary status may be discontinued and the license may be suspended or revoked, if inspections by the Local Licensing Agency find that the Owner is not in compliance with the terms of probation or that the Owner is not making sufficient progress towards compliance with the Ordinance and/or the provisions of the Rules and Regulations.

- (A) **Time Limits:** In accordance with Florida Statutes, Section 402.310, probationary shall be for a period not to exceed six (6) months. Probationary status shall not be renewed or extended beyond a six (6) month period.
- (B) **Written Notification Required:** Immediately upon receipt of notification of the imposition of probationary status, the Owner or Operator must notify, in writing, the Parents of the children in care that its license is on probationary status including the effective date. Copies of the notices sent to Parents must be provided to the Local Licensing Agency within three (3) business days following the receipt of the notice that the Child Care Facility is placed on probationary status. The failure by the Child Care Facility to timely provide notice of its probationary status to Parents or copies to the Local Licensing Agency of the notice to Parents regarding its probationary status shall be grounds for further enforcement action including, but not limited to, suspension or revocation of its probationary license.

11.02(3) License Suspension: The Local Licensing Agency may suspend the License of a Child Care Facility for violations of the Ordinance and/or violations of the Rules and Regulations.

- (A) **Suspension Requirements:** During the period when its license is suspended, the Child Care Facility shall not provide Child Care. The Local Licensing Agency shall retain authority to inspect the Child Care Facility periodically to ensure that Child Care is not being provided. Ten (10) days prior to the termination date of the suspension, the Local Licensing Agency shall conduct an inspection to ensure Ordinance and Rules and Regulations are in compliance. The provision of Child Care by an Owner whose license is suspended is a violation of the Ordinance and Rules and Regulations and shall be grounds for revocation of the suspended license and/or seeking injunctive relief.
- (B) **Written Notification Required:** Immediately upon receipt of written notification from the Local Licensing Agency of the suspension of its license, the Owner or Operator must notify, in writing, the Parents of the children in care that its license is suspended including the effective date. The notification to the Parents must also include a statement that the Child Care Facility is not permitted to provide Child

Care during its suspension period. Copies of the notices of suspension sent to Parents must be provided to the Local Licensing Agency within three (3) business days following the receipt of the notice that the Child Care Facility is on suspension. The failure by the Child Care Facility to timely provide notice of its license suspension to Parents or copies to the Local Licensing Agency of its notice to Parents that its license has been suspended shall be grounds for further enforcement action by the Local Licensing Agency.

11.02(4) Injunctive Relief: In accordance with Florida Statutes, Section 402.312, Hillsborough County is empowered to seek an injunction in the Circuit Court to enjoin the operation of a Child Care Facility when the Local Licensing Agency discovers that Child Care Facility is being operated without a license or under a license which has been revoked or suspended. If the court is closed for the transaction of judicial business, Hillsborough County may seek an emergency injunction to enjoin continued operation of the unlicensed Child Care Facility, which injunction shall be continued, modified or revoked on the next day of judicial business. Other grounds upon which the Local Licensing Agency may seek injunctive relief include the following:

- (A) When there is any violation of the standards applied under the Ordinance, the Rules and Regulations or under Florida Statutes, Sections 402.301-402.319, or Florida Administrative Code, which threatens harm to any child in the Child Care Facility;
- (B) When an Owner has repeatedly violated the standards provided for under the Ordinance, the Rules and Regulations or demonstrated a pattern of noncompliance in meeting these standards; or
- (C) When a Child Care Facility continues to have children in attendance after the closing date established by the Local Licensing Agency.

FC **11.03 Factors to Determine Administrative Action:** Administrative action shall be applied progressively for each violation of the Ordinance and the Rules and Regulations. In accordance with Florida Statutes 402.310, in determining the appropriate administrative action to be taken for a violation, the following factors shall be considered:

- (A) The severity of the violation, including the probability that death or serious harm to the health or safety of any person will result or has resulted, the severity of the actual or potential harm and the extent of the violation;
- (B) Actions taken by the Owner or nonpublic school to correct the violation or to remedy complaints; and
- (C) Any previous violations of the Child Care Facility or nonpublic school.

FC **11.04 Classes of Violations:** Violation means a finding of noncompliance by the Local Licensing Agency of any provision of the Ordinance and/or Rules and Regulations. Each violation has an assigned classification as set forth in the Local Licensing Agency Classification Guideline Summary, which is incorporated by reference and attached herein as **Exhibit “C”** for convenience.

11.04(1) Class I Violations: are violations, which are most serious in nature, pose an imminent threat to a child including abuse or neglect which could or does result in death or serious harm to the health, safety or well-being of a child.

11.04(2) Class II Violations: are violations that 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.

11.04(3) Class III Violations: are less serious in nature than either Class I or Class II and pose a lower potential for harm to children.

11.04(4) Technical Support Violations: are the first or second occurrence of a noncompliance of an individual Class III regulation or the first occurrence of non-compliance of an individual Class II regulation.

11.04(5) A violation of any Class II or Class III regulation that could or does result in death or serious harm to a child shall automatically become a Class I violation.

FC **11.05 Progressive Administrative Action for Licensing Violations:** A grace period is provided, wherein a violation of a standard that has occurred more than two (2) years prior to a subsequent violation of the same standard, will not be counted for purposes of progressive discipline. However, for the purposes of continued licensure, the program’s violation history will be considered. A violation that has been withdrawn by the licensing agency or has been dismissed as the result of an administrative proceeding held pursuant to Chapter 120, Florida Statutes, contesting and administrative complaint will not be counted for purposes of progressive discipline. A violation that is only reflected in an inspection report does not relieve the licensing agency of its burden to prove that violation for purposes of progressive discipline upon the alleged occurrence of a subsequent violation. Administrative actions for licensing violations that occur within a two (2) year period from the date of the violation shall be progressively applied as follows:

11.05(1) Class I Violations:

(A) For the first and second violation of a Class I regulation, the Local Licensing Agency shall apply the factors set forth in Section 11.03 of the Rules and Regulations above, and issue an administrative complaint imposing a fine of not less than two hundred-fifty dollars (\$250.00) and no more than five hundred dollars (\$500.00) per day for each violation and may impose other administrative actions specified in Section 11.02(1) of the Rules and Regulations above, in addition to the fine. Pursuant to Section 7(3) (c) of the Ordinance and Florida Statutes, Section 402.3025, a maximum fine of one hundred dollars (\$100.00) may be imposed on nonpublic schools. Per Section 11.02(1) and Florida

Statutes, Section 402.310, the Local Licensing Agency is authorized to deny, suspend, place a license on probationary status, or revoke a license for a first and second Class I violation based upon the factors set forth in Section 11.03.

- (B) For the third and subsequent violation of a Class I regulation, the Local Licensing Agency shall issue an administrative complaint to suspend, deny, or revoke the license. The Local Licensing Agency may upon applying the factors set forth in Section 11.03 of the Rules and Regulations, above, may levy a fine not less than two hundred fifty-dollars (\$250.00) or more than five hundred dollars (\$500.00) per day for each violation in addition to taking any other administrative action. Pursuant to Section 7(3)(c) of the Ordinance and Florida Statutes, Section 402.3025, a maximum fine of one hundred dollars (\$100.00) may be imposed on nonpublic schools.

11.05(2) Class II Violations:

- (A) For the first violation of a Class II regulation, the Local Licensing Agency shall issue a formal warning letter stating the Local Licensing Agency's intent to take administrative action, if further violations of the same infraction occur and the Local Licensing Agency shall provide Technical Assistance to the Owner and/or Operator, whichever is applicable. The violation shall be classified as a Technical Support violation. However, any violation of a Class II standard that results in death or serious harm to a child shall escalate to a Class I violation.
- (B) For the second violation of the same Class II regulation, the Local Licensing Agency shall issue an administrative complaint imposing a fine of one hundred dollars (\$100.00) for each violation. This violation, and subsequent violations, of the same regulation within a two (2) year licensing period shall be classified as a Class II violation.
- (C) For the third violation of the same Class II regulation, the Local Licensing Agency shall issue an administrative complaint imposing a fine of one hundred twenty-five dollars (\$125.00) per day for each violation.
- (D) For the fourth violation of the same Class II regulation, the Local Licensing Agency shall issue an administrative complaint placing the Owner's license on probationary status for a period not to exceed six (6) months and the Local Licensing Agency shall also issue an administrative complaint imposing an additional fine of one hundred fifty-dollars (\$150.00) per day for each violation.
- (E) For the fifth and subsequent violation of the same Class II regulation, the Local Licensing Agency shall issue an administrative complaint to suspend, deny or revoke the license. The Local Licensing Agency shall issue an administrative complaint imposing an additional fine of one hundred seventy-five dollars (\$175.00) per day for each violation.

11.05(3) Class III Violations:

- (A) For the first violation of the Class III regulation, the Local Licensing Agency shall provide Technical Assistance to the Owner and/or Operator. The violation shall be classified as Technical Support violation.
- (B) For the second violation of the same Class III regulation, the Local Licensing Agency shall issue a formal warning letter stating the Local Licensing Agency's intent to take administrative action if further violations of the regulation are found. The violation will be classified as Technical Support violation.
- (C) For the third violation of the Class III regulation, the Local Licensing Agency shall issue an administrative complaint imposing a fine of fifty dollars (\$50.00) for each violation.
- (D) For the fourth violation of the same Class III regulation, the Local Licensing Agency shall issue an administrative complaint imposing a fine of seventy-five dollars (\$75.00) per day for each violation.
- (E) For the fifth violation of the same Class III regulation, the Local Licensing Agency shall issue an administrative complaint placing the Owner's license on probationary status for a period not to exceed six (6) months. The Local Licensing Agency shall also issue an administrative complaint imposing a fine of one hundred dollars (\$100.00) per day for each violation.
- (F) For the sixth and subsequent violation of the same Class III regulation, the Local Licensing Agency will issue an administrative complaint to suspend, deny or revoke the license. The Local Licensing Agency shall also issue an administrative complaint imposing a fine of one hundred dollars (\$100.00) per day for each violation.

11.05(4) Children's Health/Immunization Records:

- (A) For the first violation of a Class III Children's Health or Immunization regulation, the Local Licensing Agency shall provide Technical Assistance to Owner and/or Operator. The violations shall be classified Technical Support violation.
- (B) For the second violation of the same Class III Children's Health and/or Immunization regulation, the Local Licensing Agency shall issue a formal letter stating the Local Licensing Agency's intent to take administrative action if further violations of the regulation are found. The violation will be classified as a Technical Support violation.

- (C) For the third violation of the same Class III Children's Health and/or Immunization regulation, the Local Licensing Agency shall issue an administrative complaint imposing a fine of twenty-five dollars (\$25.00) per violation. This violation and subsequent violations of the same violation within a two (2)-year period shall be classified as Class III.
- (D) For the fourth violation of the same Class III Children's Health and/or Immunization regulation, the Local Licensing Agency shall issue an administrative complaint imposing a fine of thirty dollars (\$30.00) per violation.
- (E) For the fifth violation of the same Class III Children's Health and/or Immunization regulation, the Local Licensing Agency shall issue an administrative complaint imposing a fine of forty dollars (\$40.00) per day for each violation.
- (F) For the sixth and subsequent violation of the same Class III Children's Health and/or Immunization regulation, the Local Licensing Agency shall issue an administrative complaint placing the Owner's license on probationary status for a period not to exceed six (6) months. The Local Licensing Agency shall also issue an administrative complaint imposing an additional fine of fifty dollars (\$50.00) per day for each violation.

FC **11.06 Notice of Administrative Action:** When the Local Licensing Agency has found reasonable cause to believe that grounds for denial, imposition of an administrative fine, probation, suspension or revocation of a license exists, it shall notify the applicant, Owner of Child Care Facility, or nonpublic school, in writing, stating the grounds for the administrative action being imposed.

FC **11.07 Written Request for Hearing:**

11.07(1) The applicant or Owner may make a written request for hearing to contest the Local Licensing Agency's denial, imposition of an administrative fine, probation, suspension or revocation of a license. The request must include the basis for contesting the Local Licensing Agency's administrative action along with any facts that support the applicant's or Owner's position. The written request must be received by the Local Licensing Agency within fifteen (15) calendar days of said receipt of the Notice.

11.07(2) If the applicant or Owner does not make a written request for a hearing to the Local Licensing Agency within fifteen (15) calendar days after receipt of the notice, the license shall be deemed to be placed on probation, suspended, denied or revoked, or an administrative fine shall be imposed. This action shall take effect and be imposed on the sixteenth Calendar Day from said receipt of the notice. A waiver of a right to an administrative hearing shall be deemed as an admission of the violation(s) contained in the complaint. In addition, if prior to the hearing, the Caregiver satisfies the fines imposed in an administrative complaint seeking fines only, this action shall be deemed as a waiver of the right to an administrative hearing and considered an admission to the violation(s) contained therein.

FC **11.08 Applicant/Owner Rights:** Each applicant or Owner requesting a hearing shall be afforded the following rights relevant thereto:

- (A) Present his/her case by oral or documentary evidence;
- (B) Be accompanied, represented and advised by counsel, provided by and at the applicant's or Owner's sole cost and expense; and
- (C) Offer the testimony of witnesses.

FC **11.09 Notice of Hearing:**

11.09(1) If a written request for a hearing is made to the Local Licensing Agency by an applicant or Owner within the fifteen (15) calendar days described above, a hearing shall be held within thirty (30) calendar days from receipt of the written request. The Office of the County Attorney (CAO) shall serve as legal counsel to the Local Licensing Agency. The CAO shall have the authority to perform all the duties it deems necessary to effectuate the intent of this Ordinance.

11.09(2) The applicant or Owner shall be given no less than fourteen (14) calendar days prior written notice of the time, place and nature of the hearing. Such written notice shall include a copy of the Local Licensing Agency's written statement of the grounds for denial of the license or license renewal, or the suspension, probation, or revocation of the license, or imposition of an administrative fine, or other administrative action.

FC **11.10 Hearing Officer:** The hearing shall be conducted by a Hearing Officer who shall be a member in good standing of The Florida Bar and who is not an employee of the Hillsborough County Attorney's Office. The Hearing Officer shall pass a criminal background check prior to his or her appointment. The Hearing Officer must be appointed by the Board of County Commissioners as a Child Care Licensing Hearing Officer, consistent with Board of County Commissioners' policies. The Hearing Officer shall receive reimbursement for mileage and parking while conducting hearings.

11.10(1) Subpoenas: The Hearing Officer shall have the power to issue subpoenas for the production of documents or the attendance of witnesses at a hearing upon the written request of the Local Licensing Agency, the Owner or applicant.

- (A) A subpoena may be served by any person authorized by law to serve process or by any person who is not a party and who is of majority age. Service shall be made by delivering a copy thereof to the person named in the subpoena. Proof of such service shall be made by affidavit of the person making service of the subpoena.
- (B) A party may seek enforcement of a subpoena issued under the authority of this Section by filing a petition for enforcement in the County Court. The Hearing Officer may continue the hearing for a reasonable period of time pending resolution of the subpoena matter.

- (C) Ex parte communications with the Hearing Officer regarding matters pending or impending before him or her is strictly prohibited. Ex parte communication as contemplated herein shall not include scheduling matters or transmission of official documents by the Local Licensing Agency pursuant to the Ordinance or the Rules and Regulations.

FC **11.11 Pre-Hearing Conference:** At least five (5) calendar days prior to the hearing, the parties shall stipulate to as many facts or issues, as possible. Each party shall exchange witness lists. The witness list shall identify the name, current address and telephone numbers of those witnesses who may be called to testify at the hearing. Additionally, the parties shall stipulate to as many documents and exhibits intended to be introduced at the hearing, as possible. The lists may be amended by either party, prior to the hearing, provided that notice of said action and copies of any documents and/or exhibits intended to be introduced are provided to the other party in advance of the hearing date.

FC **11.12 Hearing:** To the maximum extent practical, hearings shall be informal. All hearings shall be open to the public. The Hearing Officer shall decide all questions of procedures and admissibility of evidence. The Florida Evidence Code and Florida Rules of Civil Procedure may serve as guidance to the parties. Should the applicant or Owner wish to appeal the Local Licensing Agency's final action and a verbatim record of the proceedings is needed or required for such purpose; the applicant or Owner, at his or her sole cost and expense, will be responsible for ensuring that a verbatim transcript of the hearing is made at the time of the hearing to include the testimony and evidence upon which the appeal is based for that purpose.

11.12(1) The Order of Presentation shall be as follows for the Revocation, Suspension, the Placement on Probationary Status of a License, or the Denial of the Renewal of an Existing License:

- (A) Opening statement by the Local Licensing Agency, unless waived: Five (5) minutes, maximum;
- (B) Opening Statement by applicant or Owner, unless waived: Five (5) minutes, maximum;
- (C) Local Licensing Agency's presentation of its investigation, evidence, findings and any witnesses: One (1) hour and thirty (30) minutes, maximum; this time allotment excludes cross-examination and questions presented by the Hearing Officer. To the maximum extent practical, cross examination of each witness should not exceed fifteen (15) minutes per party;
- (D) Applicant's or Owner's presentation of evidence and witnesses: One (1) hour and thirty (30) minutes, maximum; this time allotment excludes cross-examination and questions presented by the Hearing Officer. To the maximum extent practical, cross examination of each witness should not exceed fifteen (15) minutes per party;

- (E) Rebuttal Witnesses from the Local Licensing Agency and applicant or Owner: Fifteen (15) minutes, maximum for each side. This time allotment excludes cross-examination and questions presented by the Hearing Officer. To the maximum extent practical, cross examination of each witness should not exceed ten (10) minutes per party;
- (F) Amended recommendations of Local Licensing Agency, and summation, if any: Fifteen (15) minutes, maximum; and
- (G) Summation by applicant or Owner, if any: Fifteen (15) minutes, maximum.

11.12(2) The Order of Presentation shall be as follows for the Denial of an Initial License and the Imposition of an Administrative Fine:

- (1) Opening statement by the Local Licensing Agency, unless waived: Three (3) minutes, maximum.
- (2) Opening Statement by the Applicant or Caregiver, unless waived: Three (3) minutes, maximum.
- (3) Local Licensing Agency's presentation of its investigation, witnesses, evidence, exhibits and findings: One (1) hour maximum. This time allotment excludes cross-examination and questions presented by the Hearing Officer. To the maximum extent practical, cross examination of each witness should not exceed ten (10) minutes per party.
- (4) Caregiver/Applicant's presentation of evidence, exhibits, and witnesses: One (1) hour, maximum. This time allotment excludes cross-examination and questions presented by the Hearing Officer. To the maximum extent practical, cross examination of each witness should not exceed ten (10) minutes per party.
- (5) Rebuttal witnesses and/or evidence from the Local Licensing Agency and Caregiver/Applicant: ten (10) minutes, maximum for each side. This time allotment excludes cross-examination and questions presented by the Hearing Officer. To the maximum extent practical, cross examination of each witness should not exceed five (5) minutes per party.
- (6) Amended recommendations of Local Licensing Agency, and summation, if any: ten (10) minutes, maximum.
- (7) Summation by Caregiver/Applicant, if any: ten (10) minutes, maximum.

11.12(3) Granting of Additional Time: For good cause shown and/or based upon the complexity of the case, the Hearing Officer may grant additional time to any of the time allotments above, if he or she deems that such adjustment is necessary or appropriate under the circumstances.

11.12(4) Cross Examination: Cross examination of witnesses shall be permitted. The Hearing Officer may call and question witnesses as he or she deems necessary and appropriate.

11.12(5) Burden of Proof: The order of presentation of evidence is as provided in Section 11.12 of the Rules and Regulations, above. When the Local Licensing Agency intends to deny an initial license, the burden of persuasion is upon the applicant to prove by a preponderance of the evidence of the entitlement to the license. When the Local Licensing Agency intends to impose an administrative fine, place a license on probationary status, deny the renewal of an existing license, suspend or revoke a license, the burden of persuasion is on the Local Licensing Agency to prove by clear and convincing evidence that the administrative action is justified.

11.12(6) Evidence: Irrelevant, immaterial or unduly repetitious evidence shall be excluded. Any part of the evidence may be received in written form and all testimony shall be under oath. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient, by itself, to support a finding by the Hearing Officer, unless it would be admissible over objections in a civil action.

FC **11.13 Recommendation and Final Decision:** Within fifteen (15) business days of the hearing's conclusion, the Hearing Officer shall file his or her written findings and recommendations with the Local Licensing Agency and provide a copy to the applicant or Owner. Within fifteen (15) business days after receiving the Hearing Officer's findings and recommendations, the Local Licensing Agency shall notify the applicant or Owner of its final decision in the matter. The agency's final decision will be effective upon the date indicated by the agency in its notification letter. Upon a finding by the Hearing Officer that the agency's administrative action is justified, the Owner/Applicant will be advised by the Local Licensing Agency as to any administrative fees that may be assessed against him or her for the costs incurred by the County in bringing the requested appeal.

FC **11.14 Appeal:** An applicant or Owner shall have the right to appeal a decision of the Local Licensing Agency to a representative of the Department pursuant to Florida Statutes, Section 402.310. Any required hearing shall be held in the County in which the Child Care Facility is being operated or is to be established. The hearing shall be conducted in accordance with the provisions of Chapter 120, Florida Statutes. The applicant or Owner, at its sole cost and expense, will need to ensure that a verbatim transcript of the hearing is made to include the testimony and evidence upon which the appeal is based, if a verbatim record of the proceedings for such purpose is needed or required by law. Any hearing conducted under this Ordinance shall not operate to stay or supersede any order rendered by the Local Licensing Agency revoking, suspending, denying a license, or placing the license on a probationary status, or imposing a fine. A written request to appeal a final decision to the Department must be made within thirty (30) Business Days from the effective date of the Local Licensing Agency's final decision to be appealed consistent with provisions contained in Chapter 120, Florida Statutes.

FC **11.15 Disqualification from Re-application:**

- (A) Any Owner whose child care license has been revoked in Hillsborough County or another jurisdiction or state, for violations not resulting in death or serious physical or emotional harm to a child, shall not be eligible for licensure for a period of two (2) years from the date of said revocation. Any licensee, whose license has been revoked, pursuant to the conditions described above, must show that the reasons for the revocation of the license have been corrected or remedied and that he or she meets the licensing standards under this Ordinance. In determining whether to grant or deny the application, the Local Licensing Agency shall consider the following factors: (i) the severity of the prior violation(s), (ii) the actions taken by the applicant to correct or remedy the prior violation(s), and (iii) the applicant's prior licensing history. The Local Licensing Agency may grant, deny, or at its own discretion, issue the applicant a provisional license requiring specific conditions under which the facility must operate during the probationary period for the purpose of assessing the safety and welfare of the children in care and to monitor the facility for compliance with licensing standards.
- (B) Any licensee whose license has been revoked in Hillsborough County or in any other jurisdiction or state for violations that resulted in death or serious physical or emotional harm to a child shall not be eligible to re-apply for licensure under this Ordinance.
- (C) Any applicant whose license application has been denied in subsection 11.15(A) above shall not be eligible to apply for licensure for a period of two (2) years from the date of the denial, as determined by the Local Licensing Agency. Owner and Applicant shall include all partners within a partnership, each officer, director and registered agent of a corporation or limited liability company. Any decision rendered by the Local Licensing Agency for the denial of a license is subject to the procedures set forth in Section 11 and 10.03 of the Rules and Regulations, including the right to appear before a Child Care Licensing Hearing Officer to contest the Local Licensing Agency's decision to deny the application request.

**SECTION 12. EXEMPT CHILD CARE FACILITIES EXEMPT FROM
LICENSURE IN ACCORDANCE WITH FLORIDA STATUTES,
SECTIONS 402.316 AND THE ORDINANCE:**

- NA **12.01 General Requirements:** Exempt Child Care Facilities as defined in Florida Statutes, Section 402.316, shall comply with all sections of the Rules and Regulations which are not marked with an asterisk (*) which indicate the minimum requirements ("Minimum Requirements") of Hillsborough County as to Health, Sanitation and Safety and the Screening Requirements in Florida Statutes, Sections 402.305 and 402.3055, and Florida Statutes Chapter 435 ("Screening Requirements"). Nothing in the Ordinance or the Rules and Regulations shall give the Local Licensing Agency jurisdiction or authority to inspect, regulate, or supervise the curriculum taught in Exempt Child Care Facilities.

- NA **12.02 Processing Fee:** A non-refundable fee of fifty dollars (\$50.00) will be charged for the processing of exemption documents. This fee shall be paid by check or money order payable to the Hillsborough County Board of County Commissioners.
- NA **12.03 Technical Assistance by the Local Licensing Agency:**
- NA **12.03(1)** Upon request, the Local Licensing Agency shall provide Technical Assistance to Operators on such matters as changes to the laws and rules which govern or affect the operation of Exempt Child Care Facilities.
- NA **12.03(2)** Upon request, the Local Licensing Agency shall provide guidance to obtain optional in-service training sessions in various aspects of the operation of Exempt Child Care Facilities.
- NA **12.03(3)** Upon request, the Local Licensing Agency shall provide Technical Assistance in the form of, but not limited to, literature, consultations, recommendations and training sessions to Operators experiencing difficulty meeting standards set forth in the Ordinance and the Rules and Regulations.
- NA **12.04 Inspections:** An Exempt Child Care Facility shall accord to the Local Licensing Agency the privilege of investigation and inspection, including access to facilities, Child Care Personnel, and records at reasonable times during regular business hours to assure compliance with applicable provisions of the Ordinance and the Rules and Regulations.
- NA **12.04(1)** If an Exempt Child Care Facility fails to comply with the reasonable request of the Local Licensing Agency in connection with an investigation or inspection, the Local Licensing Agency shall provide written notification of such failure to the Exempt Child Care Facility's accrediting organization or body which governs the Exempt Child Care Facility.
- NA **12.04(2)** All Exempt Child Care Facilities shall be inspected by the Local Licensing Agency no less than two (2) times a year or as often as deemed necessary by the Local Licensing Agency.
- NA **12.04(3)** If the time selected for inspection proves to interfere with the normal operation of the Exempt Child Care Facility, the inspection shall not take place. However, the Operator shall have the option of requesting an appointment at another time for the inspection of records.
- NA **12.04(4)** Any Exempt Child Care Facility which closes for a period of longer than three (3) consecutive weeks must notify the Local Licensing Agency by certified mail of said closing. An inspection is required prior to reopening. This shall not apply to summer, spring or other holiday closings of the Exempt Child Care Facility.
- NA **12.05 Enforcement and Hearing Procedures for Exempt Child Care Facilities:** Exempt Child Care Facilities are exempt from licensure in accordance with Florida Statutes, Section 402.316 and the Ordinance.

NA **12.05(1) Violation Procedures:** If any violation(s) of the Minimum Requirements and/or the Screening Requirements are found during an inspection of an Exempt Child Care Facility, the following procedures shall apply:

- (A) If violation(s) of the Minimum Requirements and/or the Screening Requirements are found during inspection, the Local Licensing Agency will issue a written citation to the Exempt Child Care Facility allowing a reasonable time to comply.
- (B) The Local Licensing Agency shall verify that the violation(s) has been corrected within the designated time. If the violation(s) has not been corrected, the Local Licensing Agency shall notify the respective accrediting organization of the Exempt Child Care Facility.
- (C) The Local Licensing Agency shall make a re-inspection of the Exempt Child Care Facility. If the violation(s) has not been corrected by this time, the respective accrediting organization or body shall be notified again. Additionally, one of the following may be scheduled:
 - 1. A conference; or
 - 2. A hearing.
- (D) If, at any time, a violation of the Minimum Requirements and/or the Screening Requirements are of such a serious nature that there is the probability that death or serious harm to the health or safety of any person could occur, the Exempt Child Care Facility and the respective accrediting organization shall be notified immediately and a conference or hearing may be scheduled.

NA **12.05(2) Conferences:**

- (A) A conference may be scheduled by the Local Licensing Agency to discuss any violation. Exempt Child Care Facilities and other interested parties may bring legal counsel, witnesses, or relevant documentary materials to the conference. At the conference, the following factors will be considered.
 - 1. The severity of the violation, including the probability that death or serious harm to the health or safety of any person will result or has resulted, the severity of the actual or potential harm, and the extent of the violation.
 - 2. Actions taken by the Exempt Child Care Facility to correct the violation or to remedy complaints.
 - 3. Any previous violations of the Exempt Child Care Facility.
- (B) Upon determination by the Local Licensing Agency that a violation(s) has occurred all parties involved may enter into a stipulated agreement.

NA **12.05(3) Hearing Procedure:**

- (A) An Exempt Child Care Facility may request a hearing to appeal an action taken by the Local Licensing Agency. Such action may include, but not limited to, the following:
 - 1. Revocation or loss of exemption from licensure for failure to meet the Screening Requirements pursuant to Florida Statutes, Section 402.305(2) and the Ordinance and the Rules and Regulations;
 - 2. Fines for repeated or serious violations; and/or
 - 3. Revocation or suspension of the ability of licensee's ability to operate as a Child Care Facility.
- (B) If a request for a hearing is made by an Exempt Child Care Facility, a hearing shall be held within thirty (30) calendar days from receipt of the request. The hearing shall be conducted by the Child Care Licensing Officer.
- (C) The purpose of the hearing before the Child Care Review Board is twofold:
 - 1. To determine whether the Exempt Child Care Facility has failed to meet Hillsborough County's Minimum Requirements for health, safety and sanitation and if so, what corrective action is mandated; and
 - 2. To determine if the Exempt Child Care Facility has failed to meet the Screening Requirements pursuant to Florida Statutes, Sections 402.305(2) and 402.3055. If such Screening Requirements have not been met, the Exempt Child Care Facility shall lose its exemption from licensure and shall be unable to provide Child Care until licensure is obtained.
- (D) The Exempt Child Care Facility shall be given no less than fourteen (14) Calendar Days prior written notice of the time, place and nature of the hearing. Such written notice shall include a copy of the Local Licensing Agency's written statement of the grounds for the violation. All hearings under this Section shall be open to the public. The Child Care Review Board may render an oral decision at the conclusion of the hearing.
- (E) Within fifteen (15) calendar days of the hearing's conclusion, the Child Care Review Board shall file its findings and recommendations with the Local Licensing Agency and provide copies to the Exempt Child Care Facility and its accrediting agency.

- NA (F) Each Exempt Child Care Facility requesting a hearing shall be afforded the following rights:
1. To present its case by oral or documentary evidence;
 2. To be accompanied, represented and advised by counsel, as may be provided by the Exempt Child Care Facility; and
 3. To offer the testimony of witnesses.
- NA (G) The hearing shall be non-adversarial in nature, and provide the Exempt Child Care Facility with an opportunity to be heard. The Local Licensing Agency shall only be required to provide its record and answer questions posed by the Child Care Review Board relevant thereto. The order of presentation shall be as follows:
1. Local Licensing Agency's presentation of its investigation, evidence, findings and any witnesses.
 2. Exempt Child Care Facility's presentation of evidence and witnesses.
 3. Amended recommendations of Local Licensing Agency, and summation, if any.
 4. Rebuttal and summation by Exempt Child Care Facility, if any.
 5. Findings and recommendations of the Child Care Review Board. The Child Care Review Board shall decide all questions of procedure.
- (H) To the extent practicable, hearings shall be informal. Reasonable cross examination of witnesses shall be permitted, but questioning shall be confined to the scope of direct testimony. The Child Care Review Board may call and question witnesses as they deem necessary and appropriate.
- (I) Irrelevant, immaterial or unduly repetitious evidence may be excluded. Any part of the evidence may be received in written form and all testimony shall be under oath. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient, in itself, to support a finding by the Child Care Review Board, unless it would be admissible over objections in a civil action.
- (J) An Exempt Child Care Facility shall have the right to appeal the final decision of the Child Care Review Board to the Circuit Court.
- (K) The County Attorney may request the Board of County Commissioners approval to file an injunction to close an Exempt Child Care Facility where appropriate.

SECTION 13. SPECIALIZED CHILD CARE FACILITIES FOR THE CARE OF MILDLY-ILL CHILDREN:

- FC **13.01 Application of the Ordinance and the Rules and Regulations:** A Specialized Child Care Facility which cares for Mildly-Ill Children, as such term is hereinafter defined, shall meet all of the requirements set forth in the Ordinance and in Sections 1 through 11 of the Rules and Regulations. Additional requirements with which a Specialized Child Care Facility that cares for Mildly-Ill Children must comply are set forth in this Section 13 of the Rules and Regulations. In the event a provision found in this Section 13 of the Rules and Regulations specifically conflicts with a provision found in Sections 1 through 11 of the Rules and Regulations, the provision included in this Section 13 of the Rules and Regulations shall control.
- FC **13.02 Definitions:** For purposes of this Section 13 of the Rules and Regulations the following defined terms shall have the meanings ascribed to them in Section 13.02 of the Rules and Regulations. Defined terms are capitalized herein for ease of reference. Where a defined term is included in a definition below but not defined in this Section 13.02 of the Rules and Regulations it shall have the meaning ascribed to it in Section 4 of the Ordinance.
- FC **13.02(1)** "Contagious Disease" shall refer to a type of infectious disease caused by receiving living germs directly from the person afflicted with the disease, or by contact with a secretion of the afflicted person, or by some object handled or used by an afflicted person.
- FC **13.02(2)** "Health Provider Consultant" shall mean a Florida licensed pediatric physician; a Florida licensed family practitioner; a physician's assistant; an advanced registered nurse practitioner (ARNP) with appropriate pediatric experience; or a registered nurse with experience in pediatric nursing, who supervises or provides direction to the licensed health caregiver and is available for consultation.
- FC **13.02(3)** "Isolation Area" shall refer to a room or a series of rooms within the Child Care Facility for Mildly-Ill Children which provides separate airflow and physical separation from the rest of the Child Care Facility. The isolation area must include a separate toilet, hand washing facility and diaper changing area. This area shall be utilized when caring for children with contagious diseases.
- FC **13.02(4)** "Licensed Health Caregiver" shall mean at a minimum a licensed practical nurse who has knowledge and experience in the routine medical needs of Mildly-Ill Children, is trained to perform the written physical assessment, and is under the direction of a Health Provider Consultant.
- FC **13.02(5)** "Sanitize" shall refer to linens and shall mean adding one-quarter cup bleach per gallon of water to the final rinse cycle of the wash in an effort to eliminate children's exposure to disease microorganisms.

FC **13.02(6)** "Single-Service Articles" shall mean any cups, containers, closures, plates, straws, place mats, napkins, doilies, spoons, stirrers, paddles, knives, forks, wrapping materials and all similar materials which are constructed wholly or in part from paper, paperboard, molded pulp, foil, wood, plastic, synthetic or any other readily destructible material, and are intended by the manufacturer to be for one-time, one- person use, and then to be discarded.

FC **13.02(7)** "Specialized Child Care Facility for the Care of Mildly-Ill Children" shall mean any Child Care Facility, which provides Child Care for more than five (5) Mildly-Ill Children unrelated to the Operator and, which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit, for a period of less than twenty-four (24) hours per day. Specialized Child Care Facilities may provide care for Mildly-Ill Children in a facility specialized for this purpose, or as a component of other child care services offered in a distinct and separate part of a regularly licensed Child Care Facility. A Specialized Child Care Facility for the Care of Mildly-Ill Children shall be referred to from time to time in the Ordinance and in the Rules and Regulations as a "Child Care Facility for Mildly-Ill Children."

13.03 General Information:

FC **13.03(1)** **Application:** Application must be made on HC CCL 41 (0101), Application for Mildly-Ill Children Care Center.

FC **13.03(2)** **License:**

- (A) Child Care Facilities providing both regular Child Care for well children and Child Care for Mildly-Ill Children must procure and maintain two (2) separate licenses.
- (B) Hospitals maintaining current Joint Commission for the Accreditation of Healthcare Organizations (JCAHO) accreditation, operating hospital based Child Care for Mildly-Ill Children shall be exempt from licensure under this Section.

FC **13.04 Admission and Assessment:**

FC **13.04(1)** **General Requirements:**

- (A) A Child Care Facility for Mildly-Ill Children shall have at a minimum an ongoing agreement with a Health Provider Consultant, as defined in Section 13.02(2) of the Rules and Regulations, for continuing medical or nursing consultation. The Health Provider Consultant shall perform the following services:
 - 1. Oversee the development of written policies and procedures;
 - 2. Review, approve, and update annually, such policies and procedures;

3. Provide at least quarterly on-site monitoring of the implementation of such policies and procedures; and
 4. Provide ongoing consultation to the Child Care Facility in its overall operation and management.
- (B) A Child Care Facility for Mildly-Ill Children shall have at a minimum one (1) Licensed Health Caregiver, as defined in Section 13.02(4) of the Rules and Regulations. The Licensed Health Caregiver shall be responsible for performing the written physical assessment, and periodic child evaluations, pursuant to Sections 13.04(2) (B), (C) and (D) of the Rules and Regulations; provide ongoing daily oversight; make decisions as to the exclusion of any child; and be present at the Child Care Facility for Mildly-Ill Children at all times during the hours of operation.

FC **13.04(2) Admissions:**

- (A) No child shall be accepted to a Child Care Facility for Mildly-Ill Children without written Parental permission. However, permission may be obtained by telephone if a child in attendance at a regular Child Care Facility becomes mildly-ill and is admitted to that same Child Care Facility's program for Mildly-Ill Children. Where the child is in care under telephone permission, written Parental permission must be obtained prior to the child's admittance to the program for Mildly-Ill Children the following day.
- (B) The program Director or Licensed Health Caregiver shall have the authority to require a written medical evaluation for a child to include diagnosis, treatment and prognosis, if such evaluation is necessary to determine the appropriateness of a child's attendance prior to admission and upon worsening of the child's symptoms.
- (C) Prior to admission, the Child Care Facility for Mildly-Ill Children shall require a written description, signed by the Parent, of the child's current and recent illnesses; immunization history, habits, special diets, allergies, medication needs; symptoms requiring notification of Parent or Health Care Provider, and where and how the Parent or Health Care Provider is to be notified.
- (D) An initial written physical assessment of each child shall be completed by the Licensed Health Caregiver, as defined in Section 13.02(4) of the Rules and Regulations based on the inclusion and exclusion criteria outlined in Sections 13.04(3) and (4) of the Rules and Regulations to determine appropriateness of admission to the Child Care Facility for Mildly-Ill Children. A Parent must remain on the premises until admission has been determined.
- (E) The written physical assessment for symptoms of illnesses shall at a minimum include vital signs and observation of the child's general appearance, head, eyes, nose, mouth, ears, skin, abdomen, arms and legs, and breathing pattern for symptoms of illness.

- (F) Once admitted, children shall be periodically monitored by the Licensed Health Caregiver and evaluated according to policies and procedures established and approved by the Operator of the Child Care Facility for Mildly-Ill Children and the Health Provider Consultant. Evaluations of each child's condition shall be documented, and shall include the following, in addition to any information that the Operator of the Child Care Facility for Mildly- Ill Children and the Health Provider Consultant may deem necessary to evaluate the children:
1. Temperature;
 2. Respiration;
 3. Pulse;
 4. Amount of food or fluid intake;
 5. Color, consistency and number of stools;
 6. Color of urine and frequency of urination;
 7. Skin color and alertness; and
 8. Activities such as amount of sleep, rest and play.
- (G) The condition evaluations must be maintained in each child's record and retained by the Child Care Facility for Mildly-Ill Children for a minimum of four (4) months. Copies shall be provided daily to the Parent.
- (H) Children with communicable illnesses (e.g., chicken pox) may be accepted in a Child Care Facility for Mildly-Ill Children only if there is an isolation area as defined in Section 13.02(3) of the Rules and Regulations and provided the isolation area has a separate outside entrance from the Child Care Facility for Mildly-Ill Children.

FC **13.04(3) Inclusions:** A Child Care Facility for Mildly-Ill Children may consider for admission and accept children exhibiting illnesses or symptoms for which they can be excluded from Child Care provided for well children, but who do not meet exclusion criteria as outlined in Section 13.04(4) of the Rules and Regulations. Children exhibiting the following symptoms or illnesses, or disabilities, shall be deemed eligible to participate in Child Care Facilities for Mildly-Ill Children:

- (A) Not feeling well, unable to participate in regular Child Care activities, or has other activity restrictions;
- (B) Recovering from prior day surgical procedure or hospital admission;

- (C) Controlled fever of one hundred-two degrees Fahrenheit (102°F) orally; One hundred-one degrees Fahrenheit (101°F) auxiliary, or one hundred-three degrees Fahrenheit (103°F) rectally, or below. If the child's temperature is higher than the temperatures listed above, a physician must give written approval for admission; or verbal approval with written follow up for admission;
- (D) Respiratory infections such as cold or flu, virus;
- (E) Vomiting less than three (3) times without dehydration;
- (F) Diarrhea (more than one abnormally loose stool within a twenty-four (24) hour period) without signs of dehydration, and without blood or mucus in the stool;
- (G) Gastroenteritis without signs of severe dehydration;
- (H) Diagnosed asthma;
- (I) Urinary tract infections;
- (J) Ear infections;
- (K) Orthopedic injuries;
- (L) Diagnosed rash;
- (M) Tonsillitis; or
- (N) Strep throat or conjunctivitis after twenty-four (24) hours of appropriate medication, if isolation is unavailable. Strep throat or conjunctivitis prior to twenty-four (24) hours of appropriate medication is included only if isolation area is available.

FC **13.04(4) Exclusions:** Any child exhibiting the following symptoms or combination of symptoms shall be excluded from Child Care Facilities for Mildly-Ill Children:

- (A) Unresponsive temperature of one hundred-four degrees Fahrenheit (104°F) orally;
- (B) Undiagnosed or unidentified rash;
- (C) Respiratory distress;
- (D) Major change in condition requiring further care; and/or

(E) Contagious diseases, if no isolation room is available:

1. Strep throat or conjunctivitis prior to twenty-four (24) hours of treatment;
2. Diarrhea due to diagnosed shigella, salmonella, Rota virus, giardia, or campylobacter;
3. Chicken pox, mumps, measles, rubella, pertussis, diphtheria;
4. Head lice, scabies prior to twenty-four (24) hours of treatment; or
5. Other conditions as determined by the Operator or Health Provider Consultant.

FC **13.05** **Ratios:**

FC **13.05(1)** **Ratios:**

(A) The following Child Care Personnel-to-child ratios are based on Child Care Personnel having primary responsibility for the Direct Supervision of children and apply at all times when Mildly-Ill Children are in care:

1. For Infants there must be one Child Care Personnel for every three (3) Infants.
2. For children one (1) year of age up to four (4) years of age, there must be one (1) Child Care Personnel for every four (4) children.
3. For children four (4) years of age and older, there must be one (1) Child Care Personnel for every six (6) children.

(B) **Mixed Age Groups:**

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

FC **13.05(2) Schedule of Activities:**

- (A) The Child Care Facility for Mildly-Ill Children shall include a daily schedule tailored to each child's symptoms, energy level, and Parent's instructions.
- (B) The daily schedule shall be flexible and provide Age Appropriate activities without over stressing the children.

FC **13.06 Physical Environment:**

FC **13.06(1) Sanitation and Safety:**

- (A) A Child Care Facility for Mildly-Ill Children, if located in a regular licensed Child Care Facility, shall utilize rooms or areas which are physically separated by floor to ceiling walls from all other components of the regular licensed Child Care Facility.
- (B) The physical indoor and outdoor space, and equipment designated for use by the Mildly-Ill Children, shall not be used by children and Child Care Personnel from any other component of the regular licensed Child Care Facility.
- (C) Child Care Facilities for Mildly-Ill Children, which serve children with contagious diseases as defined in Section 13.02(1) and 13.04(4)(E) of the Rules and Regulations shall have separate isolation areas, ventilation systems, and entrances.
- (D) Child Care programs for Mildly-Ill Children shall make provisions to prevent the participating Mildly-Ill Children from coming in contact with all other areas and components of the Child Care Facility where well children are in care.
- (E) No animals shall be allowed on the premises of programs caring for Mildly-Ill Children.
- (F) No narcotics, alcohol, or other impairing drugs shall be present or allowed on the premises, unless prescribed for any of the children in care.

FC **13.06(2) Outdoor Play Space:**

- (A) Child Care Facilities for Mildly-Ill Children are not required to provide outdoor play space.
- (B) Should a Child Care Facility for Mildly-Ill Children choose to provide outdoor play space, it shall be physically separated from that space provided for well children, and all equipment shall meet all safety requirements as outlined in Sections 2.03 and 2.09(2) of the Rules and Regulations.

FC **13.06(3) Napping and Sleeping Space:**

- (A) Linens, if provided by the Child Care Facility for Mildly-Ill Children, must be sanitized daily, pursuant to Section 13.02(5) of the Rules and Regulations. Additional sanitation shall be required if linens are soiled. Linens and blankets must be provided when children are napping or sleeping. Pillows must be available except for children under twenty-four (24) months of age.
- (B) A minimum of three (3) feet separation between bedding must be maintained at all times when bedding is in use. Exit areas must remain clear in accordance with fire safety regulations.

FC **13.06(4) Toilet and Bath Facilities:**

- (A) The Child Care Facility for Mildly-Ill Children shall provide a minimum of one (1) toilet and one wash basin for every ten (10) children.
- (B) Toilet and bath facilities shall be designated for the exclusive use of the Mildly-Ill Children in care and their caregivers. Said facilities shall be accessible from within the room where care is being provided. If the Specialized Child Care Facility for Mildly-Ill Children is located within a Child Care Facility, the toilet and bath facilities used by the Mildly-Ill Children and their caregivers shall be separate from those utilized by children and caregivers from other components of the Child Care Facility.
- (C) Toilet and bath facilities shall provide privacy to all users.
- (D) Each basin and toilet must be maintained in good operating condition and sanitized after each use.
- (E) Running water, toilet paper, disposable towels, liquid soap and trash receptacles shall be available to and within reach of children using the toilet facility.

FC **13.07 Personnel Requirements:**

- FC **13.07(1)** No person under the age of eighteen (18) shall be allowed to provide care for Mildly-Ill Children.

FC **13.07(2) Minimum Training Requirements:**

- (A) All Child Care Personnel caring for Mildly-Ill Children shall have current certification in child cardiopulmonary resuscitation and first aid prior to caring for the children at the Child Care Facility for Mildly-Ill Children.

- (B) In addition to the required training identified in Florida Statutes, Section 402.305(2)(d), and Section 1.02 of the Rules and Regulations, all Child Care Personnel caring for Mildly-Ill Children shall complete eight (8) hours of annual in-service training relating to care of sick children and the prevention of communicable diseases. Operators or Directors shall complete at least two (2) hours of training relating to sick children as part of their eight (8) hours annual in-service training.

FC **13.08 Health and Safety:**

FC **13.08(1) General Requirements:**

- (A) Child Care Facility for Mildly-Ill Children shall ensure that safe drinking water and other fluids consistent with the child's physical condition are available at all times to all children in care. Drinking fountains shall not be used.
- (B) Only single-service articles, per Section 13.02(6) of the Rules and Regulations, may be used for eating and drinking. Children may bring labeled items for their exclusive use, which must be returned to the Parent on a daily basis.
- (C) Only soap from a liquid soap dispenser shall be used for hand washing.

FC **13.08(2) Diapering Requirements:**

- (A) Hand washing facilities, which include a basin with running water, disposable towels, disposable gloves, liquid soap, and trash receptacle shall be available in the Infant room or in the room where children with special needs in diapers are in care. Hands shall be washed and dried thoroughly after each diapering or toileting procedure to prevent the transmission of diseases or illnesses to other children in care.
- (B) Disposable gloves shall be used during all diaper changing activities. Gloves shall be discarded after use on each child, following disposal of diapers or rinsing and sanitizing of cloth diapers. After gloves are discarded, Child Care Personnel shall wash their hands and the hands of the child prior to sanitizing the diaper changing station.
- (C) When children require cloth diapers, only those brought from the child's home may be used, and must be returned to the Parent at the end of the day.

FC **13.08(3) Indoor Toys, Equipment and Furnishings:**

- (A) All washable toys, equipment and furniture used for one group of children with similar diagnosis in a Child Care Facility for Mildly-Ill Children shall be washed and disinfected before being used by another group of children.
- (B) Non-washable toys brought from home may not be shared and shall be returned to the Parent daily.

FC **13.08(4) Fire Safety:** Subject to local fire authority's approval, practiced evacuation of the premises shall not be required; however, Child Care Facilities shall ensure that the children are taken to the point of exit.

FC **13.08(5) Procedures and Notification In Emergencies:**

- (A) The Parent shall be notified immediately in the event of any significant change in a child's illness or symptoms, and accident or injuries sustained at the Child Care Facility, which are more serious than minor cuts and scratches. Parent shall provide specific instructions regarding what action to be taken under such circumstances to the Child Care Facility. If the Parent cannot be reached, the Operator of the Child Care Facility for Mildly-Ill Children shall contact those persons designated by the Parent to be contacted under these circumstances and shall follow any written instructions provided by the Parent on the enrollment or registration form.
- (B) Child Care Facilities for Mildly-Ill Children shall make arrangements with the Parent for obtaining medical evaluation or treatment for a child, if necessary, as determined by the Licensed Health Caregiver and program policies.
- (C) Child Care Facilities for Mildly-Ill Children shall obtain emergency medical treatment without specific Parental instruction when the Parent cannot be reached and the nature of the illness or symptoms or injury is such that there should be no delay in obtaining medical treatment, as determined by the Licensed Health Caregiver or other qualified health professional.
- (D) Child Care Facilities for Mildly-Ill Children shall call the Parent immediately when a child's illness or symptoms worsen to the degree that the child meets criteria for exclusion from the program, as outlined in Section 13.04(4) of the Rules and Regulations.

FC **13.08(6) Dispensing of Medication:**

- (A) Prescription medication must have a label stating the name of the physician or ARNP, child's name, name of the medication, and medication directions. For the purposes of dispensing non-prescription medication that is not brought in by the Parent, in the event of an emergency, non-prescription medication can only be dispensed if the Child Care Facility has written authorization from the Parent. Any medication dispensed under these conditions must be documented in the child's file and the Parent must be notified on the day of the occurrence. Special restrictions to medication must be shared with Child Care Personnel and posted with stored medicines. Prior to administering medication to children, Child Care Personnel responsible for administering medication must have completed training.
- (B) Medication shall be returned to the Parent at the end of each day.

FC **13.09 Food and Nutrition:**

FC **13.09(1) Nutrition:** Child Care Facilities for Mildly-Ill Children shall ensure that menus for children are modified to meet the individual needs of each child in care.

FC **13.09(2) Food Preparation Area:**

- (A) A kitchen area may be shared with other components of the Child Care Facility; however, Child Care Personnel providing Child Care for Mildly-Ill Children shall not be involved in food preparation.
- (B) All licensed Child Care Facilities for Mildly Ill Children, approved by the Local Licensing Agency to prepare food, shall meet the applicable requirements of the Rules and Regulations.

FC **13.09(3) Food Service:**

- (A) Children shall be individually fed or supervised at feeding and offered foods appropriate for their ages and physical condition.
- (B) All meals, snacks, and drinks provided for children participating in Child Care Facilities for Mildly-Ill Children must be served on single-service articles, defined in Section 13.02(6) of the Rules and Regulations.

FC **13.10 Record Keeping:**

FC **13.10(1)** All records required to document compliance with the Ordinance, the Rules and Regulations, and Florida Statutes, Section 402.305 shall be maintained and available at the Child Care Facility for Mildly-Ill Children for the Local Licensing Agency to review during hours of operation.

FC **13.10(2) Children's Records:**

- (A) Each child's record shall contain a signed statement from the Parent, attesting to the child's immunization status, either current or religiously exempt from immunization, as required by Florida Administrative Code 64D-3.
- (B) **Enrollment/Registration Information:** The Operator of the Child Care Facility for Mildly-Ill Children shall obtain enrollment information from the child's Parent, prior to accepting a child in care. This information shall be documented on CF-FSP Form 5241, Application for Enrollment in Specialized Child Care Facilities for Mildly-Ill Children, or an equivalent form that contains all the following information required by the Department's form:
 - 1. Child's name, age, date of birth, sex;
 - 2. Parent's name;
 - 3. Employer name;

4. Home, work, cell and beeper telephone numbers;
 5. Person and telephone number to call, if the Parent cannot be reached;
 6. Child's physician and telephone number;
 7. Allergies and type of reaction and specific interventions in case of allergic reaction;
 8. Present and past prescriptions and childhood diseases;
 9. Current diet;
 10. Special areas of concern and special needs for assistance; and
 11. Diapering requirements.
- (C) Children's files shall contain signed statements that the Child Care Facility for Mildly-Ill Children has provided the following information to the Parent:
1. Admission policy;
 2. The program's infection control procedures;
 3. Methods for the daily care of children, including the child's progress;
 4. Procedures for the care and referral for a medical evaluation for children who exhibit worsening symptoms, including a listing of those symptoms;
 5. Policy and procedure for Child Care Personnel communication with the Parent and Health Care Providers; and
 6. Discipline policy.

SECTION 14. APPENDICES "A," "B" AND "C":

APPENDIX “A”
Florida Statutes, Chapter 435
Background Disqualifying Offenses.
(Pages 138-140)

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| 1. | Section | 393.135 | Sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct. |
| 2. | Section | 394.4593 | Sexual misconduct with certain mental health patients and reporting of such sexual misconduct. |
| 3. | Section | 415.111 | Adult abuse, neglect, or exploitation of aged persons or disabled adults. |
| 4. | Section | 777.04 | Attempts, solicitation and conspiracy to commit an offense listed in this subsection. |
| 5. | Section | 782.04 | Murder. |
| 6. | Section | 782.07 | Manslaughter, aggravated manslaughter of an elderly person or disabled adult, or aggravated manslaughter of a child. |
| 7. | Section | 782.071 | Vehicular homicide. |
| 8. | Section | 782.09 | Killing an unborn child by injury to the mother. |
| 9. | Section | 784 | Assault, battery, and culpable negligence, if the offense was a felony. |
| 10. | Section | 784.011 | Assault, if the victim of the offense was a minor. |
| 11. | Section | 784.03 | Battery, if the victim of the offense was a minor. |
| 12. | Section | 787.01 | Kidnapping. |
| 13. | Section | 787.02 | False imprisonment. |
| 14. | Section | 787.025 | Luring or enticing a child. |
| 15. | Section | 787.04(2) | Taking, enticing, or removing a child beyond the state limits with criminal intent pending custody proceedings. |
| 16. | Section | 787.04(3) | 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. |

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| 17. | Section | 790.115(1) | Exhibiting firearms or weapon or device, within 1,000 feet of a school. |
| 18. | Section | 790.115(2)(b) | Possessing an electric weapon or device, destructive device, or other weapon on school property. |
| 19. | Section | 794.011 | Sexual battery. |
| 20. | Former Sec. | 794.041 | Prohibited acts of persons in familial or custodial authority. |
| 21. | Section | 794.05 | Unlawful sexual activity with certain minors. |
| 22. | Chapter | 796 | Prostitution. |
| 23. | Section | 798.02 | Lewd and lascivious behavior. |
| 24. | Chapter | 800 | Lewdness and indecent exposure. |
| 25. | Section | 806.01 | Arson. |
| 26. | Section | 810.02 | Burglary. |
| 27. | Section | 810.14 | Voyeurism, if the offense is a felony. |
| 28. | Section | 810.145 | Video voyeurism, if the offense was a felony. |
| 29. | Chapter | 812 | Theft, robbery, and related crimes, if the offense is a felony. |
| 30. | Section | 817.563 | Fraudulent sale of controlled substances, if the offense was a felony. |
| 31. | Section | 825.102 | Abuse, aggravated abuse, or neglect of an elderly person or disabled adult. |
| 32. | Section | 825.1025 | Lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult. |
| 33. | Section | 825.103 | Exploitation of an elderly person or disabled adult, if the offense was a felony. |
| 34. | Section | 826.04 | Incest. |
| 35. | Section | 827.03 | Child abuse, aggravated child abuse, or neglect of a child. |
| 36. | Section | 827.04 | Contributing to the delinquency or dependency of a child. |
| 37. | Former Sec. | 827.05 | Negligent treatment of children. |

38.	Section	827.071	Sexual performance by a child.
39.	Section	843.01	Resisting arrest with violence.
40.	Section	843.025	Depriving a law enforcement, correctional, or correctional probation officer means of protection or communication.
41.	Section	843.12	Aiding in an escape.
42.	Section	843.13	Aiding in the escape of juvenile inmates in correctional institutions.
43.	Chapter	847	Obscene literature.
44.	Section	874.05	Encouraging or recruiting another to join a criminal gang.
45.	Chapter	893	Drug abuse prevention and control, only if the offense was a felony or if any other person involved in the offense was a minor.
46.	Section	916.1075	Sexual misconduct with certain forensic clients and reporting of such sexual misconduct.
47.	Section	944.35(3)	Inflicting cruel or inhuman treatment on an inmate resulting in great bodily harm.
48.	Section	944.40	Escape.
49.	Section	944.46	Harboring, concealing, or aiding an escaped prisoner.
50.	Section	944.47	Introduction of contraband into a correctional facility.
51.	Section	985.701	Relating to sexual misconduct in juvenile justice programs.
52.	Section	985.711	Relating to contraband introduced into detention facilities.

**Appendix “B”
Fee and Fine Schedule
Child Care Licensing**

(A) Child Care Facilities Ordinance, Section 10.02(5)

License Fee (ten (10) children or less)	One hundred twenty-five dollars (\$125.00)
License Fee (more than ten (10) children)	One hundred twenty-five dollars (\$125.00) plus two dollars (\$2.00) for each additional child over ten (10) children
Late Fee	Fifty dollars (\$50.00)
Change License Fee	Thirty dollars (\$30.00)
Consultation Session Fee	Thirty dollars (\$30.00) per person
Combined Consultation Session Fee for Both Part I & II	Sixty dollars (\$60.00)
Returned Check Fee	Twenty-five dollars (\$25.00)

(B) Family Child Care Homes Ordinance, Section 8.01(e)

License Fee	One hundred dollars (\$100.00)
Large Family Fee	One hundred twenty-five dollars (\$125.00)
Late Fee	Fifty dollars (\$50.00)
Change License Fee	Twenty-five dollars (\$25.00)
Consultation Fee	Forty dollars (\$40.00)
Returned Check Fee	Twenty-five dollars (\$25.00)

- (C) In addition to the above, an administrative fee (actual costs) may be assessed by the Local Licensing Agency for any costs incurred by the County in conducting administrative hearings pursuant to the Child Care Licensing Ordinances. A Returned Check Fee of twenty-five dollars (\$25.00) will be assessed for checks which are returned for insufficient funds.

**APPENDIX “C”
HILLSBOROUGH COUNTY’S CHILD CARE FACILITY & SCHOOL-AGE
PROGRAM’S
STANDARDS CLASSIFICATION SUMMARY
AMENDED APRIL 2019
HILLSBOROUGH COUNTY CODES OF ORDINANCES AND LAWS, CHAPTER 28,
ARTICLE VII AND FAC 65C-22
(PAGES 142-183)**

<i>Class</i>	<i>Standard</i>	<i>Section #</i>	<i>Corrective Action Time</i>
	PERSONNEL RECORDS:		
3	The personnel record for staff as noted on the Staff Records Summary did not include a complete Center Staff/Volunteer/Substitute Form (HC CCL18) as follows: [] A.) Name/Address/Phone Number B.) Emergency Contact Information C). Position/Date of Employment.	1.01(1), 5.03	Three (3) days FC
2	The personnel record for Child Care Personnel as noted on the Staff Records Summary did not meet the approved Level 2 Background Screening eligibility requirements as specified in Florida Statute, Chapter 435, in that [].	1.01(1) – 1.01(15)	One (1) day FC
3	Personnel did not have signed statement for having read “Child Abuse & Neglect Pamphlet” within three (3) days of employment and annually.	1.01(10), 5.03(I)	Three (3) days FC
3	Facility failed to maintain Child Care Personnel records in the State’s Background Screening Clearinghouse.		One (1) day
3	The person in charge of the facility during the Operator’s absence was not at least twenty-one (21) years of age.	1.05(1)	One (1) day FC
2	A staff in Direct Supervision of children was not at least eighteen (18) years of age.	1.05(2)(3)	One (1) day FC
3	In the Operator’s absence, no one was designated to be in charge.	1.08(3)	One (1) day FC
3	Failure to have a signed statement on Staff/Volunteer/Substitute Form regarding prior disciplinary actions.	1.01(14)	Three (3) days FC
2	The facility did not have proof of approved and current First-Aid Training requirements onsite and offsite.	3.01(2)	Thirty (30) days FC
2	The facility did not have proof of approved and current CPR training; onsite and offsite.	3.01(1)	Thirty (30) days FC
3	The personnel record for staff as noted on the Staff Summary did not include an “Attestation of Good Moral Character” for facility currently employed.	1.01(3)(A)	Three (3) days FC

2	The personnel records for staff as noted on the Staff Summary did not include verification that an approved Level 2 Background Screening eligibility was completed every five (5) years in accordance with Florida Statutes, Chapter 435.	1.01(3)(B)	Seven (7) days FC
2/3	Verification of employment history for the past five (5) years was not on file for the employees listed on the Staff Summary.	1.01(2)(B)	Three (3) days FC
1	The Owner, Operator, employee or Substitute while caring for children, committed an act or omission that meets the definition of child abuse or neglect provided in Chapter 39, Florida Statutes.	1.01(6)	Same day FC
1/2	Failure to have proof of background screening for delinquency on all persons (ages twelve [12] to eighteen [18] years) residing on or adjacent to the Child Care Facility or Level 2 Screening for any other person eighteen (18) and older who has any direct contact with the children.	1.01(7)	One (1) day FC
1/2	Failure to use a Substitute who meets Screening Requirements. (Sub in sole supervision)/ (not in sole supervision).	1.01(12)	One (1) day FC
2	Failure to meet Screening Requirements for person volunteering more than ten (10) hours/month.	1.01(1)	One (1) day FC
1	Failure to meet Screening Requirements for person volunteering more than ten (10) hours/month and was in sole supervision.	1.01(1)	One (1) day FC
3	Failure to have required Volunteer Affidavits prior to beginning volunteering.	5.03 (J)	Three (3) days SC
2	An additional adult was not readily available to Substitute for the adult in charge in case of emergency.	1.08(3)	One (1) day FC
1	Facility had disqualified person working based on Level 2 Background Screening clearinghouse results.	1.01(1)	Complete FC

	TRAINING: <u>NA FOR NPS AND REL EX</u>		
3	The Staff Records Summary includes the names of staff who failed to <u>begin</u> the forty (40) hour training course within ninety (90) days of employment in the industry.	1.02(2)	Thirty (30) days
3	The Staff Records Summary includes the names of staff who failed to <u>complete</u> the forty (40) hour training course within one (1) year of beginning training, not to exceed fifteen (15) months from date of employment in the industry.	1.02(2)	Sixty (60) days
2	The facility failed to have a Director with an active State of Florida Director Credential.	1.04(1) (A)-(E)	Automatic six (6)-month provisional
3	The Staff Records Summary includes the names of staff who did not have verification that the ten (10) hours or one (1) CEU of annual in service training had been completed during the fiscal year ending June 30.	1.02(7)	Thirty (30) days
3	The facility failed to document annual in service training on required form CF-FSP 5268. New form required every fiscal year. Maintain two (2) previous (fiscal years) in service training forms at facility for licensing review.	1.02(7) (C)	Five (5) days
3	The Staff Records Summary includes the names of staff who did not have verification that an approved five (5) hour literacy course had been completed within one (1) year of employment.	1.02(2) (B)	Sixty (60) days
3	The Director of the facility failed to attend the consultation session within ninety (90) days of employment as Director.	1.03(1)	Sixty (60) days
3	The Foster Grandparent present did not meet the following training requirements []: 1) Rules & Regulations, 2) Health, Safety & Nutrition, 3) Child Abuse & Neglect, 4) Special Needs within required time frames. Begin training within thirty (30) days and completed within one (1) year from date entering field.	1.02(1) (K)	Sixty (60) days
2	Foster Grandparent was assigned to role of teacher's aide or group leader and counted in Personnel-to-child ratio.	1.02(1) (K)	Complete
3	The facility failed to meet the requirements for the number of credentialed staff.	1.02(8) (A)	Sixty (60) days
3	The facility Owner did not notify the Child Care Licensing Office in writing that the Director with the credential is no longer employed or there has been a change of Director within five (5) working days.	1.04(1) (D)	One (1) day

3	The credentialed staff failed to meet the minimum work hours required as documented on time sheets, personnel schedules or employment records.	1.02(8) (B)	One (1) day
2	The person with the Director Credential was not on site a majority of the hours that the facility is in operation.	1.04(1) (A)	One (1) day
3	The person with the Director Credential does not meet the definition of Director because that individual is not responsible for the daily operation of the program.	Section 4 (18)	One (1) day
3	The Director of school age program was not on site during the inspection. The person in charge did not meet the requirements for school age program Director.	1.04(3) (B)	Sixty (60) days
2	The Director was responsible for the operation of two (2) programs with overlapping hours.	4.7	One (1) day
3	Child Care Personnel working in a facility that offers care to Infants and listed on Staff Records Summary did not have required training regarding "Safe Sleep;" "Shaken Baby Syndrome;" and "Strategies for Coping with Crying/Distraught Babies" within thirty (30) days of hire at facility.	1.02(1) (M)	Sixty (60) days
2	A Substitute who was placed in charge of a group of children did not meet the minimum age requirement of eighteen (18) years of age.	1.05(3)	One (1) day
3	Failure to have training hours based on training transcript documentation. (must re-take courses not listed).	1.02(5)	Sixty (60) days
	ADMISSION & RECORD KEEPING:		
3	The facility did not have approval of the Child Care Licensing Agency prior to providing nighttime care on a regular basis.	6.01	Seven (7) days NA
3	The facility failed to have required records at the facility during the hours of operation for review.	5.0	One (1) day SC
1 or 2	The facility was found to have falsified records in the following categories(s): 1) Health, 2) Enrollment, 3) Personnel, 4) Diet, 5) Other records required by State law or State regulations, the Ordinance, the Rules and Regulations or by the Local Licensing Agency.	5.0	Same day FC
3	The facility failed to return children's medical records to the Parents when the children were withdrawn.	5.01(2) (E)	One (1) day FC

3	The facility failed to have complete enrollment information on file for each child in care that included all identifying information for the child, child's Parents, authorized representative and medical care provider. See the Children's Record Summary for name of child.	5.02	One (1) day SC
2	The facility failed to have emergency contact information on file for all children that included the telephone numbers or instructions for contacting Parents during hours the child is in care. (See Children's Record Summary).	5.02	One (1) day SC
3	After thirty (30) days of enrollment, the facility failed to have a current (within two (2) years) approved health exam (see Children's Record Summary) – Child not removed from program.	5.01(1)	One (1) day to remove child FC
3	After thirty (30) days of enrollment, the facility failed to have a current/approved immunization certificate for children listed on Children's Summary.-Child not removed from program.	5.01(2)	One (1) day to remove child FC
3	The facility failed to have signed authorization for emergency medical treatment on file for the children as noted on the Children's Record Summary.	3.03, 5.02(I)	One (1) day FC
3	The facility failed to provide Parents with "Influenza Virus Brochure" annually during August and September.	5.02(1) (C)	Seven (7) days SC
3	The facility failed to provide Parents with the facility's food and nutrition policies that include language on food safety and food allergens.	5.02(1)	Three (3) days
3	Prescription/non-prescription medication brought to the facility was not in the original container.	5.04(1)	One (1) day FC
3	The facility failed to follow medication guidelines in that a prescribed medication was administered and the labeling did not include information as follows: name of physician, name of child, name of medication, medication directions.	5.04(1)	One (1) day FC

1	The facility failed to follow medication guidelines in that a prescribed medication was not dispensed according to written directions on the prescription label.	5.04(1)	One (1) day FC
1	The facility failed to follow medication guidelines in that a non-prescription medication was not dispensed according to printed manufacturer's label.	5.04(1)	One (1) day FC
2	The facility's record for medication dispensed did not include a written request signed by the Parent specifying the name of the medication, time, method and amount of dosage to be given.	5.04(1)	One (1) day FC
2	The facility's written record documenting the name of the child, medication, date, time and amount of dosage dispensed was not initialed by the adult who gave medication to child.	5.04(1)	One (1) day FC
2	The facility's written record documenting the name of the child, medication, date, time and amount of dosage dispensed was found to have incomplete documentation.	5.04(1)	One (1) day FC
3	Medication which had expired or was no longer being administered was not returned to the custodial parent.	5.04(3)	One (1) day FC
2	Medication was not stored separately and locked out of reach of children.	5.04(3)	One (1) day FC
3	Failure to maintain medication records for at least four (4) months.	5.04(1)	Thirty (30) days FC
3	Staff administering medication did not have documentation of training.	5.01	Seven (7) days
2 / 3	The facility failed to obtain signed written parental authorization prior to applying topical creams, lotions or sprays to children in care.	5.04(4)	One (1) day
1 / 2	Child Care Personnel failed to ensure sun safety for themselves and children in care.	5.04(1)	Same day complete
2	Infants younger than six (6) months of age not kept out of direct sunlight and/or limiting sun exposure when UV rays are strongest.	5.04(4)	Immediately

3	Prior to administering medication to children, personnel did not have proof of required training to administer medication.	5.04(1)	Three (3) days
3	The facility did not have an Alternate Nutrition Plan for children whose Parents furnished meals and/or snacks.	4.02, 5.02(2) (H)	Seven (7) days FC
3	The facility failed to maintain information noted as follows for a child's special diet: the physician's order, a copy of the diet, and sample meal plan for the special diet.	4.04	Seven (7) days FC
2	Failure to post child's special food restrictions/allergies in conspicuous place and shared with appropriate staff.	4.04	One (1) day FC
3	The facility failed to have Parent sign that they had received the center's discipline/expulsion policy.	5.02(1) (B), 1.06(2)	Three (3) days SC
2 / 3	The facility's discipline practice used did not ensure the use of Age Appropriate, constructive disciplinary and expulsion practices.	1.06(1)	Complete FC
3	Child/(ren) denied active play as a consequence of misbehavior.	1.06(1)	Complete
1/2/3	The discipline practice used subjected children to inappropriate disciplinary practices which is outlined in Hillsborough County Ordinances, Section 1.06(1)-(9).	1.06(1)	Complete FC
2 / 3	Child Care Personnel failed to properly interact with children (subjected children to aggressive, demeaning and/or intimidating interactions).	1.06(1)	Complete
3	The center failed to have Parents sign that they had received the "Know Your Child's DCC Brochure" (B #2)	5.02(1) (A); 5.09	Seven (7) days NA
2	The facility failed to notify the Parent or guardian when a child was injured/ill/involved in an accident or incident on the date that it occurred.	5.06; 3.03(1)	One (1) day FC
3	The facility failed to maintain the written record of unusual accidents/incidents/injuries for one (1) year.	5.06	Thirty (30) days FC

3	Documentation of accident/incident did not include the following: name/date/time of occurrence/description of occurrence/actions taken and by whom/appropriate signatures.	5.06	One (1) day FC
3	Failure to write an accident/ incident report.	5.06	One (1) day FC
3	The facility failed to have a written plan of activities for each group of children.	5.08	Seven (7) days SC
3	The facility failed to post a written plan of activities in a place accessible to the Parents.	5.08	Seven (7) days SC
3	Facility staff failed to follow the written plan of activities.	5.08	Seven (7) days SC
3	The plan of activities planned/followed was not appropriate to the developmental age of the children in care.	5.08	Three (3) days SC
3	The facility's plan of activities did not include outdoor play.	5.08	Seven (7) days SC
3	The written plan of activities did not include meals, snack, or nap times appropriate for the ages and the times the children are in care.	5.08	Seven (7) days SC
3	The written plan of activities did not include quiet and active play, both indoors and outdoors.	5.08	Seven (7) days SC
3	The written plan of activities did not include alternate activities in case of inclement weather.	5.08	Five (5) days
3	The facility was utilizing electronic media time with children younger than two (2) years of age.	5.08	Complete
3	The facility was observed using electronic media for uses other than for educational or physical growth for children older than two (2) years of age.	5.08	Complete

3	The facility was observed using electronic media with children over two (2) years of age for longer than two (2) hours per day.	5.08	Complete
3	The facility failed to ensure that children sleeping overnight performed bedtime routines, such as brushing teeth and washing face and hands.	6.04	Seven (7) days NA
2	The facility failed to maintain accurate times on attendance log/roster for each classroom or group of children occupying that space.	5.12	Complete FC
2	The attendance log did not accurately reflect the number of children in attendance.	5.12	One (1) day FC
3	The facility did not maintain attendance records for the past four (4) months.	5.12	Thirty (30) days FC
2	The facility failed to communicate with Parent when child is absent or is not at the designated pick up location (within one [1] hour of child's scheduled arrival).	5.12(1)	Complete
2	The facility failed to advise Parents in advance of a field trip (on foot or being transported in vehicle).	5.11	Complete SC
3	The facility failed to post the date, time and location of the field trip in a conspicuous place at least two (2) working days prior to the trip (on foot or being transported in vehicle).	5.11	Complete SC
2	The facility failed to obtain either general or individual parental permission for a Field Trip activity (on foot or being transported in vehicle).	5.11	Complete SC
3	The facility failed to maintain documentation of parental permission for a minimum of four (4) months from the date of each field trip.	5.11	Complete SC
2	The facility failed to have a list of all children present on field trip (on foot or being transported in vehicle).	5.11	Complete SC
2	Child Care Personnel for children on a field trip failed to have a telephone or other means of communication.	5.11	Complete SC

	SUPERVISION:		
1	Child was not adequately supervised and left the facility premises without staff supervision.	1.07	Complete
1/2	Child Care Personnel failed to provide adequate Direct Supervision to children in care.	1.07(1), (2)	One (1) day FC
1	Child Care Personnel failed to provide adequate Direct Supervision to children in that no staff were in room or on playground.	1.07(1), (2)	Complete FC
2	Child Care Personnel responsible for the children in the outdoor play area failed to situate themselves so that all children could be observed.	2.03(4)	One (1) day FC
2	Staff responsible for a group of children were not in close proximity, within sight and hearing of all children during nap time.	1.07(2)	Complete FC
2	Child Care Personnel to children ratio for naptime – staff not within same building or on same floor and readily accessible and available to be summoned to ensure the safety of children.	1.07(2)	One (1) day FC
1 / 2	The facility failed to provide adequate supervision to all children in care in that a child was left alone outside on playground.	1.07(1)	Complete
1	The facility failed to provide adequate supervision to all children in care in that child(ren) was left alone in vehicle.	1.07(1)	Complete
1 / 2	The facility failed to provide adequate supervision to all children in care in that child(ren) was left alone inside facility.	1.07(1)	Complete
1	The facility failed to provide and maintain Direct Supervision to all children in care in that child was dropped off/delivered to a designated location without a Parent or guardian being present. Facility failed to notify Parent of child's whereabouts.	1.07(1)	Complete

1/2	Violation of staff to children ratios.	1.08(1)	One (1) day FC
2	In addition to the staff required to meet staff to child ratios, an additional adult was not present during the Field Trip.	1.08	Complete FC
2	The facility failed to maintain staff-to-child ratios when transporting children.	1.08(6)	Complete
1	The driver of the vehicle failed to drop the child off at the appropriate location.	1.06	Complete
2	During Evening Child Care hours, staff counted in ratio did not stay awake at all times.	6.07	Complete FC
1	The Operator, employee, or Substitute was supervising children while using or under the influence of narcotics, alcohol or other drugs that impaired the individual's ability to provide safe child care.	1.06	Complete
1	During Evening Child Care, no staff was awake to provide supervision to children in care.	6.07	Complete FC
2	When caring for school age children, Child Care Personnel failed to be accountable for children at all times.	1.07(1)	One (1) day FC
2	Children did not receive supervision and care in accordance with their age and required needs and were not accounted for at all times while bathing or toileting.	2.05(6)	One (1) day FC
2	An additional adult was not present at all times during outdoor activities to assist in providing Direct Supervision (as required for school age programs without continuous fencing).	2.03(6) (B)	One (1) day NA

	PHYSICAL FACILITY INDOORS:		
	GENERAL REQUIREMENTS:		
2	The facility failed to meet all the requirements of the applicable local governing bodies for construction of a new building; renovation of an existing building, or after a natural disaster.	2.01(2)	Up to thirty (30) days
2	During the facility's hours of operation, a portion of the building was used for a purpose which would endanger the health and safety of children.	2.01(1)	Up to thirty (30) Days depending on severity FC
2	The facility failed to keep all areas accessible to children free of toxic or hazardous materials as evidenced by:	2.01(1)	One (1) day FC
3	The facility failed to inspect all areas of facility (indoor & outdoor) daily for basic health and safety.	2.01(1)	One (1) day
3	The facility had no documentation that an animal/fowl had been properly immunized.	2.01(1)	Seven (7) days FC
3	No documentation that notice was given to Parents regarding an animal on the premises.	2.01(1)	One (1) day FC
2 / 3	Animals and/or cages were observed in the areas where food is prepared and/or were not kept clean.	2.01(1)	Complete
1	The facility observed to have animal(s) that are poisonous and/or aggressive in nature at the facility.	2.01(1)	Complete
2 / 3	Animal at facility allowed to freely roam the indoor/outdoor premises.	2.01(1)	Complete

3	The facility failed to maintain a minimum of sixty (60) foot candles of natural or artificial light in all rooms in facility.	2.01(3)	Up to fourteen (14) days SC
2	Lighting was insufficient to visually observe and supervise children, including during nap time.	2.01(3)	One (1) day SC
2	The facility failed to maintain an inside temperature between sixty-five to eighty degrees Fahrenheit (65°F to 80°F) degrees at all times.	2.01(3) (B)	One (1) day FC
3	The facility failed to provide an adequate means of ventilation.	2.01(3) (C),	One (1) day SC
3	Opened windows and doors in the facility failed to be securely screened/operable/maintained.	2.01(3) (C)	One (1) day SC
2	The facility failed to label all toxic/hazardous substances.	2.01(4)	Complete FC
2	The facility failed to anchor or mount televisions to prevent tipping over.	2.01(11)	Complete
2	The facility failed to provide guardrails or protective barriers for open sides of stairs, ramps and other walking surfaces from which there is more than a thirty (30) inch vertical distance to fall.	2.01(10)	Up to fourteen (14) days
2	The facility failed to provide padding or carpeting for landing on indoor climbing structures.	2.01(12)	Three (3) days
2	The facility failed to empty all bath tubs, buckets, diaper pails, and other open containers of water/liquids immediately after use.	2.01(13)	Complete
2	The storage of knives and/or sharp tools allowed access by children in care.	2.01(4)	Complete FC
1	The facility kept firearms on premises.	2.01(5)	Complete FC
2	The facility failed to provide safe storage to all cleaning supplies accessible to children.	2.01(4)	One (1) day FC

1	Alcoholic beverages/controlled substances were observed on the premises or in vehicles used by the Child Care Facility during operational hours.	2.01(7)	Complete FC
2	Smoking was observed within the facility/on the playground where children were in care.	2.01(6)	Complete FC
2	There was evidence that smoking occurred in the facility/outdoor play area/vehicle while children were in care.	2.01(6)	Complete FC
2	The facility was observed to have evidence of rodent or vermin infestation.	2.08(2)	Three (3) days FC
2	Evidence that pest control took place while rooms were occupied by children.	2.08(2)	Complete FC
3	The facility failed to have proof of a pest management program to ensure long term pest suppression to include: pest control, sanitation, clutter control, and elimination of conditions that are conducive to pest infestations.	2.01(1)	Seven (7) days
3	Cleaning, other than general clean-up activities, was observed in room(s) occupied by children.	2.01(8)	Complete SC
2	The facility that held a valid license on October 1, 1992 did not have twenty (20) square feet of usable floor space per child for the number of children observed in care. The room had a capacity of [] and [] children were observed in care.	2.02(1)	One (1) day SC
2	The facility did not have thirty-five (35) sq. ft. of usable floor space per child for the number of children in care. The room had a capacity of [] and [] children were observed in care.	2.02(1)	One (1) day SC
3	For facilities that only provide evening care, outdoor play space is not a requirement; however, the facility had no designated indoor space that promotes the development of gross motor skills.	6.05	One (1) day NA

3	The facility failed to post the room capacity in a conspicuous location within the room.	2.02(1) (E)	One (1) day SC
1	An area of the facility was observed to be a serious health hazard to children in care.	2.01(1)	Zero to thirty (0-30) days depending on severity FC
2	A health deficiency having a moderate potential for harm to children in care was observed.	2.01 (1)	Zero to thirty (0-30) days depending on severity
3	A health deficiency having a low potential for harm to children in care was observed.	2.01(1)	Zero to thirty (0-30) days depending on severity FC
1	An area of the facility was observed to be a serious safety risk to children in care.	2.01(1)	Zero to thirty (0-30) days depending on severity FC
2	A safety risk having a moderate potential for harm to children in care was observed.	2.01(1)	Zero to thirty (0-30) days depending on severity
3	A safety risk having a low potential for harm to children in care was observed.	2.01(1)	Zero to thirty (0-30) days depending on severity FC
1 / 2	The facility was found to be using a portion of the Child Care Facility for purposes unrelated to providing child care that can interfere with compliance with child care standards or permits the presence of individuals who do not meet background screening/ training requirements when children are present.	2.01(1)	Complete

3	Owner/Operator failed to notify Parents, in writing, that smoking is prohibited on the premises of the Child Care Facility.	2.01(6)	One (1) day FC
3	The facility failed to maintain current written record indicating the well water system meets the requirements of the Department of Health on an annual basis.	2.01(2)	Fourteen (14) days
	DIAPER CHANGING FACILITY:		
3	Hand washing facilities with running water were not available in the room where Infants or children with special needs in diapers were in care.	2.08(5) (A)	Three (3) days NA
3	A hand washing sink was not used exclusively for the washing of hands.	2.08(5) (C)	Complete NA
3	Hot running water was not available in the Infant/Toddler area.	2.08(5) (B)	Seven (7) days NA
3	The diaper changing area did not have an impermeable surface which was cleaned and sanitized or disinfected with a sanitizing solution after each use.	2.08(5) (D)	One (1) day NA
3	The facility failed to have an adequate supply of clean diapers/clothing/linens at all times which shall be changed or removed promptly when soiled or wet.	2.08(5) (F)	One (1) day NA
	DIAPER CHANGING PROCEDURE:		
2	Staff failed to wash their hands with soap & water after completing diapering or toileting procedures.	2.08(3) (B)	Complete FC
1/2	A child was left unattended while being diapered/having clothes changed.	2.08(5) (D)	Complete NA

2	Diaper changing occurred in an area used for feeding or food service.	2.08(5) (E)	Complete NA
3	Items unrelated to diapering stored on diaper changing table.	2.08(5) (E)	Complete NA
3	The facility failed to follow sanitary procedures outlined in number [] as follows: 1) Soiled disposable diapers placed in plastic lined container, 2) Container is securely covered, 3) Container is not accessible to children, and 4) Container is emptied and sanitized at least daily.	2.08(5)	One (1) day NA
3	The facility's storage of soiled cloth diapers did not meet requirements outlined in number [] as follows: 1) Feces emptied in the toilet 2) Diaper placed in a securely covered container 3) The container is not accessible to children and 4) The Container is emptied and sanitized daily.	2.08(5)	One (1) day NA
3	Staff failed to change a child's wet/soiled clothing.	2.05(10), 2.04(3)	Complete FC
2	The facility personnel failed to clean, sanitize and disinfect all surfaces touched after diapering to prevent the spread of germs.	2.05(9)	Complete plus TA FC

	HANDWASHING:		
3	Children were observed to be sharing towels and/or wash cloths.	2.05(8)	Complete FC
3	A staff member was observed to not wash their hands w/soap and running water before preparing, handling or Serving Food.	2.08(3)	Complete FC
2	A staff member/child was observed to not wash their hands w/soap and running water after assisting a child with toileting/toileting.	2.08(3)	Complete FC
2	A staff member was observed to not wash their hands w/ soap and running water after diapering.	2.08(3)	Complete FC
3	A staff member/child was observed to not wash their hands w/ soap and running water before/after eating meals and snacks.	2.08(3)	Complete FC
3	A staff member/child was observed to not wash their hands w/ soap and running water after handling a pet or other animal.	2.08(3)	Complete FC
3	A staff member/child was observed to not wash their hands w/ soap and running water immediately after the outdoor play period.	2.08(3)	Complete FC
3	Child's hands not washed w/ soap and running water after diapering.	2.08(3)	Complete FC
3	A staff member was observed to not wash hands with soap and running water following the use of a cleaner or toxic chemical.	2.08(3)	Complete FC
3	A staff member was observed to not wash their hands with soap and running water before/after administering medication.	2.08(3)	Complete FC
3	The facility was observed to be using hand sanitizers in place of soap and running water.	2.08(3)	Complete

	ISOLATION AREA:		
3	The facility failed to designate an area away from other children for a child who becomes ill at the center.	2.06	Complete SC
3	A child showing symptoms of illness was not placed in the isolation area.	3.05	Complete FC
3	The isolation area failed to be equipped with a bed, cot or mat and easily sanitized materials.	2.06	One (1) day SC
3	A child was permitted to return to the facility without medical authorization or the signs and symptoms of the disease were still present.	3.06(1)	Complete FC
3	Failure to treat all areas, equipment and toys and furnishings in which lice affected child had been in contact with:	3.06(2)	One (1) day FC
3	A child identified as having head lice was permitted to return to the facility before treatment had occurred.	3.06(2)	Complete FC
	PLAY SPACE CLEAN/SAFE:		
2 / 3	The facility failed to maintain all areas clean and in good repair.	2.01(8)	Seven (7) days SC
3	Cleaning shall not take place while rooms are occupied by children except for general clean-up activities.	2.01(8)	Seven (7) days SC
2	Failure to have “tamper resistant electrical outlets” or electrical outlet safety covers for all accessible outlets in facility.	2.01(9)	One (1) day
	EQUIPMENT/TOYS SAFE/CLEAN:		
2	The facility failed to maintain equipment, furnishings and toys in a safe manner.	2.09(1)	Up to seven (7) days SC
3	Failure to clean and sanitize toys, equipment and furnishings immediately if exposed to bodily fluids, such as saliva.	2.09(1) (B)	One (1) day SC

	EQUIPMENT/TOYS SUITABLE/SUFFICIENT:		
3	The facility failed to provide a sufficient amount of suitable toys for children in care.	2.09(1)	Up to thirty (30) days SC
3	The facility failed to provide a sufficient amount of suitable tables and chairs for children in care.	4.07	Up to thirty (30) days SC
3	Equipment, toys and supplies were not accessible and arranged in an orderly fashion so that children may select, use and replace the items.	2.09(1) (C)	Up to thirty (30) days SC
3	For children ages one to five (1 to5) years, facility did not provide an adequate variety of play materials and equipment in the following categories 1) Art, music, creative expression 2) Construction play materials such as blocks, sand and water play 3) Early literacy and language materials 4) Science and math games and materials 5) Gross and fine motor development materials.	2.09(1) (C)	Up to thirty (30) days SC
3	The facility failed to provide Infant equipment that allows for experience which encourages motor, language and cognitive development.	2.09(1) (D)	Up to thirty (30) days SC
3	The facility failed to provide school age children with a sufficient amount of equipment such as sports equipment, table games, books and creative materials.	2.09(1) (E)	Up to thirty (30) days SC
	NAPPING SPACE:		
3	The facility failed to maintain eighteen (18) inches around individual napping spaces.	2.04(4)	One (1) day FC
2	The facility failed to keep all exits clear and unobstructed as required by State Uniform Fire Safety Standards and requirements.	2.04(4)	One (1) day FC
3	The facility had no designated area for school age children choosing to rest.	2.04(2)	One (1) day SC

3	Children observed sleeping under furniture or against furniture that may create a hazard.	2.04(4)	One (1) day FC
3	Bedding and linens shall not be stored in the bathroom, unless store in closed cabinets.	2.04(3)	Complete SC
2	Cribs, playpens and/or other sleeping arrangements were not placed away from window blinds, draperies, or any window treatment/cover that poses a strangulation hazard to children.	2.04(7)	Complete FC
1-2	Child Care Personnel failed to follow safe sleep practices.	2.04(8)	Complete FC
	CRIBS/PLAYPENS:		
2	The facility failed to provide an approved crib or playpen or porta crib for each Infant less than twelve (12) months of age.	2.04(6)	Up to seven (7) days NA
2	Failure to use cribs that meet federal construction regulations as outlined in Title 16 Parts 1219 and 1220, Code of Federal Regulations.	2.04(6)	Up to fourteen (14) days NA
2	The facility failed to provide each child in care safe/appropriate bedding (cot, bed, crib, playpen, floor mat).	2.04(2)	Up to Seven (7) days SC
1	The facility failed to place a young Infant that is not capable of rolling over on their own on his/her back when sleeping to prevent the risk of SIDS.	2.04(6)	Same day NA
3	The facility failed to maintain documentation in child's file of physician authorization to use an alternate sleeping position.	2.04(6)	One (1) day NA
2	The facility used excessive bedding in cribs in that bumper pads, hanging mobiles, quilts, comforters, pillows, stuffed animals, and/or cushions were found in cribs.	2.04(2)	Complete

	BEDDING MATERIAL:		
3	Floor mats in use were not at least one inch thick/covered with an impermeable surface.	2.04(2)	Up to thirty (30) days SC
3	The facility failed to sanitize bedding after each use.	2.04(2)	One (1) day SC
3	Linens used on bedding were not individually assigned.	2.04(3)	One (1) day SC
2	The mattress in all cribs, porta cribs or playpens was not correct fitting/ not securely covered by a fitted sheet which was the correct size for the mattress.	2.04(2)	One (1) day SC
3	Children's wet/soiled bedding was not changed promptly.	2.04(3)	Complete SC
3	Linens were not laundered at least once a week.	2.04(3)	One (1) day
3	Children in care during nighttime hours did not have a pillow or blanket/linens available.	6.03	One (1) day NA
2	The facility failed to provide a separate bed or cot for each child in care during nighttime hours.	6.03	One (1) day NA
	INFANT PLAY SPACE:		
3	Infants were not given an open play space outside of cribs or playpens.	2.02(1) (F)	One (1) day NA
3	Infants not given adequate time and space to engage in development of movement skills (tummy time, crawling, turning over, sitting, etc.).	2.01(1) (F)	One (1) day
3	Infant seats, swings, bouncers, etc. used for periods longer than fifteen (15) minutes intervals and/or more than two (2) times per day.	2.01(1) (F)	Complete

	DRINKING WATER AVAILABILITY & WELL WATER:		
2	Drinking water not made available to all children in care.	2.08(4)	Complete SC
2	The facility failed to make drinking water freely available to children over the age of twenty-four (24) months.	2.08(4)	One (1) day SC
2	Drinking water available to children was not safe.	2.08(4)	Complete SC
3	Disposable cups used to provide drinking water were not discarded after each use.	2.08(4)	Complete SC
2	The facility failed to conform to state and local water and sewage standards.	2.08(1)	Up to thirty (30) days FC
2	The facility failed to have verification that the well water met state/local water standards.	2.08(1)	Up to thirty (30) days FC
	TOILETS & SINKS		
3	Each sink/toilet was not properly maintained in good operating condition and sanitized at least once per day.	2.05(9)	Up to seven (7) days FC
3	A toilet/basin used by children was not easily accessible and a safely constructed platform was not in place.	2.05(5)	Five (5) days SC
2	The cleaning and sanitizing of potty chairs did not take place between use by different children posing a threat to the health, safety and well-being of the children.	2.05(2)	Same day NA
3	The facility did not have at least one (1) permanent or portable bath facility for bathing children in facilities serving children under school age.	2.05(7)	Seven (7) days NA

2	Hot running water exceeding one hundred and ten degrees Fahrenheit (110° F) was accessible to children. (Does not apply to school age children).	2.08(6)	One (1) day FC
3	Failure to have at least one (1) toilet and two (2) sinks when only diapered Infants are in care (per thirty [30] Infants).	2.05(2)	Up to thirty (30) days
	SUPPLIES ACCESSIBLE:		
3	Running water was not available in the handwashing area.	2.05(8)	Seven (7) days FC
3	Toilet paper was not available within reach in the bathroom.	2.05(8)	Complete FC
3	Neither single use towels nor a properly installed hand drying device was available/within reach in the handwashing area(s).	2.05(8)	Complete FC
3	Soap was not available/within reach in the handwashing area(s).	2.05(8)	Complete FC
3	A trash receptacle was not available in the bathroom area.	2.05(8)	One (1) day FC
2	The facility failed to ensure that children in overnight care used individual toothbrushes/towels/washcloths.	6.04	COMPLETE NA
3	A toilet facility opened directly into an area where food was prepared.	2.05(4)	One (1) day FC
3	The required number of toilets/sinks was not provided due to non-working toilets/sinks. The facility must repair toilets/sinks to meet the requirement for the facility.	2.05(2) (3)	Up to seven (7) days FC
3	Toilets/sinks were not easily accessible for children in care.	2.05(1)	Up to seven (7) days SC

	OUTDOOR AREA:		
3	The outdoor play area was not kept free of litter, nails, glass, and other obvious hazards.	2.03(2)	Seven (7) days/may not use FC
3	The outdoor play area did not provide an adequate and permanent shade cover to protect groups of children from direct sunlight.	2.03(3)	Up to thirty (30) days SC
2	The facility's outdoor space calculated at one hundred (100) square feet per child – calculated based on one half (1/2) of the licensed capacity using the outdoor play area which allows [] children to use the space at one time and [] children were observed using the space.	2.03(1)	One (1) day SC
2	The facility's outdoor play area was observed to pose a threat to the health, safety and well-being of the children due to the presence of hazardous items.	2.03(2)	One (1) day FC
3	The facility did not provide opportunities for outdoor time each Day (weather permitting) for Infants in care.	2.03(1)	One (1) day SC
2	The facility had outdoor play equipment that was not properly installed/maintained/anchored to be safe for play.	2.09(2)	Seven (7) days/may not use SC
2	The facility had metal/dark colored surfaces on outdoor equipment that children come in contact with that may not be utilized when in direct sunlight.	2.09(2)	Thirty (30) days / do not use
2	The facility failed to provide adequate ground cover or other protective surface under the playground equipment and within the fall zone to reduce the incidence of injuries.	2.09(2)	Thirty (30) days SC
3	The facility failed to conduct monthly maintenance checks of outdoor equipment for the months of [].	2.09(2)	One (1) day SC
3	Playground maintenance checks not maintained for two (2) years.	2.09(2)	Thirty (30) days SC

3	The equipment used in the outdoor play area was not constructed to allow for proper water drainage.	2.09(2)	Seven (7) days SC
3	The facility failed to provide Age Appropriate equipment for all age groups for which facility is licensed for.	2.09(2)	Up to thirty (30) days SC
2	The facility failed to make safe drinking water available indoors and outdoors to all children.	2.08(4)	One (1) day SC
3	Water drinking fountain at facility did not provide a stream of water above the protected lip or slant type to prevent contamination of the water.	2.08(4)	One (1) day / Do Not Use SC
2	The outdoor play area was not enclosed with fencing or walls a minimum of four (4) feet high.	2.03(5)	Up to thirty (30) days/may not use area FC
1	The facility's outdoor play area was not safe and adequately fenced (as per Local Licensing Agency's specifications) to prevent children's access to a water hazard. Fence should be six (6) feet in height.	2.03(7)	Up to thirty (30) days/may not use area FC
2	The fence enclosing the outdoor play area was not safe/adequate/secure. Openings cannot be more than three and a half inches (3.5) inches apart to prevent head entrapment.	2.03 (5)	Seven (7) days
2	The fence enclosing the outdoor play area was not safe/adequate/secure.	2.03(5)	Up to thirty (30) days FC
2	Outdoor fencing failed to have at least two (2) exits, with at least one (1) being remote from the buildings.	2.03(5)	Up to thirty (30) days
2	The base of the fence for the outdoor play area was not at ground level and could allow easy access by children or animals or allow children to exit the play area.	2.03(5)	Up to thirty (30) days FC
2	The fence in the outdoor play area had a dirt buildup at the base, causing the fence to be less than four (4) feet in height and could allow children to exit the play area.	2.03(5)	Up to thirty (30) days FC

1	Gates leading to water hazard were not locked while children present on playground.	2.03(7)	Complete FC
2	Gates leading to water hazard were not locked, no children present outside.	2.03(7)	Same day FC
2	The facility's outdoor play area was inadequately fenced to children's access to a water hazard.	2.03(7)	One (1) day/may not use FC
	SWIMMING:		
1	A ratio of [] staff members for [] children engaged in a swimming activity is the minimum required. There was/were [] staff for [] children observed.	1.08(6)	Complete FC
1	The facility provided a water activity using a swimming pool that exceeds three (3) feet in depth or a beach or lake area and did not have a person with a certified lifeguard certification or equivalent present.	1.08	Complete
1 / 2	The facility failed to maintain constant and active supervision to children in and around water. Supervising adult was not within an arm's length to provide "touch supervision."	1.08(7) (D)	Complete
1	The facility failed to have at least 1 certified lifeguard on duty per thirty-five (35) children to provide Direct Supervision to the swim area for pools over eighteen (18) inches deep.	1.08(6) (D) (1)	Same day/prior to using pool FC
2	Facility with an on-site pool failed to have at least one (1) Child Care Personnel with proof of an approved Community Water Safety course for every fifty (50) children in care during all operating hours.	1.08(6)	May not access/use pool until rec'd FC
2	At an off-site swimming activity, staff failed to have First Aid, CPR and an approved Community Water Safety course.	1.08(6)	May not conduct activity until received FC

2	A swimming pool/wading pool used by a Child Care Facility was not operated in compliance with Chapter 64E-9.000, Florida Admin. Code, Swimming Pools & Bathing Places.	2.03(8)	May not use until approval received FC
2	The facility failed to develop an evacuation plan/emergency plan.	1.08(6) (D) (2)	One (1) day FC
2	The facility did not have a log to indicate that the evacuation and emergency plan had been practiced.	1.08(6) (D) (2)	One (1) day FC
2	The facility failed to practice the evacuation/emergency plan every two (2) weeks when the pool was in use.	1.08(6) (D) (2)	Seven (7) days FC
	EMERGENCY:		
2	The facility failed to properly maintain all fire exits – exit lights not in working order – fire exits blocked.	2.07(1)	Seven (7) days
2	The facility failed to have a properly maintained fire extinguisher available at all times with a minimum rating of 2A10BC.	2.07(2)	Seven (7) days FC
2	Fire extinguisher located more than seventy-five (75) feet from rooms occupied by children.	2.07(2)	Seven (7) days
2	Fire extinguisher not located in areas where food is prepared.	2.07(2)	Seven (7) days
3	Staff not proficient in the use and operation of a fire extinguisher.	2.07(2)	Seven (7) days
2	Failure to have a current and approved Fire Marshall Inspection report on file.	2.01(2); 2.07(1)	Thirty (30) days FC
2	The facility's kitchen failed to have an automatic range-top fire suppression system when producing steam or grease laden vapors or shallow or deep fry foods are prepared.	2.07(6)	Thirty (30) days
2	The facility failed to conduct fire drills at various times of the Day when children are in care.	2.07(4)	Seven (7) days FC

2	The facility's written record of monthly fire drills did not include information noted as follows: date, number of children in attendance, time taken to evacuate.	5.07(1)	Seven (7) days FC
2	The facility failed to post/ conduct monthly fire/emergency drills.	2.07(4)	Seven (7) days FC
3	The facility failed to keep the record of drills for a minimum of two (2) calendar years.	2.07(3); 5.07(1)	Seven (7) days FC
2	Emergency preparedness drills were not conducted when children were in care.	2.07	Three (3) days
2	The facility did not have a written emergency preparedness plan.	2.07 (4)	Seven (7) days
2	Staff failed to have the attendance record with them when the building was evacuated during a fire drill.	2.07(3)	Seven (7) days FC
3	The facility failed to have an emergency evacuation plan that included a diagram of safe exit routes.	5.07(2)	Seven (7) days FC
3	The center failed to post a copy of the emergency evacuation plan, including a diagram of safe exit routes, in each room of the facility.	5.07(2); 2.07(5)	Seven (7) days FC
3	The facility failed to notify the Local Licensing Agency within twenty-four (24) hours after a fire or natural disaster.	5.07(4)	Complete FC
2	The facility failed to have a working, corded telephone which is available to all staff during the hours of operation.	3.04	One (1) Day FC
3	The facility failed to have complete emergency information posted on or near all the telephone: information noted in numbers [] was not included: 1) 911 2) Poison control 3) Child Abuse hotline 4) County public health unit 5) Facility's address and directions to facility.	3.04	Three (3) days FC

3	The facility's first aid kit did not contain the items noted in numbers one through twelve (1-12) as follows: 1) Liquid soap (to be used with water) and or hand sanitizer (for use when water is not available), 2) Band aids or equivalent, 3) Disposable, non-porous gloves, 4) Cotton balls or applicators, 5) Sterile gauze pads & rolls, 6) Adhesive tape, 7) Digital thermometer, 8) tweezers, 9) Pre- moistened wipes, 10) Scissors, 11) Resource guide on first aid and CPR 12) Bottled water.	3.02	Three (3) days FC
3	The facility's first aid kit supplies were not in a closed container/labeled "First Aid."	3.02	One (1) day FC
3	The facility failed to notify the County Public Health Unit immediately when two or more children have the onset of similar signs and symptoms within a seventy-two (72) hour period or when a case of a serious reportable communicable disease is diagnosed or suspected on a child or any personnel.	3.06(4)	One (1) day FC
3	The facility did not have a first aid kit available while on a Field Trip.	3.02	One (1) day FC
3	The facility failed to have an approved written emergency preparedness plan which includes how the facility will notify Parents in the event of an emergency.	2.07(4)	Seven (7) days FC
3	The facility's emergency preparedness plan was not practiced at least once per year and documented.	2.07(4), 5.07(3)	Thirty (30) days FC
3	The facility's emergency preparedness drills were not maintained for two (2) years.	2.07(4)	Thirty (30) days FC

	NUTRITION/FOOD PREP/SERVICE:		
	FOOD PREP & FOOD STORAGE		
3	Meal and snack menus were not written and posted in the food service area and in areas accessible to Parents at the beginning of each week.	4.05	Seven (7) days NA
3	Menu substitutions were not posted.	4.05	Seven (7) days NA
3	The facility failed to maintain menus served for a minimum of four (4) months.	4.05	Seven (7) days NA
3	The facility failed to provide meals and snacks of a quantity and quality to meet the daily nutritional needs of children, in that.	4.01	One (1) day FC
3	The facility failed to provide a breakfast that consisted of at least three (3) different food groups.	4.01	One (1) day FC
3	The facility failed to provide a lunch/dinner that consisted of at least four (4) different food groups.	4.01	One (1) day FC
3	The facility failed to provide a snack that consisted of at least two (2) different food groups.	4.01	One (1) day FC
2	Milk and food was observed to sit out of refrigeration for longer than fifteen (15) minutes prior to the beginning of the meal to avoid contamination and spoilage.	4.01(9)	Complete /One (1) day
3	Food provided by Parent not stored and handled in a sanitary manner at all time.	4.01	Complete/ One (1) day

2	Food provided by outside source found not to be in sound condition, free from spoilage and contamination and safe for human consumption.	4.01	Complete
2	The facility provided meat, poultry, fish, dairy products and/or processed food that was not inspected by the USDA.	4.01	Complete
3	The facility provided raw milk or unpasteurized juice without written consent of the Parent or legal guardian.	4.01	Complete
2	The facility provided home canned foods.	4.01	Complete
2	The facility provided home grown eggs.	4.01	Complete
2	The facility provided a recalled food product.	4.01	Complete
2	The facility failed to thoroughly wash all raw fruits and vegetables before being served or cooked.	4.01	Complete
2	The facility failed to maintain hot foods at a temperature of one hundred thirty-five degrees Fahrenheit (135°F) or hotter measured using a probe type thermometer.	4.01	Three (3) days
2	The facility failed to maintain cold foods at a temperature of forty-one degrees Fahrenheit (41° F) or colder using a probe type thermometer.	4.01	Three (3) days
2	The facility prepared/served food from source that does not meet licensing standards.	4.01	Three (3) days
2	The facility was provided food that was not thoroughly cooked or reheated according to minimum internal temperature requirement.	4.01	Three (3) days
2	The facility failed to maintain a copy of the Caterer's license or permit.	4.01	One (1) day
2	The facility failed to maintain a Food Acceptance Log for all pre-prepared meals brought into the facility.	4.01	Three (3) days
3	The facility failed to maintain food acceptance log for at least four (4) months.	4.01	Fourteen (14) Days

2	The facility's food acceptance log was found to be incomplete in that [] was missing. a) Date/time of arrival. b) Quantity and types of food. c) Verification by recipient of condition of food d) Verification by recipient of adequate temperatures of food e) Name and signature of recipient.	4.01	Three (3) days
3	The facility failed to notify Parent/guardian in advance of a food related /special occasion or food related learning activity.	4.01	Complete
2	Prepared bottles of Infant formula and/or breast milk not immediately placed in refrigerator and used within forty-eight (48) hours.	4.01	Complete
2	Parent/Guardian not immediately notified of wrong formula/breast milk being provided to Infant and documented on incident/accident report.	4.01	Complete
3	Solid food/cereal given to Infant in bottle or feeder without physician consent.	4.01	Complete
3	The facility failed to provide children with a mid-morning and mid-afternoon snack if required.	4.03	One (1) day SC
3	The facility failed to provide children in overnight care an evening meal/breakfast.	6.02	One (1) day NA
2	Children were provided food that was not appropriate for their age as evidenced by: [].	4.06	One (1) day NA
1	The facility served food to children exceeded one hundred and ten degrees Fahrenheit (110°F) and children suffered 1 st or 2 nd degree burns as a result.	4.01 (14)	Complete
2	The facility served food to children exceeded one hundred and ten degrees Fahrenheit (110°F).	4.01(14)	Complete
2	Cooling time for food preparation exceeded fifteen (15) minutes prior to serving.	4.01(14)	Complete
3	Infants/children were not individually fed and/or held as evidenced by []	4.06	Complete NA

2	Infants/children were not supervised during feeding times as evidenced by [].	4.06	Complete NA
2	An Infant was observed with a propped bottle.	4.06	Complete NA
2	Infants under six (6) months of age given plain water without written direction by child's physician.	4.01(12)	Complete
2	Written documentation of child's allergies not maintained in child's file and/or shared with appropriate staff, and posted in an easily accessible location.	4.04	One (1) day FC
2	An Infant was observed being fed with a mechanical device.	4.06	Same day NA
2	Bottles of formula and/or breast milk were not handled in a sanitary manner and according to manufacturer's instructions and instructions by Parents in that [].	4.01(12)	One (1) day NA
2	Heated food and/or bottles were not tested for even heat distribution before feeding.	4.06	One (1) day NA
2	Microwave oven used to heat bottle(s).	4.06	Complete NA
1 / 2	Bottle warming devices and crock pots were observed to be accessible to children in care.	4.01	Complete
3	Bottle warming devices that have a reservoir not emptied, washed and refilled each day.	4.01	Seven (7) Days
3	Previously opened baby food jars shall not be accepted in the center.	4.01	Complete
2	Food fed directly from a baby food jar/container shall be used for only one feeding and the remainder discarded.	4.01	Complete
3	The facility failed to ensure that all bottles and sippy cups were individually labeled with child's first and last name.	4.06	One (1) day NA
3	Single service paper/plastic plates, utensils and or cups were observed being re-used.	4.10	Complete FC

3	Sippy cups and bottles brought by Parents were not returned daily.	4.06	Complete NA
3	The facility failed to wash, rinse and sanitize non-disposable plates, bottles, utensils, sippy cups between each use.	4.10	Five (5) days FC
3	The person in charge of meal planning failed to complete an approved nutrition and meal planning course.	4.08	Ninety (90) days NA
3	The facility failed to have documentation that the Environmental Health Food Services Management Training Course or other approved course had been taken by at least one person with responsibility for food preparation.	4.09	Ninety (90) days FC
3	The facility failed to have sufficient seating at tables so that all children can sit at tables for meal and snack time.	4.07	Seven (7) days SC
2	The facility left child(ren) in high chairs outside of feeding times.	4.07	Complete
2	The facility failed to use safety straps when child(ren) were in high chairs.	4.07	Complete
3	The food preparation area did not include ventilation (mechanical or natural) such as a fan, vent or open window with a screen.	4.11	Thirty (30) days
3	The food preparation area did not have smooth, nonabsorbent food contact surfaces with no unsealed cracks or seams.	4.11	Thirty (30) days
2	The food preparation area did not have food equipment maintained and stored in a sanitary manner and out of reach of children.	4.11	Three (3) days
3	The food preparation area did not have ceilings that are easily cleanable or replaceable in the event of water and other damage, mildew or mold.	4.11	Thirty (30) days
3	The food preparation area did not have shielded lighting.	4.11	Seven (7) days

3	The food preparation area did not have nonabsorbent and easily cleaned flooring or floor covering.	4.11	Thirty (30) days
3	The food preparation area did not have a separate hand washing station with hot running water one hundred degrees Fahrenheit (100°F).	4.11	Thirty (30) days
3	Hand washing station did not include soap, trash receptacle, disposable towels or hand drying machine.	4.11	Three (3) days
3	The food preparation area did not have leak-proof nonabsorbent containers, covered with a tight fitting lid for all food waste stored inside the facility – emptied and cleaned and disinfected daily.	4.11	Three (3) days
3	Employees, Volunteers, Substitutes with open wounds/and or any injury that inhibits hand washing was observed with a cast, bandage or brace preparing food.	4.11	Complete
3	Failure for employees, Volunteers and Substitutes working in the food preparation area to wear proper head covering such as a hair net or hat.	4.11	One (1) day
3	Failure of staff in food preparation area to use disposable gloves, to avoid bare hand contact with foods.	4.11	One (1) day
2	The facility failed to keep food preparation area clean and free of dust, dirt, food particles, and pest and grease deposits.	4.11	One (1) day or close
2	Children were observed in the food preparation areas when meals and snacks were being prepared.	4.11	Complete
2	The facility's food storage area did not meet licensing requirements in that [].	4.12	Thirty (30) days
3	Food containers (cans, plastic containers, boxes and bags) were not stored above the floor on clean surfaces protected from splash and other contamination.	4.12	Seven (7) days
3	Food was not consumed or discarded before expiration date listed by manufacturer.	4.12	Complete

3	Poisonous/toxic or cleaning products not stored separately from food.	4.12	Complete
3	Opened packages of perishable or leftover food items not properly covered or sealed in proper containers, labeled with date, properly stored and discarded within seven (7) Calendar Days.	4.12	Complete
3	Opened packages of dried goods not properly covered/sealed/stored and discarded according to the manufacturer's date.	4.12	Complete
3	An accurate alcohol thermometer was not found to be inside each refrigerator/freezer.	4.12	One (1) day
3	Refrigerator thermometer indicated a temperature above forty-one degrees Fahrenheit (41°F) using an accurate alcohol thermometer designed to measure cold storage.	4.12	Three (3) days
3	Freezer thermometer indicated a temperature above zero degrees Fahrenheit (0° F) using an accurate alcohol thermometer designed to measure cold storage.	4.12	Three (3) days
3	Thawed frozen foods not labeled with date it was removed from the freezer and/or discarded within seven (7) Calendar Days.	4.12	One (1) day
3	Frozen foods not labeled by date and type of food and stored according to guidelines.	4.12	One (1) day
3	Food provided by Parents were not properly stored and handled in a sanitary manner in that [].	4.12	Complete
2	The facility was observed to be without proper ware washing and sanitizing equipment as follows [] 1) No dishwasher with sanitizing cycle 2) Improper water temperature for chemical sanitization – one hundred and twenty degrees Fahrenheit (120° F) (wash) and seventy-five degrees Fahrenheit (75° F) (rinse).	4.13	One (1) day
3	The facility failed to have a test kit or other device for measuring the concentration of the sanitizing solution and tested a minimum of one (1) full cycle per day.	4.13	Three (3) days

3	The facility failed to have a dishwasher (used for sanitizing) that achieved a temperature of one hundred and sixty degrees Fahrenheit (160° F) using a heat strip or irreversible registering temperature indicator or an external temperature display built into the machine.	4.13	One (1) day
3	The facility failed to sanitize sinks in food handling area before and after each use.	4.13	Complete
3	The facility failed to use a three (3)-compartment sink as required in that []. Sink 1) – wash, Sink 2) – rinse, and Sink 3) – sanitize.	4.13	Three (3) days
3	The facility failed to properly use sanitizing chemicals in that []. Chlorine solution of fifty (50)mg/L with a pH of ten (10) or less and a temperature of at least seventy-five degrees (75°) for at least seven (7) seconds.	4.13	Three (3) days
	TRANSPORTATION:		
1	The facility failed to maintain a log for all children being transported in the vehicle.	7.06(1)	One (1) day FC
2	The facility failed to maintain staff to child ratios while transporting children in that [].	7.06	One (1) day FC
2	The driver failed to mark each child on the transportation log as they got on the vehicle.	7.06(2)	One (1) day FC
2	The facility's log for transporting children and/or when travelling on foot failed to include information in numbers one through six (1-6) as follows 1) Child's name, 2) Date, 3) Time of departure, 4) Time of arrival, 5) Signature of driver or person in charge of group and 6) Signature of second staff member.	7.06(1)	One (1) day FC
2	Upon arrival at the destination , the driver of the vehicle or person in charge of group if travelling on foot, failed to complete procedures noted in letters a,b,c as follows: a) Mark each child off the log, b) Conduct a physical inspection and visual sweep and c) Sign log verifying all children accounted for and visual sweep was conducted.	7.06(2)	One (1) day FC

2	Upon arrival at the destination, the second staff member failed to complete procedures as noted in letters a and b as follows: a) Conduct physical inspection and visual sweep, b) Sign the log verifying all children were accounted for and drivers log complete.	7.06(3)	One (1) day FC
3	The driver of a vehicle regularly used to transport children failed to have proof of an annual physical examination granting medical approval to drive.	7.01	Fourteen (14) days FC
2	The driver transporting children did not have a valid, current Florida drivers license.	7.01	One (1) day FC
2	The driver transporting children was not at least eighteen (18) years of age.	7.01	One (1) day FC
2	The driver transporting children did not have proof of current First Aid/CPR.	7.01	Thirty (30) days FC
3	The driver transporting children and counted in the staff-to-child ratio did not meet Child Care Personnel training requirements.	7.01	Sixty (60) days
2	The facility failed to have proof of insurance as required in Section 316.615, Florida Statutes, for a vehicle used to transport children.	7.02(1)	Seven (7) days FC
2	The facility failed to comply with insurance requirements per Section 316.615 in that [].	7.02(1)	One (1) day FC
2	The interior of the vehicle used to transport children was not maintained at a temperature between sixty-five to eighty degrees Fahrenheit (65°F to 80°F).	7.02(3)	Seven (7) days
2	The facility failed to maintain proof of annual mechanical inspection in the vehicle.	7.02(2)	Fourteen (14) days FC
1	A vehicle used for transporting children exceeded the manufacturer's designated seating capacity or the number of factory installed seat belts. The vehicle had a capacity of [] and [] children were transported at one (1) time.	7.03	One (1) day FC

1	Each child transported was not provided an individual factory installed seat belt or other approved restraint device. The vehicle had [] restraints and [] children were transported.	7.04	One (1) day FC
2	The facility failed to replace recalled or expired child safety restraints per US DOT criteria.	7.04	Seven (7) days or cannot use
2	The facility transported children in the front seat of vehicle.	7.04	Complete
2	The facility failed to transport children aged birth to one (1) year old in a secured, rear facing car safety seat.	7.04	Complete
1	The facility failed to transport children aged one (1) year through three (3) years in a separate carrier seat or a vehicle with built in child safety seat.	7.04	Complete
2	The facility failed to transport children aged four (4) years old in a separate carrier, a vehicle with a built in child safety seat or a child booster seat with appropriate seat belt.	7.04	Complete
1	The facility failed to transport children aged five (5) years and older in a separate factory installed seat belt.	7.04	Complete
2	The facility failed to use vehicle that is able to appropriately accommodate wheelchairs when providing transportation to children in wheelchairs.	7.04	Complete
3	The facility failed to have proof that the vehicle(s) regularly used to transport children had been inspected annually by a mechanic.	7.02(2)	Fourteen (14) days FC
3	The facility failed to have a cell phone, two-way radio or other two-way communication device in the vehicle when transporting children.	7.05	One (1) day FC
3	Failure to have contact information on vehicle for all children being transported.	7.07	One (1) day FC
2	Failure to have emergency care plan, supplies, trained adult to recognize/respond appropriately to emergency for children with chronic medical conditions.	7.07	One (1) day FC

	ADMINISTRATIVE:		
1	The facility failed to comply with reasonable requests of the Local Licensing Agency in connection with an inquiry, investigation or inspection, in that [].	9.01(1)	One (1) day NA
3	The facility failed to notify the Local Licensing Agency of their closing for more than three (3) weeks.	9.01(5)	Five (5) days NA
3	The facility's application and/or supporting documentation was not complete, truthful and /or correct.	10.01(1) (E)	Three (3) days NA
1	The facility/Child Care Personnel made a misrepresentation, by act or omission.	10.01(1) (9)	Complete NA
1	Failure to properly notify Parents of Probationary License within three (3) Days.	11.02(2) (B)	Same day NA
2	The facility failed to provide Parents reasonable access to the Child Care Facility during operating hours/during the time their child is in care in person and by telephone.	9.05	One (1) day FC
1	The Owner, Operator or employee, while caring for children, committed an act or omission that meets the definition of child abuse or neglect as per Chapter 39, Florida Statutes.	1.01(6)	Complete FC
1	Child Care Personnel or other adult observed to be under the influence of narcotics, alcohol or other impairing drugs which could affect their ability to provide supervision and safe child care.	1.01 (5)	Complete FC
1	Child Care Personnel physically, sexually and/or emotionally abused a child in care or allowed another adult to physically, sexually and/or emotionally abuse a child in care.	1.01(6)	Complete FC
1	Child Care Personnel released a child in care to a person other than the persons authorized by the Parent or listed on the enrollment form by the Parent	5.02(2) (E)	Complete FC

3	The facility's license was not posted in a conspicuous place in inside the facility.	10.01(3) (C)	Complete NA
2	The facility has a licensed capacity of [] children and [] children were observed in care.	10.01(3) (C)	One (1) day NA
2	The facility was observed caring for an age range of children not specified on license.	10.01(4)	Five (5) days NA
3	The facility failed to post the most recent inspection report and notice of violations in a place conspicuous to Parents.	9.01(2)	One (1) day NA
3	The facility failed to display/include the license number in advertisements including electronic or social media advertisements.	9.04	Up to thirty (30) days NA
2	The facility's Owner failed to follow change of ownership requirements prior to the final sale of the business in that [].	10.01(3)	Up to thirty (30) days
2	The facility's personnel interfered with or prevented the licensing authority from copying of facility records, photographing or recording a location activity on the premises.	9.01	Complete
2	The facility failed to notify Parents of a change of ownership at least seven (7) Calendar Days prior to the transfer.	10.01(3)(B)	One (1) day

NOTES: The Classification Summaries are provided for convenience and ease of reference. They may be revised or updated, at any time, without amendments to the Child Care Licensing Ordinances or Rules or Regulations Handbook. If the provisions of the classification summaries conflict or found to be in error with language found in the Child Care Licensing Ordinances, Rules or Regulations Handbook or State law, the provisions of the Ordinances/Rules and Regulations Handbook or State law shall prevail in all cases. If any conflict exists within the Classification Summaries, the more restrictive provision shall apply.

SECTION 15. RESERVED FOR STATE LAW REVISIONS/AMENDMENTS
(APPENDIX "D")



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

April 12, 2019

Honorable Pat Frank
Clerk of the Circuit Court
Hillsborough County
419 Pierce Street, Room 140
Tampa, Florida 33601

Attention: Midge Dixon

Dear Mrs. Frank:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hillsborough County Ordinance No. 19-5, which was filed in this office on April 12, 2019.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb