

FINAL
LED
5/19/04

ORDINANCE # 04-25

AN ORDINANCE AMENDING HILLSBOROUGH COUNTY'S CHILD CARE FACILITIES ORDINANCE #03-25; PROVIDING FOR AMENDMENTS TO THE RULES AND REGULATIONS HANDBOOK PORTION OF ORDINANCE #03-25 SETTING FORTH REQUIREMENTS IN CONNECTION WITH SWIMMING ACTIVITIES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR EFFECTIVE DATE.

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

WHEREAS, the Board of County Commissioners has previously enacted Hillsborough County Ordinance #03-25 ("Ordinance #03-25) with respect to the licensing, regulation and operation of Child Care Facilities in Hillsborough County; and

WHEREAS, staff of the Hillsborough County Child Care Licensing Office and members of the Hillsborough County Child Care Facilities Advisory Board, with input from the public, have recommended amending the Rules and Regulations Handbook portion of Ordinance #03-25 setting forth requirements in connection with swimming activities.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, THIS 19TH DAY OF MAY 2004, AS FOLLOWS:

SECTION 1. Section 1.07 (7) of the Rules and Regulations Handbook Portion of Ordinance #03-25 Is Hereby Amended to Read As Follows:

FC 1.07 (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) staff member who has completed the American Red Cross Community Water Safety Course, or its equivalent, as determined by the Local Licensing Agency for every 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 for 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:

<u>Age of Children</u>	<u>Ratio</u>
Infants	1 Child Care Personnel for 1 child
Toddlers	1 Child Care Personnel for 3 children
Age 2	1 Child Care Personnel for 4 children
Ages 3,4,5 and higher	1 Child Care Personnel for 10 children

- (D) For all swimming areas other than the swimming pools described in Subparagraph (C) above of this Section 1.07(7), 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 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 bi-monthly 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 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.
 - (4) Supervisory ratios for water activities do not include the lifeguard. Water staff shall always directly supervise children in the water. Rovers can be directly supervising children in the pool area, water or bathroom/locker in the

pool area. There must be one rover for each group listed below, except as indicated in Sub-subparagraph e. below of this Subparagraph (D) (4). The following supervisory ratios shall apply for all water activities:

- a. for children under two (2) years old there shall be one (1) Child Care Personnel 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.

FINAL
LED
5/19/04

Section 2. 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 portion thereof, other than the portion declared to be invalid.

Section 3. Effective Date:

This Ordinance shall take effect immediately upon the filing of this Ordinance with the Florida Department of State.