

ENROLLED  
 HB 1045

2010 Legislature

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:  
 13

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

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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,

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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.

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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

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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

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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

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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

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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.