



Charlie Crist  
Governor

Ana M. Viamonte Ros, M.D., M.P.H.  
State Surgeon General

**PINELLAS COUNTY HEALTH DEPARTMENT  
Child Care Licensing Program**

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## **PROCEDURES FOR OPENING A CHILDREN'S CENTER**

We hope you will find this information beneficial in making your decision regarding operating a children's center in Pinellas County.

\_\_\_\_\_, a licensing specialist, is assigned to help you with this process should you have questions or wish to proceed.

Licensing of children's centers and family day care homes began in Pinellas County in 1951 when the Florida legislature passed a special act specifically for our county. A new law was passed in 1957 and in 1961, Chapter 61-2681 was passed and was later amended by Chapter 70-893. Regulations are enforced by the License Board, which is composed of individuals assigned by the agencies noted in the special act. The License Board has the authority to promulgate rules, to interpret the regulations, and to take action for license approval, denial of application or revocation of license. The State of Florida enacted the state law, Chapter 402, Sections 301-319 in 1974. The law allows individual counties to continue to operate under a special act or ordinance provided that they meet or exceed state regulations including Chapter 65C-22, Florida Administrative Code.

The licensing program is designed to perform its regulatory function to protect children while in early care and education settings and in before and after school programs. Licensing works best when it is a partnership between the License Board staff and the providers with a goal of compliance with regulations.

In addition to the regulatory function, the License Board also provides technical assistance and consultation through conferences, training, and fingerprinting and notary services.

For more information about the License Board and regulations, visit our website:  
[www.pclb.org](http://www.pclb.org)

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## CUSTOMER RIGHTS AND RESPONSIBILITIES

Customers of the License Board include family child care providers, children's center directors and staff, parents, persons from other agencies or organizations and the general public.

**Customers have the right to service that:**

Does not discriminate against any person because of race, color, religion, sex, national origin, citizenship, disability/handicap, marital status, veteran status, age, or sexual orientation

Is courteous, respectful, fair, and timely

Offers correct and complete information

Is respectful of cultural and individual differences

Satisfies American Disability Act (ADA) requirements, making reasonable accommodations as necessary

Provides informative technical assistance/consultation for services, regulations and procedures

Accepts grievances in a nonjudgmental manner that demonstrates interest and concern

Notifies the customer of our public record policy

Maintains nonpublic records in a confidential manner

**Customers have the responsibility to:**

Provide true, accurate, and complete information

Seek information and clarification of regulations and procedures

Pay fees for services when applicable

Notify the agency of unusual incidents, changes to scheduled appointments

Expect enforcement action when noncompliance occurs in regulated programs and cooperate with License Board staff in the development of improvement plans

Respect deadlines and submit information in a timely manner

Give Pinellas County License Board two weeks notice when accommodations are needed in order to be provided services in accordance with ADA regulations

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## PROCEDURES FOR OPENING A NEW CHILDREN'S CENTER

1. Contact the assigned licensing specialist concerning questions about the application process. The licensing specialist will provide technical assistance, consultation, conferences to review requirements and paperwork, and schedule children's center inspections as needed throughout the process.
2. Contact the zoning department of the applicable municipality to verify if zoning will permit the type of program you wish to offer. Check for impact fees, restrictions, and variances.
3. Request preliminary inspections from building, electrical, and fire departments at the city hall in your municipality or the county building. Check for impact fees, restrictions, and variances.
4. Call the Pinellas County Health Department, Environmental Health Division, to discuss health requirements relating to operating a children's center. Discuss regulations for food service including snack preparation. Request a preliminary health inspection (sanitary) of the children's center.

***It is important to complete the procedures as outlined above before investing in any property for use as a licensed children's center, a program religiously exempt from licensure, or a nonpublic pre-kindergarten program.***

5. Purchase a copy of the *Licensing Regulations and Resources for Pinellas County Children's Centers*. This manual includes a complete set of regulations, compliance guidelines, record keeping materials, and resource information. The manual will be used as part of the training materials during the *Record Keeping for Children's Centers* training.
6. Call your licensing specialist for information regarding registration for training and the scheduled dates of training. Preregistration and a prepaid nonrefundable registration fee are required.

**RECORD KEEPING FOR CHILDREN'S CENTERS** (\$50.00) is a two day training (3 hours per day) comprised of an overview of regulations on record keeping including personnel, children, and facility records. Participants will receive practical ideas for setting up and maintaining files in order to be in compliance with regulations. This training is appropriate for prospective or new owners/directors and as an update for current child care personnel with record keeping responsibilities.

**THE DIRECTOR'S ORIENTATION FOR INFANT CARE** (\$25.00) is a three (3) hour training comprised of regulations pertaining specifically to infant care, and best practices in caring for children from birth to 2 years of age. Participants will receive a training packet that includes a copy of the Infant Compliance Guide, required and sample forms, and brochures. **This training is required for directors who plan to start an infant program.**

7. Request final building, electrical, and fire inspections using the forms provided by the License Board. Programs housed in Pinellas County school facilities use the separate form, Building, Electrical, and Fire Certificate of Approval for Children's Centers Operating in Facilities Owned by the Pinellas County School Board.
8. **Submit completed application, \$25.00 nonrefundable application fee, and supporting documentation.** The License Board staff will examine the application and supporting documentation, notify the applicant of errors or omissions, and request any additional information needed to complete the application process. If the temporary permit cannot be issued within 60 days of the License Board receiving the application, the application will be rejected.

Supporting documentation regarding ownership of a children's center requires one or more of the following:

- **Applicant Information (Legal ownership).** Documentation that shows legal ownership of the children's center must include one of the following:
  - a) the applicant's name and address if an individual owner; or
  - b) the name and address of every member if a firm, partnership, or other group (e.g. a church or agency not incorporated); or
  - c) the name and address of its officers if a corporation or an association.
- **Corporation Information.** If a corporation owns the children's center, current and active corporation status must be documented. Renewal of the corporation is due annually in order to maintain "active status." If the corporation status becomes inactive, there is no legal ownership of the children's center, and the care of children must cease.
- **Fictitious Name Registration.** Florida Statutes Chapter 865.09 requires registration of a "Fictitious name" if the name of the children's center is any name other than the owner's legal name (e.g. name of individual owner, corporation, church, etc).

You may access the fictitious name and/or corporation information through one of the following websites:

*[www.sunbiz.org](http://www.sunbiz.org)  
[ccfcorp.dos.state.fl.us](http://ccfcorp.dos.state.fl.us)*

9. Request a final health (sanitary) inspection from the Pinellas County Health Department. The health department will provide their own form(s).
10. Request an appointment with your licensing specialist for inspection of the center, which includes verification of indoor and outdoor space and equipment, supplies, and records.

The license fee, based on the requested capacity, must be submitted prior to issuance of a temporary permit. A temporary permit will be issued when all requirements are met.

**After the temporary permit is issued and prior to its expiration date, the License Board staff will make inspections and review the children's center's License Board file for compliance with regulations to determine if a license will be recommended for License Board approval. If regulations are not maintained, License Board staff will recommend that the License Board issue a provisional license, probationary/provisional license, or deny application.**

# PROCEDURE FOR CHANGE OF OWNERSHIP OF A CHILDREN'S CENTER

**The license of a children's center is not transferable.** If the sale of a children's center takes place prior to the buyer meeting requirements for a temporary permit, the center cannot continue operating unless the seller agrees to be held responsible under the current license. The Change of Ownership Agreement Form is to be submitted to the License Board office to document that this will occur. If the center is sold prior to a temporary permit being issued and no agreement is on file, the children's center must cease care of children.

Any change in ownership must be processed and approved as mandated in licensing regulations. Parents must be notified at least one week prior to the change of ownership of a children's center. One of the following methods of notification to parents or guardians must be observed:

- Posting notice in a conspicuous location at the children's center
- Incorporating information in any existing newsletter
- Individual letters or flyers

The new owner should be aware that the capacity on the current license could change when a temporary permit is issued. For example, if the new owner wishes to add infant care, the capacity could be reduced. The capacity on the temporary permit is affected by the number of current staff and the number of current staff meeting the credentialing requirement.

This above procedure is not applicable if the center is owned by a corporation and the buyer is purchasing the existing corporation. However, the new stockholders shall provide screening documentation and personnel information as required by law.

## **The licensing procedures for a prospective owner include:**

1. Contact the assigned licensing specialist concerning questions about the application process. The licensing specialist will provide technical assistance, consultation, conferences to review requirements, paperwork, and an on site inspection will be scheduled during the process.
2. Contact the zoning department of the applicable municipality to verify if zoning will permit the type of program you wish to offer. Check for impact fees, restrictions, and variances that may change with a change of ownership.
3. Request preliminary inspections from building, electrical, and fire departments at the city hall in your municipality or the county building. Check for impact fees, restrictions, and variances that may change with a change of ownership.
4. Call the Pinellas County Health Department, Environmental Health Division, to set an appointment to discuss health requirements relating to operating a children's center. Discuss regulations for food service including snack preparation. Request a preliminary health (sanitary) inspection of the children's center.

***It is important to complete the procedures as outlined above before investing in any property for use as a licensed children's center, a program religiously exempt from licensure, or a nonpublic pre-kindergarten program.***

5. Purchase a copy of the *Licensing Regulations and Resources for Pinellas County Children's Centers*. This manual includes a complete set of regulations, compliance guidelines, record keeping materials, and resource information. The manual will be used as part of the training materials during the *Record Keeping for Children's Centers* training.
6. Call your licensing specialist for information regarding registration for trainings and the scheduled dates of training. Preregistration and a prepaid nonrefundable registration fee are required.

**RECORD KEEPING FOR CHILDREN'S CENTERS** (\$50.00) is a two-day training comprised of an overview of record keeping regulations including personnel, children, and facility records. Participants will receive practical ideas for setting up and maintaining files in order to be in compliance with regulations. This training is appropriate for prospective or new owners/directors and as an update for current child care personnel with record keeping responsibilities.

**THE DIRECTOR'S ORIENTATION FOR INFANT CARE** (\$25.00) is a three (3) hour training comprised of regulations pertaining specifically to infant care, and best practices in caring for children from birth to 2 years of age. Participants will receive a training packet that includes a copy of the Infant Standards, required and sample forms, and brochures. **This training is required for directors.**

7. Request final building, electrical, and fire inspections using the forms provided by the License Board.
8. **Submit completed application, \$25.00 nonrefundable application fee, and supporting documentation.** The License Board staff will examine the application and supporting documentation, notify the applicant of errors or omissions, and request any additional information needed to complete the application process. If the temporary permit cannot be issued within 60 days of the License Board receiving the application, the application will be rejected.
9. Request a final health (sanitary) inspection from the Pinellas County Health Department. The health department will provide their own form(s).
10. Request an appointment with your licensing specialist for inspection of center, which includes verification of indoor and outdoor equipment, supplies, and records.

The license fee, based on the requested capacity, must be submitted prior to issuance of a temporary permit. A temporary permit will be issued when all requirements are met.

**After the temporary permit is issued and prior to its expiration date, the License Board staff will make inspections and review the children's center's License Board file for compliance with regulations to determine if a license will be recommended for License Board approval. If regulations are not maintained, License Board staff will recommend that the License Board issue a provisional license, probationary/provisional license, or deny application.**

## SUMMARY OF LICENSING REGULATIONS

Complete licensing regulations, *Licensing Regulations Governing Pinellas County Children's Centers* are included in the *Licensing Regulations and Resources for Pinellas County Children's Centers*.

**PURPOSE** The purpose of this act is to protect the health, safety, and mental development of children cared for in children's centers and family day care homes in Pinellas County as defined below.

### DEFINITIONS

- Child Care** Child care as it pertains to children's centers and family day care homes means the care, protection, and supervision of a child under thirteen (13) years of age, away from his or her home on a regular basis, with or without compensation. Child care supplements parental care, health supervision, and safety, and may include enrichment and/or education for the child, in accordance with his or her needs. For the purpose of licensure, child care does not include occasional or sporadic care. Child care as it pertains to children's centers and family day care homes does not include statutorily exempt programs.
- Children's Center** A children's center includes any day nursery, nursery school, kindergarten, or other facility whatsoever which provides child care, with or without compensation. A children's center provides care for five (5) or more children under thirteen (13) years of age, not related to the operator by blood, marriage, or adoption away from the child's own home for no more than twelve (12) hours per day per child. This term shall not be construed to include any center under the jurisdiction of the State Board of Education except programs for children under three (3) years of age who are not eligible for participation in the programs under existing or successor provisions of Public Law No. 94-142 or Public Law No. 99-457.
- Day Nursery** A day nursery means a children's center consisting of improved realty, equipment, and staff, conducted for children ranging in age from two (2) months through six (6) years, for the purpose of providing shelter, food, rest, care and training. Such centers may accept school children under seventeen (17) years before and after school hours.
- Nursery School** A nursery school means a children's center consisting of improved realty, equipment and staff, conducted for children ranging in age from two (2) years through six (6) years for the purpose of offering an educational program of directed, organized play, and training at the level of the children's growth and development, and providing shelter, food, rest, and care for from two (2) to seven (7) hours per day per child.
- Kindergarten** A kindergarten means a children's center consisting of improved realty, equipment and staff, conducted for children ranging from five (5) years through seven (7) years in age, for the purpose of offering an educational program of directed organized play and training at the level of the children's growth and development, and providing shelter, food, rest, and care for from two (2) to seven (7) hours per day per child.
- Kindergarten entrance age shall conform to the kindergarten entrance age of the public schools. To enter kindergarten a child must be five (5) years old on or before September 1 of that school year.
- School Age Center** A school age center means a children's center that provides child care for only school age children for no more than twelve (12) hours a day outside regular school hours. To enroll a child younger than a school age child, the children's center must also be licensed as a day nursery.

- Summer Day Camp** Summer Day Camp means recreational, educational, and other enrichment programs operated during summer vacations for children who are five years of age on or before September 1 or older. Summer day camps are not licensed.
- School Age Child** School age child means a child who is at least 5-years of age by September 1 of that school year and who is attending Kindergarten through grade five (5).
- Drop-in Child Care** Drop-in child care means child care provided occasionally in a children’s center, in a shopping mall or business establishment where a child is in care for no more than a four (4) hour period and the parent remains on the premises of the shopping mall or business establishment at all times. Drop-in child care arrangements shall meet all requirements for a children’s center unless specifically exempted.
- Exemption from Licensing of Religiously Affiliated Children's Centers** - A children's center may request exemption if it is an integral part of a church or parochial school conducting regularly scheduled classes, courses of study or educational programs accredited by or a member of an organization which publishes and requires compliance with its standards for health, safety, and sanitation; provided, however, that such a center shall meet minimum requirements of the Pinellas County License Board, the applicable local governing body, as to health, safety, and sanitation, and the screening requirements as published in *Licensing Regulations Governing Pinellas County Children's Centers*, and that the center submits proof of membership in an organization which publishes and requires compliance with its standards for health, safety, and sanitation. The exemption shall be in effect as long as compliance with these guidelines is maintained. Nothing shall give any governmental agency jurisdiction or authority to regulate, supervise, or in any way be involved in any Sunday School, Sabbath School, Bible Schools normally conducted during vacation periods, or religious services or any nursery service or other program conducted during religious or church services primarily for the convenience of those attending such services.
- Indoor Recreational Children’s Center** Indoor recreational children’s center means an indoor commercial facility which is established for the primary purpose of entertaining children in a planned fitness environment through equipment, games, and activities in conjunction with food service and which provides child care for a particular child no more than four (4) hours on any one day. An indoor recreational children’s center must be licensed as a children’s center under Licensing Regulations, but is exempt from the minimum outdoor-square-footage-per-child requirement specified, if the indoor recreational children’s center has, at a minimum, 3,000 square feet of usable indoor floor space.
- Nonpublic School** Nonpublic school means that programs for children under three (3) years of age shall be deemed to be child care and subject to the provisions of *Licensing Regulations Governing Pinellas County Children's Centers*. Programs for children in five-year-old kindergarten and grades one or above shall not be deemed to be child care and shall not be subject to Licensing Regulations. Programs for children who are at least three (3) years of age, but under five (5) years of age, shall not be deemed to be child care and shall not be subject to Licensing Regulations provided the programs in the schools are operated and staffed directly by the schools, provided a majority of the children enrolled in the schools are five (5) years of age or older, and provided there is compliance with the screening requirements for personnel pursuant to Licensing Regulations I.A.1.

Programs for children who are at least three (3) years of age, but under five (5) years of age, which are not licensed under *Licensing Regulations Governing Pinellas County Children's Centers* shall substantially comply with the minimum child care standards promulgated pursuant to *Licensing Regulations Governing Pinellas County Children's Centers*. "Substantial compliance" means that level of adherence which is sufficient to safeguard the health, safety, and well-being of all children under care. Substantial compliance is greater than minimal adherence, but not to the level of absolute adherence. Where a violation or variation is identified as the type which impacts, or can be reasonably expected within ninety (90) days to impact, the health, safety, or well-being of a child, there is no substantial compliance.

Operator An operator means any person responsible for the operation of a children's center as previously defined, whether or not he is the owner. (The operator is sometimes referred to as the "director.")

## PERSONNEL REQUIREMENTS

Director Director means the onsite administrator or individual of a children's center who has the primary responsibility for the day-to-day operation, supervision, and administration of the children's center.

Director Credential Director Credential means a comprehensive credentialing program consisting of two (2) levels of education and experiential requirements as outlined in Licensing Regulations I.B.3.

The Staff Member in Charge (SMIC) of a day nursery shall be at least twenty-one (21) years of age and have completed a minimum of six (6) semester hours of college credits in early childhood education with passing grades. In lieu of completion of six (6) semester hours of college credits, a staff member in charge of a day nursery or school age center may satisfactorily complete a CDA credential or a state approved equivalency.

The Teacher in Charge (TIC) of a kindergarten or nursery school shall be at least twenty-one (21) years of age and have completed two years of college including twelve (12) semester hours of college credit in early childhood education with passing grades and have two (2) years of teaching experience.

Staff Records **Required personnel documentation includes:**

- proof of education, completed employment application, and signed Acknowledgment Form.
- complete screening requirements that include a local criminal records check, fingerprint check, Affidavit of Good Moral Character, and a two year previous employment history check, which must be a minimum of two (2) years and must include at least the last three (3) jobs.
- 40-Hour Introductory Training that must be started within ninety (90) days of employment. Additional training is required for directors and staff working in centers providing care for infant children under the age of two.

- Staffing
- Whenever children are in care, there must be:**
- a minimum of two (2) people on the premises.
  - at least one person who meets the Staff Member in Charge (SMIC) or Teacher in Charge (TIC) requirement on the premises.
  - at least one person who holds a valid First Aid certificate on the premises, and on field trips.
  - at least one person who holds a valid infant and child CPR certificate on the premises, and on field trips.
  - at least one person who meets the credentialing requirement on the premises for every 20 infant and preschool children when daily attendance exceeds nineteen (19) children.

**SUPERVISION**

Adult Child Ratio      The number of adults on the child care staff shall not be less than the following:

- 1 adult for each 3 infants 2 months to 1 year;
- 1 adult for each 5 infants 1 year to 2 years;
- 1 adult for each 10 children 2 years old;
- 1 adult for each 15 children 3 years old;
- 1 adult for each 20 children 4 years old;
- 1 adult for each 25 children 5 years old or older.

Group Size                In infant programs the maximum group size shall be:

For ages 2 months to 1 year of age - a maximum group size of 6 infants;  
 For ages 1 year to 2 years of age - a maximum group size of 10 infants.

Employees                Adults engaged in child care exclusively shall regularly work no more than eight (8) hours in twenty-four (24) hours.

No employee in direct supervision of children shall be under eighteen (18) years of age.

**PHYSICAL FACILITIES**

Inspections              The building to be used for housing children in a children’s center must conform to building, electrical, fire, and zoning codes of the local authority within whose jurisdiction the children’s center is located. Each center must pass a sanitary inspection by the Environmental Health Division of the Pinellas County Health Department.

Indoor Square Footage      All children’s centers licensed after October 1, 1992 are required to have a minimum of 35 square feet of usable indoor play space per child. Children’s centers licensed before that date must have a minimum of 25 square feet per child. After January 1, 1993, for new infant programs caring for infants under one year of age, there must be 50 square feet per child.

Bathrooms                There must be one (1) lavatory and one (1) toilet for every eighteen (18) preschool children, with a minimum of two (2) lavatories and two (2) toilets for centers operating four (4) or more hours each day.

There must be one (1) toilet with seat and one (1) wash basin for the first fifteen (15) school age children. There must be one (1) toilet and one (1) basin for every thirty (30) school age children thereafter.

- Infant Care** For infants one year of age, a bathroom must be adjoining each infant room and may be shared only with other infant rooms. If potty chairs are used, they shall be in addition to the required bathroom facilities and shall be cleaned and sanitized after each use. For infants under one (1) year of age, an adjoining bathroom is not required.
- For the care of infants there must be a separate room with floor to ceiling walls, a direct exit to the outdoors (on ground floor), and a diapering area (in classroom) with hand-washing facilities that include hot and cold running water.
- Special Needs Children** Hand washing facilities which include a basin with running water, disposable towels, or hand drying machines that are properly installed and maintained, soap, and trash receptacle shall be available in the room or in an adjoining room which opens into the room where children with special needs in diapers are in care.
- Outdoor Square Footage** Outdoor space for all ages shall equal 90 square feet of play space per child. Minimum outdoor play space shall be provided for one-fourth (1/4) of the licensed capacity. Centers providing infant care must have a separate playground for infants.
- Fencing** The outdoor play space shall have safe and adequate fencing or walls at a minimum height of four (4) feet.

## **EQUIPMENT**

- Indoor Equipment** Preschool equipment shall include items such as a tape player, rhythm instruments, easels, tables & chairs in adequate number and size, unit blocks, manipulatives, housekeeping and dramatic play accessories, climbing/balancing structures, sandbox, sand/water table, dolls, arts and crafts supplies.
- Centers providing all day care shall provide individual cots and cloth sheets for children ages 1 year through age 5. Cribs, plastic mattress covers and cloth sheets must be provided for infants under age 1.
- Outdoor Equipment** Permanent playground equipment must have a ground cover or other protective surface under the equipment, which provides resilience and is maintained to reduce the incidence of injuries to children in the event of falls.
- All equipment shall be suitable to each child's age and development, available in sufficient number, and maintained in a safe and sanitary condition. Outdoor equipment must be securely anchored, in good repair, maintained in safe condition, and placed to ensure safe usage by children.

## **TRANSPORTATION**

- Driver** When any vehicle is regularly used by a children's center to provide transportation, the driver shall have a current Florida driver's license and an annual physical examination which grants medical approval to drive and must be posted in the vehicle.
- Annual Inspection** All vehicles regularly used to transport children shall be inspected annually, by a mechanic, to ensure proper working order. Documentation by the mechanic shall be maintained in the vehicle.

- Insurance All school buses and all motor vehicles covered by subsections (1) and (2) must be covered by single limits liability insurance to protect pupils being transported, in the following amounts: \$5,000 multiplied by the rated seating capacity of the vehicle, or \$100,000, whichever is greater.
- Communication A telephone or other means of communication must be available to staff responsible for children during all field trips.