

operation, procedure and methods of conducting the business of the courts, which might be put in effect only by legislative action; and to recommend to the courts any changes in the rules and practice or methods of administering judicial business therein, which, in the judgment of the council, would simplify and expedite or otherwise improve the administration of justice. The council shall file with the legislative delegation an annual report of its proceedings and recommendations and the results thereof.

Section 2. The Pinellas county judiciary council shall be composed of five (5) members, three (3) of whom shall be practicing attorneys in Pinellas county, and two (2) of whom shall be laymen who are residents of Pinellas county, and who shall be appointed by the legislative delegation and shall serve for a term of two (2) years without compensation.

Section 3. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 22, 1961.

---

CHAPTER 61-2681

HOUSE BILL NO. 1938

AN ACT defining and regulating Children's Centers and Family Day Care Homes in Pinellas County; requiring the procurement of licenses and the payment of an application fee for the operation of such centers and homes and providing for the grounds and the procedure for the suspension or revocation thereof; creating Pinellas County License Board for Children's Centers and Family Day Care Homes, and prescribing its membership, powers and duties; prescribing minimum standards for the operation of such centers and homes and providing a penalty for violation; authorizing tax and appropriation by the Board of County Commissioners; repeal Chapter 57-1738, Laws of Florida; providing a grace period.

*Be It Enacted by the Legislature of the State of Florida:*

Section 1. *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 in section 2.

Section 2. *Definitions.*

(1) A children's center includes any child care center, day nursery, nursery school, or kindergarten, or any other facility whatsoever which, with or without compensation, cares for five (5) or more children seventeen (17) years of age or under, not related to the operator by blood, marriage, or adoption, away from the child's own home for from two (2) to 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 public instruction or to include any non-public academic school except in regard to children below first grade level.

(2) A day nursery 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 nine (9) months for the purpose of providing shelter, food, rest, and care and training. Such centers may accept school children under seventeen (17) years before and after school hours.

(3) 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 five (5) years nine (9) months for the purpose of offering an educational program of directed, organized play and training at the level of the child's growth and development, and providing shelter, food, rest and care, for from two (2) to seven (7) hours per day per child.

(4) A kindergarten means a children's center consisting of improved realty, equipment and staff, conducted for children ranging from four (4) years nine (9) months in age through six (6) years nine (9) months 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.

(5) (a) A family day care home means a facility for child care in a place of residence of a family, person, or persons who receive no more than four (4) children under seventeen (17) years of age away from their own homes who are not related to such

person or persons by blood, marriage, or adoption, for the purpose of providing family care and training for such children for from two (2) to twelve (12) hours per day. No more than three of the four children may be under two years of age.

(b) Under special circumstances, family day care homes may be licensed to care for children twenty-four (24) hours a day. To fall under the administration of the license board, these family day care homes may not receive children from any licensed child-placing agencies. These family day care homes shall meet the same minimum standards established by the state welfare board for the care of children under seventeen (17) years of age being cared for away from their own parents or guardians, except where the requirements are in conflict with this law.

(6) Children's centers licensed hereunder shall not provide regular overnight care for children but may provide occasional overnight care for not more than four children on any one night. Overnight care on New Year's eve and other similar occasions to be specified by the license board for a number not in excess of the total enrollment authorized on its license is permissive, subject to the determination by the license board that such overnight care is reasonable under the circumstances.

(7) An operator means any person responsible for the operation of a children's center or family day care home as previously defined, whether or not he is the owner.

(8) Child care staff means all persons who participate daily in direct care, teaching or training children cared for by any children's center or family day care home.

(9) Maintenance staff means all persons engaged by any children's center or family day care home, full or part time, in preparation of food, cleaning, janitor service, chauffeuring, or non-supervisory assistance with children.

#### Section 3. *License Required.*—

(1) It is unlawful for any person, firm, corporation or any other group to operate or maintain a children's center or family day care home without first obtaining a license or temporary permit as provided in this act.

(2) Children's centers and family day care homes which hold current licenses issued by the Pinellas County license board for day nurseries and foster boarding homes under the authority of chapter 57-1738, Laws of Florida, on the date this act becomes effective shall be considered to be in valid operation until the date of expiration stipulated on their licenses.

(3) Separate licenses shall be required for centers maintained and operated on separate premises, even though under the same ownership or management.

Section 4. *License Board Creation.*—There is created in Pinellas County the license board for children's centers and family day care homes herein called the license board, which shall be composed of:

(1) A member of the board of county commissioners, said member to be designated by action of the board of county commissioners.

(2) A member of the district welfare board, said member to be designated by action of the district welfare board.

(3) A member of the juvenile welfare board, or the director of said board, said member to be designated by action of the juvenile welfare board.

(4) The superintendent of public instruction or a teacher with elementary pre-school education delegated by him.

(5) The county health officer or a person delegated by him.

(6) One member in good standing of the Pinellas County Pre-School Owners Association and one member in good standing of the Pinellas Pre-School Association selected by majority vote of the elected officers of each of said associations.

The license board as constituted by this section shall proceed to elect a chairman from its membership who shall serve as administrative officer of the license board. The license board shall hold quarterly meetings during the months of January, April, July and October each year, except when these are legal holidays; in such event, the next day thereafter not a legal holiday. Other meetings may be called by the chairman whenever he deems it necessary or by a quorum of the members of the license board.



Section 5. *Rules and Regulations.*—The license board shall have the power and duty to promulgate and adopt rules and regulations for the purposes of administering and enforcing minimum standards prescribed in this act. In the event the license board determines it reasonable to decrease the requirements of any particular standard, it may do so by the action of the board only. In the event the license board determines that there is a reasonable necessity to supplement or increase any standard, it may do so according to the following procedure:

- (1) There shall be a finding of necessity, not merely desirability.
- (2) There must be a notice of the finding, the old standard, the proposed new standard, the reason for the change and a hearing date mailed to all licensees.
- (3) There must be a hearing at which all affected persons are given an opportunity to present their views.
- (4) The proposed new standard may not be considered again by the board until a meeting at least ninety (90) days after the hearing, at which time, if approved by five-sevenths (5/7) of the membership of the board, it shall be adopted.
- (5) Any new standard must provide that it shall not become effective for a particular period of time specified in it, which is reasonable considering the particular standard involved.
- (6) No rule or regulation shall require medical examination or immunization for admission to a children's center of a child whose parent or guardian files a letter with the operator stating that such medical examination and or immunization is contrary to his or her religious beliefs, or provide for the exclusion of a child from the center because of parent or guardian having filed such a letter; provided however, that whenever there is good cause to believe that a child is suffering from a recognized contagious or infectious disease, the child may be temporarily excluded from the center until the operator is satisfied that any contagious or infectious disease does not exist.
- (7) After the meeting approving the standard, within thirty (30) days, notice of the new standard and the effective date of it shall be mailed to all members.

Section 6. *Minimum Standards for Children's Center and Family Day Care Home Personnel.*—

(1) *General Qualifications.*—Personnel in both children's centers and family day care homes shall be of good character, free of mental illness and drug or excessive alcohol habits, in good health, and shall not exercise any influence detrimental to the progress or development of children. All personnel in contact with children enrolled in centers or family day care homes licensed under this act shall have an annual physical examination, including chest x-ray and blood test. The person in charge shall be at least twenty-one (21) years of age, and no employee in direct supervision of children shall be under eighteen (18) years of age.

(2) *Education*

(a) Day nursery staff caring directly for children in any day nursery shall be high school graduates. The operator of such day nursery shall have completed a minimum of six (6) semester hour credits in early childhood education with passing grades.

(b) The nursery school staff member in charge of curriculum, staff and program shall have completed two (2) years of college training including twelve (12) semester credit hours in early childhood education with passing grades and shall have had two (2) years of teaching experience. Members of the teaching staff working directly under the person in charge of curriculum, staff and program shall be high school graduates, and in addition shall have completed two (2) years of college training including twelve (12) semester hours credit in early childhood education with passing grades or shall have completed twelve (12) semester hours credit in early childhood education with passing grades and have had two (2) years of teaching experience.

(c) The kindergarten staff member in charge of curriculum, staff and program shall have completed two (2) years of college training including twelve (12) semester credit hours in early childhood education with passing grades and shall have completed twelve (12) semester credit hours in early childhood education with passing grades and have had two (2) years of teaching experience.

(d) All personnel of nursery schools and kindergartens shall continue professional training by earning at least three (3) semester credit hours in early childhood education each three (3) years,

over and above the minimum requirements herein until a maximum of thirty credits has been earned.

A staff member who does not fully meet requirements may be employed temporarily as a staff member of a licensed day nursery, nursery school, or kindergarten, if said staff member is in the process of acquiring the necessary educational qualifications. An experienced staff member who does not meet the educational requirements for a staff member as outlined in this section may apply for an exemption examination approved by the license board. Successful completion of the exemption examination will serve to exempt the teacher from the college credit requirements, except that every three (3) years the staff members shall continue professional training by earning at least three (3) semester credit hours in early childhood education as hereinbefore required.

Members of child care staffs in children's centers caring exclusively for mentally or physically handicapped children are not required to meet the college credit requirements outlined herein for nursery school and kindergarten staff. They shall enroll in courses pertinent to work with exceptional children, when such courses are available in the county.

(3) *Number of Personnel and Supervision.*—The number of adults on the child care staff shall be no less than the following:

- 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 over.

In groups where children of varying ages are combined, number of staff shall be determined by the age of the youngest children in the group. These adults shall be engaged in child care exclusively. No infants under two (2) years of age shall be taken into a day nursery for group care unless the license board determines that no family day care home is available.

In family day care homes, there shall be one (1) adult, the operator, who shall remain on the premises at all times when children under care are present, with at least one (1) on-call person available for emergency purposes.

Section 7. *Minimum Standards for Children's Center and Family Day Care Home Records.*—

(1) *Facility Records.*—An identification record, a health certificate, and a daily attendance record shall be kept for each child in care. Evidence of annual physical examination and suitable information regarding qualifications shall be kept for each staff member in each facility. The official license issued by the license board shall be prominently displayed.

(2) *License Board Records.*—All applications for licenses, inspection reports on facilities, recommendations of board members or employees, and formal action taken by the license board shall be kept on file for each children's center and family day care home. Any applicant or licensee may inspect his or its record at such reasonable time and place as the license board shall designate.

Section 8. *Minimum Standards for the Physical Plant Housing Children's Centers.*

(1) *Building.*—The building to be used for housing children in a children's center shall conform to the building, electrical and codes of the local authority within whose jurisdiction the facility is located. It shall conform to the fire regulations of the local fire authority within whose jurisdiction the facility is located. Where no local fire department is responsible, the county health department shall be the responsible inspecting agency. Any costs required to be paid to procure such inspection and the appropriate certification shall be paid by the applicant directly to the inspecting authority.

(2) *Indoor Play Space.*—Indoor play space is required. The maximum number of children shall be equivalent to the total square feet of suitable and usable space divided by twenty-five (25) square feet. The maximum number of children enrolled shall be computed according to the above calculation.

(3) *Outdoor Play Space.*—Outdoor play space is required. The maximum number of children who can occupy the outdoor space at any one time shall be equivalent to the total suitable and usable square feet of space divided by ninety (90) square feet.

(4) *Napping Space.*—Child capacity shall be limited to the resulting figure arrived at by determining the total square feet of usable space for this purpose and dividing it by twenty-five (25)



square feet. Cots shall be set up so that each child is no closer to another during the nap period than two (2) feet.

(5) *Bathroom Facilities.*—Such facilities shall include at least one (1) lavatory and one (1) toilet for every eighteen (18) children, and facilities for bathing children when necessary, with a minimum of two (2) lavatories and two (2) toilets for each children's center operating four (4) or more hours each day.

(6) *Outdoor Equipment.*—In a children's center outdoor equipment shall be scaled to the age group under care. It shall be sufficient in number and designed to motivate physical activities, social development and imagination. Equipment may include swings, slides, climbing apparatus, wheeled toys, sandbox, packing boxes, tables and benches, or the equivalent of any of these items.

(7) *Indoor Equipment.*—Every children's center may include a piano, or a record player, rhythm instruments, easels or drawing boards, and shall maintain tables and chairs suitable in size and sufficient for the total number of children and for the age group under care. Adequate and appropriate supplies such as paper, paints, crayons and plastic clay are to be provided. Play materials shall also include a sufficient number of balls, toys, blocks, dolls, toy housekeeping supplies, or similar items, to insure an adequate program for development of the age group under care. For children's centers which may provide overnight care or on an all day schedule as prescribed by section 2 (6), there shall be a separate lightweight cot with washable cover for each child. All equipment shall be maintained in a sanitary and safe condition.

Section 9. *Minimum Standards for Safety, Health and Sanitation.*—

(1) *Sanitation.*—Each center must pass a sanitary inspection before it can be licensed, and at least once annually before it can be relicensed. The premises, furnishings, and equipment shall be kept clean, free of rodents and vermin, and in general good order.

(2) *Transportation.*—Vehicles used for transporting children shall be maintained in safe condition at all times. The Florida Department of Public Safety shall be the inspecting agency and said inspection shall be obtained periodically. The License board shall set such period as is reasonable.

Section 10. *Application for License; Fee.*—

(1) Application for license shall be made to the license board on blanks furnished by the board.

(2) Application shall be under oath, and shall contain the following:

(a) The name and address of the applicant if an individual, and if a firm, partnership, association, or other group, the name and address of every member thereof, except corporation or association, and in the case of a corporation or an association the name and address thereof and of its officers.

(b) The location of the center for which a license is sought.

(c) The category of the operator as defined in section 2.

(d) The maximum number of children to be enrolled, ages of children, and hours of care.

(e) Such information relating to the number, experience and training of employees of the center and of the moral character of the applicant and employees as the board may deem necessary.

(3) The License board is authorized to charge an application fee not in excess of twenty-five dollars (\$25.00) for each children's center and family day care home for which a license is sought. The license board is authorized to use such sums for the payment of supplies and equipment required by them in the administration of this act, the renting of office space and for the payment of employees required in the administration of this act.

Section 11. *Licenses; Payment of Fees; Issuance.*—

(1) Upon receipt of an application for a license hereunder and the payment of the application fee, the license board within sixty (60) days therefrom shall cause a thorough investigation to be made of the premises to be licensed, and shall issue a license if satisfied that the minimum standards specified in this act are met and that the applicant is otherwise qualified; if not, it shall reject the application. Said license shall set out on the face thereof the maximum number of children to be enrolled.

(2) A license and renewals thereof shall be valid only in the hands of the applicant to whom it is issued, and shall not be subject to sale, assignment, or transfer, voluntary or involuntary, nor shall a license be valid for any premises other than those for which

originally issued. The license shall be valid for a period of one (1) year from the date of issuance.

**Section 12. *Annual Renewal of License.***—Any owner or operator of a children's center or family day care home licensed under this act or a prior act shall, on or before the date of his license expiration, make application for a renewal of his license on forms to be furnished by the license board. Upon receipt of his application properly filled in and executed, the license board shall automatically issue the applicant a license authorizing the continuation of the operation of his children's center or family day care home for a period of one (1) year unless action is pending to revoke or suspend the license of the applicant. In such event, the applicant may continue under the old license pending the outcome of the action.

**Section 13. *License, Grounds for Denial.***—An application for license may be denied for any of the following reasons:

- (1) failure to meet any of the minimum standards,
- (2) conviction of an applicant of a crime of moral turpitude as shown by a certified copy of the record of the court of conviction, or by a copy of the applicant's fingerprint record from the federal bureau of investigation showing conviction of said crime, or
- (3) if the applicant is a member of a firm or an officer or director of a corporation or the person designated to manage or supervise the center, there must be satisfactory evidence that the moral character of the applicant, or the manager, or supervisor of the center is not good.

**Section 14. *Revocation of Licenses; Grounds.***—The license board may revoke or suspend a license for any of the following reasons:

- (1) cruelty or indifference to the welfare of children
- (2) violation of any provision of this act
- (3) any ground upon which a license may be denied as prescribed in section 13.

**Section 15. *Refusal of License; Revocation; Notice, Hearing.***—

- (1) No license shall be denied, revoked or suspended except after notice in writing to the applicant or licensee, setting forth the particular reasons for the proposed action and a hearing if de-

manded by the licensee or applicant. Such notice shall be effected by registered and certified mail with return receipt requested, or by personal service. The licensee or applicant shall within ten (10) days after receipt of said notice request a hearing, which request shall be in writing, and be delivered to the license board in person or by due course of mail. If no such request is made within the time fixed, said license board shall proceed to refuse, revoke or suspend said license as set out in the notice of the proposed action.

(2) All hearings under this law shall be held by the entire license board or a hearing agent designated by it from the membership of the license board within the county at a time and place designated in the notice. If the hearing is conducted by an agent designated by the license board, a transcript of the proceedings shall be reviewed by the entire license board. The rules of evidence applicable in Florida shall apply.

(3) On the basis of any such hearing, or upon the failure of the applicant or licensee to request a hearing, the license board shall enter its order thereon. A copy of such order shall be sent by registered or certified mail or personally served upon the applicant or licensee. The order shall become final sixty (60) days after it is so mailed or served unless the applicant or licensee within that period applies for a rehearing or review as provided in subsection (5).

(4) A full and complete record shall be kept of proceedings and all testimony shall be reported but need not be transcribed unless the decision is appealed, or the hearing is conducted by an agent. A copy or copies of the transcription may be obtained by any interested party on payment of the cost of preparing such copy or copies.

(5) Any person aggrieved by any final order of the license board denying, suspending, or revoking his license, may apply to the license board in writing for a rehearing or may file an appeal with the circuit court pursuant to the Florida appellate rules. In the event the appeal is granted, the court may issue its mandate or order with directions to the license board to enter such order in the proceedings as is appropriate on the record, or the court may order further proceedings including the taking of testimony as may seem to the court necessary and proper.



*Section 16. Procedure for Reinstatement of Revoked or Suspended License.—*

(1) When a license has been revoked or suspended in accordance with the provisions of this act, the licensee, provided he has not previously had a license revoked or suspended under this act, may within three (3) years after the order has become final, request a hearing for the purpose of showing that the reasons for the revocation or suspension of license have been corrected and that the license should be reinstated. No licensee who has previously had a license suspended or revoked under this act, shall request a hearing to reinstate the license prior to one (1) year after the order becomes final. Any licensee whose license has been revoked or suspended must show the grounds upon which he or it relies in attempting to re-qualify. Any licensee whose license has been revoked or suspended three (3) times under the provisions of this act shall not be permitted to re-apply for a license.

(2) The request for hearing shall be in writing, and shall be delivered to the license board office in person or by due course of mail.

(3) Any hearing conducted under this section shall not operate to stay or supersede any order revoking or suspending a license.

(4) Hearings conducted under this section shall be conducted in the same manner as prescribed in section 15.

*Section 17. Inspection of Children's Centers and Family Day Care Homes.—*Every children's center and family day care home conducted by a licensee hereunder, and any premises proposed to be used by an applicant for license, shall be open at all reasonable times to inspection by the license board.

*Section 18. Advertising.—*A children's center or family day care home licensed by the license board may publish advertisements only of the service for which it is specifically licensed under this act. No person, firm, organization, corporation, association, or society, unless licensed as a children's center or a family day care home, shall publish any advertisement soliciting child care in any home or other establishment.

*Section 19. Advisory Committee.—*The license board shall appoint a committee to serve in an advisory capacity. Such committee shall

consist of three (3) operators in good standing, representing privately-operated kindergartens or nursery schools, day care centers, and church-operated kindergartens or nursery schools, and two (2) other persons qualified by education and experience in the field of early childhood education. The license board shall consult with the committee before changing rules and regulations and in matters dealing with policy.

Section 20. *Prosecution.*—The county prosecutor or his successor in office is authorized, upon complaint of the license board, to file complaint and prosecute to final determination all actions or proceedings whether criminal or civil against any person under the provisions of this act.

Section 21. *Penalty.*—Every person who violates any of the provisions of this law governing the operation of children's centers and family day care homes for children in Pinellas County, or who operates without obtaining a license to do so, or who operates after revocation or license board's refusal to renew license, or who intentionally or willfully makes any false statements or reports to the license board in connection with said children's centers and family day care homes, shall, upon conviction thereof, be deemed guilty of a misdemeanor. Each day of operation in violation of the provisions of this section shall constitute a separate offense.

Section 22. *Appropriation.*—The board of county commissioners is authorized to levy an annual tax to be used as an appropriation for the license board in accordance with its needs. Such appropriation shall be in addition to the revenue derived from the application fees paid to the license board.

Section 23. *Severability of Provisions.*—It is declared to be the intent of the legislature that, if any section, subsection, sentence, clause, or provision of this act is held invalid, the remainder of the act shall not be affected.

Section 24. Chapter 57-1738, Laws of Florida, is repealed.

Section 25. This act shall take effect immediately upon becoming a law.

Section 26. *Grace Period.*—Any day nurseries or foster boarding homes doing business on the date this law becomes effective and whose license shall expire within sixty (60) days after that

effective date, shall have a period of sixty (60) days from the effective date of this law in which to procure the license herein required and may operate during such sixty (60) days period. The license board is further authorized to extend for an additional sixty (60) days the period in which any children's center or family care home may operate.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 22, 1961.

## CHAPTER 61-2682

## HOUSE BILL NO. 2590

*Repealed  
by 63-1785*

AN ACT applying to Pinellas County, requiring rabies vaccination, licensing and registration of dogs; prohibiting unlicensed dogs from running at large; requiring licensing of kennels; defining what shall constitute a kennel; providing for a Pound Master and prescribing his duties and powers; providing for the redemption and disposal of dogs and animals impounded; requiring the reporting of dogs and animals impounded; providing for disposition of unclaimed dogs and animals; providing for confinement of certain dogs and animals; prohibiting trespasses by persons in control of dogs; providing for the prohibition against shooting or otherwise injuring dogs or other animals; prohibiting the abandonment of dogs and other animals; providing for the impounding of horses, cows, hogs or other livestock found running at large in the County or on the public streets and highways of the County; providing for the administration of this Act and appropriation of the necessary funds to administer and enforce this Act; providing for the repeal of Chapter 59-1747, Laws of Florida and all conflicting laws defining terms of this act; providing for the separability of the provisions of this Act; and providing for an effective date.

*Be It Enacted by the Legislature of the State of Florida:*

Section 1. *Definitions of Terms, as used in this Act, Unless the Context Otherwise Indicates:*

- a) "Dog" shall be intended to mean both male and female of all members of the canine family.