

1 A bill to be entitled
 2 An act relating to Palm Beach County; amending chapter 59-
 3 1698, Laws of Florida, as amended; revising and providing
 4 definitions; providing requirements for the operation and
 5 licensing of large family child care homes; providing for
 6 the issuance of provisional licenses to child care
 7 facilities, large family child care homes, and family day
 8 care homes; updating obsolete language; revising
 9 requirements for Child Care Advisory Council membership;
 10 providing an effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:
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14 Section 1. Chapter 59-1698, Laws of Florida, as amended by
 15 chapter 77-620, Laws of Florida, is amended to read:

16 Section 1. DEFINITIONS. The following words and phrases
 17 shall mean:

18 1.a. Children - Persons related to the operator of a
 19 facility regulated under this act under 13 ~~12~~ years of age, and
 20 all other persons under 18 years of age.

21 ~~b. Child Boarding Homes - Any building or shelter in~~
 22 ~~which, for 24 hours per day, custodial care is rendered to one~~
 23 ~~to five children, inclusive, and which receives a payment, fee,~~
 24 ~~or grant for any of the children receiving care, whether or not~~
 25 ~~operating for profit, subject to the exemptions contained in~~
 26 ~~Section 12 hereof.~~

27 2.e. Family Day Care Home ~~Facilities~~ - An occupied
 28 residence ~~Any building or shelter~~ in which custodial care is

HB 1045

2010

29 rendered to one to six ~~five~~ children, inclusive, ~~for 2-24 hours~~
30 ~~per day~~ and for which the owner or operator receives a payment,
31 fee, or grant for any of the children receiving care, whether or
32 not operating for profit, subject to the exemptions contained in
33 Section 9 12.

34 3. Large Family Child Care Home - An occupied residence in
35 which custodial care is regularly provided for children, and for
36 which the owner or operator receives a payment, fee, or grant
37 for any of the children receiving care, whether or not operated
38 for profit, and which has at least two full-time child care
39 personnel on the premises during the hours of operation. One of
40 the full-time child care personnel must be the owner or occupant
41 of the residence. A large family child care home must first have
42 operated as a licensed family day care home for 2 years, with an
43 operator who has had a child development associate credential or
44 its equivalent for 1 year, before seeking licensure as a large
45 family child care home. A large family child care home shall be
46 allowed to provide care for one of the following groups of
47 children, which shall include those children under 13 years of
48 age who are related to the caregiver:

49 a. A maximum of eight children from birth to 24 months of
50 age.

51 b. A maximum of 12 children with no more than four
52 children under 24 months of age.

53 ~~4.d.~~ Child Care Facility Facilities - Any building or
54 shelter in which custodial care is rendered to six or more
55 children, and for which the owner or operator receives a
56 payment, fee, or grant for any of the children receiving care,

57 | whether or not operating for profit, or which is held out to the
 58 | public to be an establishment which regularly provides child
 59 | custodial services.

60 | Section 2. PERMIT REQUIRED FOR ESTABLISHMENT, MAINTENANCE
 61 | AND OPERATION. It shall be unlawful for any person, firm, or
 62 | corporation to establish, maintain, or operate in Palm Beach
 63 | County, Florida, a child care facility, large family child care
 64 | ~~boarding home~~, or family day care home ~~facility~~ without first
 65 | obtaining a permit therefor from a board, to be designated as
 66 | the Child Care Facilities Board, and without permanently posting
 67 | such permit in the child care facility, large family child care
 68 | ~~boarding home~~, or family day care home ~~facility~~. Such Child Care
 69 | Facilities Board shall be composed of the Board of County
 70 | Commissioners of Palm Beach County, hereafter referred to as the
 71 | Board. The Chairman of the Board of County Commissioners of Palm
 72 | Beach County shall be the Chairman of the Child Care Facilities
 73 | Board, and the Board shall meet at least once every 3 ~~three (3)~~
 74 | months at a time and place designated by the Board.

75 | Section 3. APPLICATION FOR PERMIT. Application for a
 76 | permit to operate a child care facility, large family child care
 77 | ~~boarding home~~, or family day care home ~~facility~~ shall be made to
 78 | the Board in writing, and on a form, and under regulations
 79 | prescribed by the Board. The application shall state the name
 80 | and address of the applicant, his or her occupational history
 81 | and qualifications, the type and location of proposed operation,
 82 | the number of persons to be accommodated, and such other
 83 | information the Board may require.

84 | Section 4. ISSUANCE OF LICENSE.

85 1. The Director of the Palm Beach County Health Department
 86 shall be charged with the administrative and financial
 87 responsibility of carrying out the duties of the Board, and the
 88 Director ~~he~~ or his or her representative shall inspect child
 89 care facilities, large family child care ~~boarding~~ homes, and
 90 family day care homes ~~facilities~~ as required by the Board. Said
 91 Board, when satisfied that minimum standards are met, shall
 92 issue a license in writing on a form prescribed by the Board.
 93 Such license shall be valid for a period of 1 ~~one~~ year unless
 94 revoked. It shall not be transferable or assignable.

95 2. The Board may issue a provisional license for child
 96 care facilities, large family child care homes, or family day
 97 care homes. A provisional license shall not be issued for a
 98 period that exceeds 6 months and may only be renewed by the
 99 Board one time for a period not to exceed 6 months.

100 3. A provisional license shall not be issued unless the
 101 child care facility, large family child care home, or family day
 102 care home is in compliance with the requirements for screening
 103 of child care personnel and the requirements for ensuring the
 104 health and safety of the children in care.

105 Section 5. REVOCATION OF LICENSE. The Board may revoke a
 106 license if it finds that the operator has failed to comply with
 107 any provisions of this Act, or of any rule or regulation issued
 108 hereunder.

109 Section 6. MINIMUM STANDARDS, REASONABLE RULES AND
 110 REGULATIONS TO BE PRESCRIBED BY THE BOARD.

111 1. The Board shall make, adopt ~~promulgate~~, amend, and
 112 repeal such rules and regulations as are necessary to protect

HB 1045

2010

113 the health and safety of persons in child care facilities, large
 114 family child care ~~boarding~~ homes, or family day care homes
 115 ~~facilities~~; prescribing standards for living quarters, including
 116 provisions pertaining to sanitary conditions, light, air,
 117 safety, protection from fire hazards, equipment, operation,
 118 qualifications and number of staff, and such other matters as
 119 may be appropriate to protect the life and health of the
 120 occupants thereof. Standards established by rules and
 121 regulations of the Board shall meet or exceed state minimum
 122 standards, to wit: standards established by the Department of
 123 Children and Family Health and Rehabilitative Services pursuant
 124 to chapter 402, Florida Statutes.

125 2. The Board may make, adopt ~~promulgate~~, amend, and repeal
 126 such rules and regulations as are necessary:

127 a. To require facilities regulated hereunder to secure
 128 liability insurance and set minimum limits and standards for
 129 carriers; and~~7~~

130 b. To establish fees for inspection and licensing under
 131 this Act.

132

133 No such rules and regulations of the Board shall be adopted or
 134 become effective until after a public hearing has been held by
 135 the Board pursuant to at least one notice published in a
 136 newspaper of general circulation in the County at least 10 ~~ten~~
 137 ~~(10)~~ days prior to the hearing. When approved by the Board and
 138 filed with the Clerk of the County Commission, such rules and
 139 regulations shall have the force and effect of law. Until the
 140 Board adopts rules and regulations, the state standards

141 | aforementioned shall apply to all facilities regulated by this
 142 | Act.

143 | Section 7. CHILD CARE ADVISORY COUNCIL.

144 | 1. The Board shall appoint a Child Care Advisory Council
 145 | which shall be appointed by the Board of County Commissioners no
 146 | later than 60 ~~sixty~~ (60) days after the effective date of this
 147 | Act. Members of the Council shall serve at the pleasure of the
 148 | Board of County Commissioners. The Council shall be composed of
 149 | seven ~~(7)~~ members consisting of the following:

150 | a. Two ~~(2)~~ members who represent and operate as a private
 151 | enterprise a facility regulated hereunder, one of whom operates
 152 | a family day care home or large family child care home.

153 | b. One ~~(1)~~ member who represents and operates a parochial
 154 | facility regulated hereunder.

155 | c. One ~~(1)~~ member who represents a consumer protection
 156 | enforcement official.

157 | d. One ~~(1)~~ member for fire protection, engineering, or
 158 | technology.

159 | e. One ~~(1)~~ member who, at the time of appointment, is ~~was~~
 160 | a parent of a child in a facility regulated hereunder.

161 | f. One ~~(1)~~ member who represents the Department of
 162 | Children and Family Health and Rehabilitative Services.

163 | 2. The Council shall advise the Board and make
 164 | recommendations as to the issuance and revocation of licenses
 165 | and as to rules and regulations necessary to protect the health
 166 | and safety of persons in child care facilities, large family
 167 | child care boarding homes, or family day care homes ~~facilities.~~

168 | Section 8. RIGHT OF ENTRY. Members of the Board and its

HB 1045

2010

169 representatives may enter and inspect child care facilities,
 170 large family child care ~~boarding~~ homes, or family day care homes
 171 ~~facilities~~ at reasonable hours, and may question such persons
 172 and investigate such facts, conditions, and practices or matters
 173 as may be necessary or appropriate to determine whether any
 174 person has violated any provisions of this Act, or of any rule
 175 or regulation issued hereunder.

176 Section 9. EXEMPTIONS. The provisions of this Act shall
 177 not apply to any public or nonpublic school which is in
 178 compliance with the compulsory school attendance law, chapter
 179 232, Florida Statutes, any summer camp having children in full
 180 time residence, summer day camp, or vacation Bible school, or
 181 any foster home, home for mentally retarded or handicapped
 182 children, juvenile detention facility, hospital, or other
 183 similar institution otherwise regulated for health standards by
 184 a governmental agency. However, this section shall not be deemed
 185 to exempt institutions or facilities otherwise ~~other wise~~
 186 regulated by the Department of Children and Family Health and
 187 ~~Rehabilitative~~ Services pursuant to s. 402.301, et seq., Florida
 188 Statutes, as it may from time to time be amended or transferred.

189 Section 10. CIVIL ENFORCEMENT. Any violation of this Act
 190 or the rules and regulations of the Board adopted ~~promulgated~~
 191 pursuant hereto shall be subject to enforcement by the Palm
 192 Beach County Environmental Control Officer and the Palm Beach
 193 County Environmental Control Act, chapter 70-862, Laws of
 194 Florida, as amended, and as it may in the future be amended or
 195 reenacted ~~renacted~~.

196 Section 11. CRIMINAL PENALTY. Any person failing to

HB 1045

2010

197 | comply with the provisions of this Act is guilty of a
198 | misdemeanor of the second degree punishable as provided by
199 | general law.

200 | Section 12. ADVERTISING BY FACILITIES. It shall be
201 | unlawful for any person, persons, associations, partnerships,
202 | corporations, or institutions to offer or advertise to the
203 | public, in any way or by any medium whatsoever, large family
204 | child care ~~boarding~~ home, family day care home, ~~facility~~ or
205 | child care facility service without ~~unless it has~~ first having
206 | secured a license under the provisions of this Act. All
207 | advertisements advertising any such services shall include the
208 | license number of the license issued pursuant to this Act.

209 | Section 13. SEVERABILITY. If any provision of this Act,
210 | or the application thereof to any person or circumstances, is
211 | held invalid, such invalidity shall not affect other provisions
212 | or applications of this Act which can be given effect without
213 | the invalid provision or invalid application and to this end the
214 | provisions of the Act are declared severable.

215 | Section 2. This act shall take effect upon becoming a law.