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Date: September 28, 2004

To: Owners and Operators of Child Care Centers and Other Interested Parties

From: Linda Stoller, Manager, Hillsborough County
Child Care Licensing Program

Subject: New Regulations

The state has finalized the following new regulations which are effective immediately. These regulations will be incorporated into the County's child care licensing ordinance at the next revision. Underlined items are new additions to the regulations. In addition new rules for programs serving only school age children have been implemented. These rules will be sent to you in a separate mailing.

- Add 1.01(1) 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 this rule.
- Add 1.02(2) The Local Licensing Agency shall conduct the screening and background checks for the Owner, applicant, and Operator of a Child Care Facility, and, as required by Section 1.01(6) below, household members or residents. The Owner of the Child Care Facility shall obtain the screening and background checks for employees and volunteers within five (5) working days after the employee or volunteer begins working or volunteering at the Child Care Facility. The screening and background checks include, an employment history check for the previous two (2) years, at a minimum which must include at least the last three jobs; an Affidavit of Good Moral Character every year; a local criminal records checks every year; a state criminal records check every five (5) years; and a federal criminal records check. One fingerprint card will suffice for both the state and federal criminal records check. Employment history checks shall be assessed by the Owner or Operator for each employee and by the Local Licensing Agency for all Owner/Operators. An employment history check conducted under this rule, shall include not only confirmation of employment dates from previous job(s) but may also include position held and job performance.
- Add 1.02(2) All child care personnel employed on or before December 31, 2004 shall complete 5-clock-hours or .5 documented continuing education unit (CEU) of training in early literacy

and language development of children from birth to 5 years of age, as documented on the certificate of course completion, classroom transcript, or diploma; by June 30, 2005. All child care personnel hired on or after January 1, 2005, shall complete this training within 12 months of date of employment. Literacy training must be a single class or course that is no less than five (5) hours in duration. In order to meet this requirement, child care personnel must select a training course from the Department of Children and Families' list of approved literacy training programs which can be accessed by contacting the local licensing agency or by going to www.myflorida.com/childcare/training. Literacy training that was taken between July 1, 1999 and July 1, 2004 will be accepted by the local licensing agency until January 1, 2005 if it meets all the required components above.

Add 1.02(5) Training successfully completed after July 1, 2004 will be documented on the child care training transcript only. Training completed prior to July 1, 2004 may be documented either on the child care transcript or CF-FSP 5267.

Add 1.02(6) Examination exemptions are not available for the Department's web based Part II specialized training modules.

Change 1.02(9) All childcare facility personnel, must complete a minimum of 10 clock hours of in-service training or 1 CEU, annually during the state's fiscal year beginning July 1 and ending June 30. The annual 10-clock-hour in-service training or 1 CEU, must be completed in one or more of the following areas:

1. Health and safety; including universal precautions;
2. CPR
3. First Aid (this training may only be taken to meet the in-service requirement once every three 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. Playground safety;
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.

Documentation of the in-service training must be recorded on (CF-FSP Form 5268, Feb. 04), Child Care In-service Training Record, which is incorporated by reference, and included in the child care facilities' personnel records. College level courses that cover the topics above may also be counted to meet the annual in-service training requirement.

Add: 1.02(10)(C)2 Upon receipt and approval of the completed forms, the individual's training transcripts will be updated to reflect the staff credential verification. From the individual's child care training transcript they may print CF-FSP Form 5206, Feb 04, Child Care Personnel Professional Development Confirmation Form which is incorporated by reference, for the individual's records. The individual may also request a copy of CF-Form 5206 from the Department of Children and Families or its designated representative for a nominal fee determined by the Department of Children and Families.

Add 1.02(A)6 A CDA or Child Development Associate Equivalency (CDAE) may be renewed as specified below. However, for the purpose of meeting the staff credentialing requirement for every 20 children in care, as mandated in Section 402.305(3), F.S. a renewal is not required but is encouraged and appropriate if the individual chooses.

1. Florida CDAE Renewal: To maintain a Florida CDAE, every 5 years a candidate must complete and provide documentation of the following criteria, along with the Florida CDAE Renewal Application, CF-FSP 5273, Feb. 2004, which can be obtained by going to the Department of Children and Families Child Care Services website at www.myflorida.com/childcare/training, incorporated herein by reference:

a. Proof of a current First Aid Certificate;

b. Proof of at least 4.5 Continuing Education Units (CEUs), or a three college credit hour course in early childhood education/child development, within the past 5 years that is in addition to the original 120 clock hours required for obtaining the CDA equivalency credential;

c. Proof of recent (within current year) work experience with young children or families of young children (a minimum of 80 hours);

d. Proof of recent (within current year) membership in a national, state or local early childhood professional organization;

e. A letter of recommendation regarding competency in working with young children, provided by an Early Childhood Education Professional such as the Child Care Facility Director, Assistant Director, Observer, or Lead Teacher; and

f. Three (3) completed Parent Opinion Questionnaires (within current year), documented on CF-FSP 5271, Feb. 2004, which can be obtained by going to the Department of Children and Families Child Care Services website at www.myflorida.com/childcare/training/ or an equivalent form that contains all the information required by the Department of Children and Families' form.

g. The renewal fee for the Florida CDAE shall be \$65.00

2. National CDA Renewals. To renew a National CDA, that is not current, individuals must contact the Council for Early Childhood Professional Recognition, located in Washington, DC, at 1-800-424-4310, and complete a waiver form which can be obtained by going to their website at <http://www.cdacouncil.org>.

3. The State of Florida CDAE program will renew and issue a CDAE renewal to individuals holding an inactive National CDA upon submission of the renewal documents specified above. This renewal option will be available through June 30, 2005. The Florida CDAE renewal will be documented on CF-FSP 5270, Feb. 2004, Florida CDA Equivalency Certificate of Renewal. CF-FSP 5270 may be obtained by going to the Department of Children and Families Child Care Services website at www.myflorida.com/childcare/training.

1.04 Director Credential:

A. No change

Add 1. Child care facility owners must notify the local licensing agency in writing within five (5) working days of when the facility loses a credentialed director or when there is a change of director. The local licensing agency will then issue a provisional license for a period not to exceed six (6) months. The provisional license will have an effective date of the first day the facility was without a credentialed director.

2. An individual may not be the director of child care facilities that has an overlap in the hours of operation.

3. Each child care facility must have a director that is on site a majority of hours that the facility is in operation.

4. The director credential must be posted in a conspicuous location at the facility.

Change 1.04 to read: All applications may be obtained from and applications and documentation will be verified by and credentials issued through the Department.

Add (2a) Training Transcript - is the official electronic documentation for statutorily mandated training and staff credentialing requirements of all child care personnel. Training transcripts can be down loaded and printed by individual if desired or will be issued to the individual if requested.

- Add to: 1.07(2) During naptime, except in groups where Infants and Toddlers are present....
- Add to 2.01(1) Animals or fowl must be properly immunized, free of disease, clean and create no health or safety hazard. Parents 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 handbook, parent fliers, or a statement included on the enrollment form.
- Add to 2.01(5) No firearms or weapons as defined in Chapter 790.001 FS shall be allowed within any building or conveyance or upon any person located on the premises.
- Add to 2.04(2) Bedding means a cot, bed, crib, playpen, mattress (excluding an air or foam mattress) or floor mat.
- Delete from 3.02 Delete number 9, syrup of ipecac from the required first aid supplies
- Add to 6.03 Each child shall have a separate bed, crib or cot with his or her own linens covering the bedding. Mats, foam mattresses, air mattresses and playpens may not be used when children are sleeping.
- Add to 6.06 Director credentialed staff is not required of Evening Child Care as defined within this Ordinance.



Affidavit of Good Moral Character

State of Florida

County of _____

Before me this day personally appeared _____ who, being duly sworn, deposes and says: I am an applicant for employment as a caretaker (or similar position requiring level 2 screening under Chapter 435, Florida Statutes), or I am currently employed as a caretaker with:

By signing this form, I am swearing that I have not been found guilty or entered a plea of guilty or nolo contendere (no contest), regardless of the adjudication, to any of the following charges under the provisions of the Florida Statutes or under any similar statute of another jurisdiction. I also attest that I do not have a delinquency record that is similar to any of these offenses.

I understand I must acknowledge the existence of any criminal records relating to the following list regardless of whether or not those records have been sealed or expunged. I understand that I am also obligated to notify my employer of any possible disqualifying offenses that may occur while employed in a position subject to background screening under Chapter 435, Florida Statutes.

Sections:	393.135	relating to sexual misconduct with certain developmentally disabled clients
	394.4593	relating to sexual misconduct with certain mental health patients
	415.111	adult abuse, neglect, or exploitation of aged persons or disabled adults
	741.30	domestic violence and injunction for protection (defined in 741.28) means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, etc. of a family or household member
	782.04	murder
	782.07	manslaughter, aggravated manslaughter of an elderly person or disabled adult, or aggravated manslaughter of a child
	782.071	vehicular homicide
	782.09	killing an unborn child by injury to the mother
	784.011	assault, if the victim of offense was a minor
	784.021	aggravated assault
	784.03	battery, if the victim of offense was a minor
	784.045	aggravated battery
	784.075	battery on a detention or commitment facility staff
	787.01	kidnapping
	787.02	false imprisonment
	787.04(2)	taking, enticing, or removing a child beyond the state limits with criminal intent pending custody proceedings
	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
	790.115(1)	exhibiting firearms or weapons within 1,000 feet of a school
	790.115(2)(b)	possessing an electric weapon, destructive device, or other weapon on school property
	794.011	sexual battery
	794.041	prohibited acts of persons in familial or custodial authority (former)
Chapter:	796	prostitution
Section:	798.02	lewd and lascivious behavior
Chapter:	800	lewdness and indecent exposure
Section:	806.01	arson
Chapter:	812	felony theft and/or robbery and related crimes, if a felony
Sections:	817.563	fraudulent sale of controlled substances, if the offense was a felony
	825.102	abuse, aggravated abuse, or neglect of disabled adults or elderly persons
	825.1025	lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult
	825.103	exploitation of disabled adults or elderly persons, if the offense was a felony
	826.04	incest
	827.03	child abuse, aggravated child abuse, or neglect of a child
	827.04	contributing to the delinquency or dependency of a child
	827.05	negligent treatment of children

	827.071	sexual performance by a child
	843.01	resisting arrest with violence
	843.025	depriving an officer means of protection or communication
	843.12	aiding in an escape
	843.13	aiding in the escape of juvenile inmates in correctional institution
Chapter:	847	obscene literature
Section:	874.05(1)	encouraging or recruiting another to join a criminal gang
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
Sections:	916.0175	relating to sexual misconduct with certain forensic clients
	944.35(3)	inflicting cruel or inhuman treatment on an inmate resulting in bodily harm
	944.46	harboring, concealing, or aiding an escaped prisoner
	944.47	introduction of contraband into a correctional facility
	985.4045	sexual misconduct in juvenile justice programs
	985.4046	relating to contraband introduced into detention facilities

ONE OF THE FOLLOWING STATEMENTS MUST BE MADE:

Under the penalty of perjury, which is a first degree misdemeanor, punishable by a definite term of imprisonment, not exceeding one year and/or a fine not exceeding \$1,000 pursuant to ss. 837.012, or 775.082, or 775.083, Florida Statutes, I attest that I have read the foregoing, and I am eligible to meet the standards of good character for this caretaker position.

Signature of Affiant

OR

To the best of my knowledge and belief, my record may contain one or more of the foregoing disqualifying acts or offenses.

Signature of Affiant

OR

for teachers and non-instructional personnel in lieu of fingerprint submission:

I swear that I have been fingerprinted under Chapter 1012, Florida Statutes, when employed as a teacher or non-instructional employee and have not been unemployed from the school board for more than 90 days. I swear the findings of that background check did not include any of the above offenses and that I meet the standards of good character for this caretaker position.

Signature of Affiant

OR

To the best of my knowledge and belief, my record may contain one or more of the foregoing disqualifying acts or offenses.

Signature of Affiant

Have you, to the best of your knowledge, ever been employed in, owned, or operated a child care facility or family child care home whose child care license was denied, revoked, or suspended, been fined, or been subject to disciplinary action in any state or jurisdiction: YES _____ NO _____

Signature of Affiant

Sworn to and subscribed before me this _____ day of _____, 20_____.

My commission expires _____ NOTARY PUBLIC, STATE OF FLORIDA

My signature, as a Notary Public, verifies the affiant's identification has been validated by: