



CHILDREN'S SERVICES/CHILD CARE LICENSING

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M E M O R A N D U M

DATE: December 4, 2017
TO: All Child Care Facility Licensees
FROM: Angela Chowning, Manager, Hillsborough County
Child Care Licensing
SUBJECT: New Regulations Being Adopted in Hillsborough County Child Care Facility
Ordinance 14-39

On October 25, 2017, The Florida Department of Children and Families, Office of Child Care Licensing adopted new regulations into the Florida Administrative Code 65C-22., for child care centers. The Hillsborough County Child Care Licensing Office must adopt these regulations into our local Ordinance. These new regulations are effective immediately. Please be advised that Hillsborough County Child Care Licensing will be offering technical assistance to all child care providers during their next routine or renewal inspection on these new regulations starting in January, and will then be enforcing them at the next inspection.

The newly added regulations/definitions are as follows by Ordinance section:

Definitions:

Serious Injury: is any injury/incident resulting the death or serious physical or emotional harm to a child that prudently call for medical attention, including medication errors that present a risk of ineffectiveness or adverse reaction.

Stable walls or barriers: refer to the boundaries that define a classroom space. Walls or barriers must be constructed in a sturdy manner and anchored together, or to the floor or walls. Walls or barriers must be stable and secure and must not pose a threat to falling over. The material for the barriers or walls must be non-hazardous and may not be made of materials such as see-through or plastic curtains, fabric or mesh materials. The stable walls or barriers must be a minimum of 32 inches in height from the floor in classrooms for children ages birth through 2 , and must be a minimum of four (4) feet in height from the floor in classrooms for children ages 3 years and older. All classrooms must continue to meet fire code requirements for entrance(s) and exit(s) of the classroom.

Section 1: Personnel

Initial Screening/Rescreening

- A. Level 2 screening as outlined in s. 435.04, F.S. , is required for all child care personnel and includes a 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 5 years. All fingerprints must be submitted and processed through the Background Screening Clearinghouse and therefore, a LiveScan vendor that is Clearinghouse compatible must be used for submission of fingerprints.
- B. The five year rescreen must include, at a minimum, a 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 5 years.
- C. CF Form 1649A, Child Care Attestation of Good Moral Character, must be completed for all child care personnel at the time of initial screening or upon change in employers. CF Form may be obtained from the Hillsborough County Child Care Licensing website.

Supervision

- A. Child care personnel must be assigned to provide direct supervision to a specific group of children and be with that group of children at all times. A child must never be left inside or outside the facility, in a vehicle, or at a field trip location by themselves.
- B. 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. For school age children, personnel must know where the children are and what they are doing at all times and capable of responding to emergencies including when children are separated from their group.
- C. All individual authorized to pick up a child must be identified in writing prior to the release by the custodial parent or legal guardian to the program, and 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 at the designated location as agreed upon by the provider and the custodial parent/legal guardian and released to an authorized individual.
- D. In addition to the number of staff required to meet the staff-to-child ratio, one additional adult must attend field trips away from the child care facility to help provide supervision. The individual could be a parent volunteer as long as that person is under direct and constant supervision of a screened and trained staff member.
- E. 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.

Water Activity

- A. 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 Basics Health and Safety Foundation for Early Care and Education.
- B. Each swimming pool more than six 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.
- C. Constant and active supervision must be maintained when any child is in or around water. During water play activities, the supervising adult must be within an arm's length providing "touch supervision".

Staff Training

- A. Child care personnel, including volunteers, who work 10 hours or more per month must begin training within 90 days of employment in the child care industry and successfully complete the department's training within 12 months from the date training begins.
- B. 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 shaken baby syndrome and abusive head trauma, recognition of signs and 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 30 days of hire at the facility. To satisfy this requirement, the training must be accomplished through one of the following methods: the DCF Health, Safety, and Nutrition course, Safe Sleep course, or the Early Learning Florida's Safe Sleep Practices.

Child Discipline

- A. The child care facility operators, employees, substitutes, and volunteers must comply with written disciplinary and expulsion policies.
- B. Verification that the child care facility has provided the parent or guardian a written copy of the disciplinary and expulsion policies used by the program must be documented.
- C. Active play, both indoor and outdoor, must not be completely withheld from children who misbehave.
- D. 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.
- E. 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 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 beverages 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 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. 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.

Section 2: Physical Facilities

General Health and Safety Requirements

- A. Indoor and Outdoor play areas must be inspected daily for basic health and safety.
- B. No animal may freely roam the indoor/outdoor premises
- C. Animals that are poisonous and/or aggressive in nature are prohibited.
- D. 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.
- E. 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.
- F. 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.
- G. 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.

- H. 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 30 inch vertical distance to fall.

Outdoor Play Area

- A. 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.
- B. Outdoor fencing must have at least 2 exits, with at least one being remote from the buildings. If the outdoor fencing 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 exits must be provided.

Indoor Equipment

- A. Televisions should be anchored or mounted to prevent tipping over.
- B. Indoor climbing structures require padding or carpet for landing.
- C. Bath tubs, buckets, diaper pails, and other open containers of water must be emptied immediately after use.

Outdoor Equipment

- A. Permanent or stationary playground equipment must have a minimum of 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 that provides resilience.
- B. Documentation of outdoor equipment maintenance inspections must be maintained for two years.

Napping/Sleeping Requirements

- A. Bedding and linens shall not be stored in the bathroom, unless stored in cabinets.

Safe Sleep

- A. All personnel that care for infants must follow safe sleep practices. Cribs or playpens must have tight fitted sheets and no excess bedding, which includes but is not limited to: bumper pads, hanging mobiles, quilts, comforters, pillows, stuffed animals, and cushions.
- B. All programs must have a written policy and procedure to identify and prevent shaken baby syndrome and abusive head trauma
- C. Cribs, playpens and other sleeping bedding must be placed away from window blinds, draperies, or any window treatment/cover that pose a strangulation hazard.

Section 3: First Aid Treatment and Emergency Procedures

Emergency Preparedness

- A. There must be at least one dedicated operable corded phone that is neither locked nor located at a pay station that is available to all child care personnel at all times during the hours of operation.
- B. 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 in 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
 - 5. Presence of a threatening individual who attempts or succeeds in gaining entrance to the facility.

First Aid

- A. New components to the first aid kit needed:
 - 1. Liquid soap
 - 2. Digital thermometer
 - 3. Bottled water

Accident/Incident Notification

- A. In the event of serious injury or death, the incident must immediately be reported to the licensing authority.

Section 4: Nutrition, Food Preparation and Food Service

Food Preparation Area

- A. A separate handwashing sink station with hot running water, a minimum of 100 degrees Fahrenheit. Handwashing stations must include posted signs visible to employees and children, demonstrating proper handwashing technique.

Food Storage

- A. To prevent bacteria growth, cold food must be kept at or below 41 degrees Fahrenheit and hot foods at or above 135 degrees.
- B. An accurate alcohol thermometer designed to measure cold storage must be placed inside each refrigeration and freezer unit. The thermometer must be located in the center of the unit and be readily accessible.

Food Safety

- A. Foods that are associated with young children's choking incidents must not be served to children under 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 ¼ inch or smaller, food for toddlers must be cut into pieces ½ inch or smaller to prevent choking.

Breastmilk, Infant Formula, and Food

- A. The provider must make sure that all formula 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 put the label on when the formula or food is received.
- B. Infants should not be given plain water in the first six months of life unless directed to by the child's physician. Sink/water fountain combinations are prohibited.

Section 5: Admission and Recordkeeping

Medication

- A. Prior to administering medication to children, child care personnel responsible for administering medication must have completed training.
- B. Child care personnel must ensure sun safety for themselves and children under their supervision. It is recommended that infants younger than six months of age are kept out of direct sunlight, limiting sun exposure when ultraviolet rays are strongest.

Daily Attendance

- A. Attendance devices used for the purposes of tracking attendance may be used, but 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.
- B. 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 hour of the child's scheduled arrival) with the custodial parent/legal guardian; if there is no communication from the custodial parent/legal guardian of the child's absence. If child care personnel are unable to reach the child's parent/guardian, emergency contacts must be notified.

Section 7: Transportation

- A. When transporting children in a vehicle or on foot, a telephone or other means of instant communication must be available to staff.

A log must be maintained for all children being transported in a vehicle or on foot away from the premises of the child care facility. The log must include:

1. Each child's name
2. The date and time of departure
3. Time of arrival at the destination
4. The signature of the driver, or in the case of travelling on foot, the signature of the child care personnel

5. The signature of a second staff member or persons authorized by the provider to verify the transportation log and that all children have arrived safely and left the vehicle (if applicable)
- B. 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.
- C. 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 for. The same must occur immediately upon returning to the facility premises.
- D. Upon arrival at the destination by vehicle, the driver of the vehicle must:
 1. Mark each child off the log as the child departs the vehicle
 2. Conduct a physical inspection and visual sweep of the vehicle interior to ensure that no child is left in the vehicle, and
 3. Record, sign, and date the transportation log immediately, verifying that all children were accounted for, and that the visual sweep was conducted.
 4. 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.
- E. Upon arrival at the destination by vehicle, a second and different staff member must:
 1. Conduct a physical inspection and visual sweep of the vehicle to ensure that not child is left in the vehicle; and
 2. Sign, date and record the transportation log immediately, verifying that all children were accounted for and that the log is complete.

Emergency Plans

- A. 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.

Vehicle Requirements

- A. The interior of vehicles used to transport children must be maintained at a temperature comfortable to children.

Seat Belt/Child Restraints

- A. Each child, when transported must be in a back seat in an individual factory installed seat belt or federally approved child safety restraint. Child safety restraint 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.
 1. Children aged birth to one year old, must be secured in a rear facing car safety seat.
 2. Children aged one through 3 years, such restraint device must be a separate carrier or a vehicle built in child seat.
 3. For children aged 4 years, a separate carrier, a vehicle built in car seat, or a child booster seat must be used with appropriate seat belt.
 4. All children 5 and older must be in seat belts.

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

Section 9: Inspections

- A. 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.