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Chapter 62 - HEALTH AND SANITATION

ARTICLE VI. FAMILY CHILD CARE HOMES

**ARTICLE VI. FAMILY CHILD CARE HOMES**

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**Sec. 62-171. Findings of fact.**

The Board of County Commissioners of Sarasota County, Florida, hereby makes the following findings of fact:

- (1) F.S. § 402.301 et seq., which establishes State-wide minimum standards for the care, protection, and development of children in Child Care, authorizes the Board of County Commissioners to enact an ordinance relating to the regulation of Family Child Care Homes.
- (2) Safety and quality in Child Care is critically important to the citizens of Sarasota County. Many parents with preschool and elementary school children are employed outside of the home and Child Care is an indispensable part of the effort to meet basic economic obligations or to make economic gains.
- (3) To ensure protection of children under care in Child Care facilities, the Board of County Commissioners adopted Sarasota County Ordinance No. 76-16, as amended by Sarasota County Ordinances Nos. 80-111 and 84-83. Since the adoption of Sarasota County Ordinance No. 76-

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16, as amended, the Florida Department of Children and Families has promulgated F.A.C. ch. 65C-20, establishing minimum State-wide standards for the care and protection of children in Family Child Care Homes.

- (4) The potential for inadequate protection of children in Family Child Care Homes under existing Sarasota County ordinances requires the enactment of this article to ensure compliance with the minimum standards established by the Florida Department of Children and Families. It is in the interest of the public health, safety and general welfare of the citizens of Sarasota County to enact this article.

(Ord. No. 92-020, § 1, 4-21-1991; Ord. No. 98-026, § 1, 6-23-1998; Ord. No. 2004-063, § 2, 2-9-2005)

**Sec. 62-172. Title.**

This article may be cited as the "Sarasota County Family Child Care Home Ordinance."

(Ord. No. 92-020, § 2, 4-21-1991; Ord. No. 98-026, § 2, 6-23-1998; Ord. No. 2004-063, § 3, 2-9-2005)

**Sec. 62-173. Applicability.**

This article shall not be effective within any municipality which has adopted and is enforcing an ordinance on this subject establishing protective standards equal to or exceeding those provided or required herein.

(Ord. No. 92-020, § 3, 4-21-1991; Ord. No. 98-026, § 3, 6-23-1998; Ord. No. 2004-063, § 4, 2-9-2005)

**Sec. 62-174. Definitions.**

As used in this article, the following words and phrases shall have the following meanings, unless the context clearly indicates otherwise:

*Board* means the Board of County Commissioners of Sarasota County.

*Director* means the Administrator of the Sarasota County Health Department or his designee.

*Health Department* means the Sarasota County Health Department.

*Operator* and *Owner* shall be used interchangeably in this article and shall mean the Person who is licensed and is ultimately responsible for the overall operation of a Family Child Care Home. No individual under the age of 18 years shall be an Operator/Owner.

*Person* means any Person, firm, corporation, partnership, association, trust, estate, or other legal entity.

*Personnel* means any Person who provides child care services to, for, or at a Family Child Care Home, whether or not compensation is promised or received for such services. Family Child Care Home Personnel must be at least 16 years of age. Personnel over the age of 18 must comply with the training requirements set forth in [F.A.C. §] 65C-20.009 as the same may be amended from time to time. Personnel between the ages of 16—18 must be under the direct supervision of the operator or substitute and must complete a Babysitting class that includes CPR and First Aid.

(Ord. No. 92-020, § 4, 4-21-1991; Ord. No. 98-026, § 4, 6-23-1998; Ord. No. 2004-063, § 5, 2-9-2005)

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**Sec. 62-175. Adoption of State standards.**

- (a) The provisions of F.A.C. ch. 65C-20, as the same may be amended from time to time, are hereby adopted by reference in this article.
- (b) It is a violation of this article for any Person to commit an act, cause an act to be committed, or through inaction permit a condition to exist in violation of F.A.C. ch. 65C-20, as the same may be amended from time to time.

(Ord. No. 92-020, § 5, 4-21-1991; Ord. No. 98-026, § 5, 6-23-1998; Ord. No. 2004-063, § 6, 2-9-2005)

**Sec. 62-176. License.**

- (a) It shall be unlawful and a violation of this article for any Person to operate a Family Child Care Home within Sarasota County without first obtaining a valid license from the Director.
- (b) A license shall be issued or renewed only after inspection of the premises of such home by the Director demonstrates compliance with the minimum standards established by F.A.C. ch. 65C-20, this article, and other applicable laws, and the payment of such fees as may be required by the Board. The Board is authorized to, and shall from time to time, by resolution establish the amount of such license fee.
- (c) An Operator's license shall be renewed annually. A current license and the latest inspection report by the Health Department on the Operator's home shall be conspicuously displayed in the home in full view of the general public patronizing the Family Child Care Home.
- (d) The Operator's license shall not be transferable from one Person to another, nor from one physical location to another.
- (e) Hours and days of operation shall be documented on the license.

(Ord. No. 92-020, § 6, 4-21-1991; Ord. No. 98-026, § 6, 6-23-1998; Ord. No. 2004-063, § 7, 2-9-2005)

**Sec. 62-177. Transportation.**

If Children are transported by the Family Child Care Home, the following standards apply:

- (a) The driver of any vehicle used by a Family Child Care Home must be at least 18 years of age.
- (b) Each vehicle used to transport children must be inspected at least every six months by the family child care operator or designee. The inspection must be documented on the form provided by the Department (Attachment A to Ord. No. 2012-019) and verify that all listed items are provided and in good working order and that required vehicle fluids are at the appropriate levels.

(Ord. No. 92-020, § 7, 4-21-1991; Ord. No. 98-026, § 7, 6-23-1998; Ord. No. 2004-063, § 8, 2-9-2005; Ord. No. 2012-019, § 2, 6-5-2012)

**Sec. 62-178. Sanitation standards.**

- (a) Wading pools are not permitted for use in a Family Child Care Home.
- (b) Operators, personnel, substitutes, children, household members and guests shall wash their hands with soap and running water, drying thoroughly, following personal hygiene procedures for themselves or others and immediately after outdoor play, in sinks not used for food preparation or utensil washing. Handwashing during cooking activities is allowed in the kitchen sink.

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(Ord. No. 92-020, § 8, 4-21-1991; Ord. No. 98-026, § 8, 6-23-1998; Ord. No. 2004-063, § 9, 2-9-2005)

**Sec. 62-179. Health examination.**

- (a) *Immunizations.* Prior to the first day of attendance, the family day care home provider is responsible for obtaining, for each child in care, a current, complete and properly executed Florida Certification of Immunization form, Parts A-1, B, and/or C, DH 680 (April 2009), or the Religious Exemption from Immunization form, DH 681 (July 2008), which are incorporated herein by reference, from the custodial parent or legal guardian. DH Form 680 and DH Form 681 may be obtained from the local health department. Immunizations received out-of-state are acceptable; however, immunizations must be documented on the Florida Certification of Immunization form and must be signed by a physician practicing in the State of Florida. Specific immunization requirements are included and detailed in the most current edition of the "Immunization Guidelines - Florida Schools, Child Care Facilities and Family Day Care Homes" as referenced in Rule 64D-3.011, F.A.C.
- (b) *Children's Student Health Examination.* Within 15 calendar days of the first day of attendance, unless statutorily exempt, family day care home operator is responsible for obtaining, for each child in care, a current, complete and properly executed Student Health Examination form, DH 3040 (June 2002), incorporated herein by reference and may be obtained from the local county health department, or a signed statement by an authorized professional that indicates the results of the components of the form are included in the health examination from the custodial parent or legal guardian, within 30 days of enrollment. The Student Health Examination shall be completed by a person given statutory authority to perform health examinations.
- (c) *Authorization for giving medication.* Written documentation authorizing the administration of medication to be given as needed (PRN) must be updated at least every six months.

(Ord. No. 92-020, § 9, 4-21-1991; Ord. No. 98-026, § 9, 6-23-1998; Ord. No. 2004-063, § 10, 2-9-2005; Ord. No. 2012-019, § 3, 6-5-2012)

**Sec. 62-180. Health and safety standards.**

- (a) Electrical outlets in rooms used by children shall be fitted with an approved covered safety device.
- (b) Where a Water Safety Certificate is required for supervision during water activities, the certificate must be renewed every five years.
- (c) Birds, iguanas, snakes and turtles are not permitted in any room or space used for children.
- (d) When infants are in care an inside temperature of 68 degrees to 82 degrees Fahrenheit must be maintained at all times during hours of operation.
- (e) The family child care provider shall have a written schedule of varied activities which includes:
  - (1) Activities which promote emotional, social, intellectual and physical growth.
  - (2) Quiet and active play, both indoors and outdoors.
  - (3) Toys, equipment and furnishings suitable to each child's age and development, maintained in a sanitary condition and of a quality for each child to be involved in activities.
  - (4) Playtime for infants outside of cribs and playpens within the facility.
- (f) Outdoor Equipment.

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- (1) A family child care home shall provide equipment and play activities suitable to each child's age and development.
  - (2) All play equipment shall be securely anchored, unless portable by design, in good repair, maintained in safe condition, and placed to ensure safe usage by the children. Maintenance shall include routine checks of all supports, above and below the ground, including all connectors, and moving parts.
  - (3) During inclement weather opportunities for indoor gross motor activities shall be provided.
  - (4) The outdoor play area must be inspected by family child care personnel for safety and health concerns prior to children being allowed onto the playground.
- (g) Meals, snacks and nap times.
- (1) Children shall be individually fed or supervised at feeding and offered foods appropriate for their ages.
  - (2) There shall be no propped bottles. There shall be no automatic feeding devices unless medically prescribed. Formula shall be refrigerated and handled in a sanitary manner before and after use.
  - (3) Heated foods and bottles must be tested before feeding to ensure heat is evenly distributed and to prevent injury to children.
  - (4) Homes shall provide sufficient seating so that children are seated at tables for meals.
  - (5) Sharing of bedding is not permitted. Children's heads shall not be covered by the family child care operator while napping or sleeping.
- (h) Emergency Procedures and Notification.
- (1) The operator shall prepare an emergency evacuation plan, including a diagram of safe routes by which the operator, substitute, employee and children may exit each area of the home in the event of fire or other emergency requiring evacuation.
  - (2) The plan shall be posted and shared with parents.
- (i) Child Discipline.
- (1) Prior to admission of a child to a family child care home, the operator shall notify the parents in writing of the disciplinary practices used by the operator. Such notification may be included in an operator's policies and procedures document.
  - (2) All child care personnel of the family child care home must comply with the operator's written disciplinary practices. Other household members and guests shall not participate in implementing disciplinary procedures.
- (j) Daily attendance of children shall be taken and recorded by the family child care home personnel or designee, documenting when each child enters and departs the family child care home or program. Such records shall be maintained for a minimum of six months.

(Ord. No. 92-020, § 10, 4-21-1991; Ord. No. 98-026, § 10, 6-23-1998; Ord. No. 2004-063, § 11, 2-9-2005; Ord. No. 2012-019, § 4, 6-5-2012)

**Sec. 62-181. Large family child care homes.**

Large Family Child Care Homes shall meet all of the requirements listed in this article.

(Ord. No. 92-020, § 11, 4-21-1991; Ord. No. 98-026, § 11, 6-23-1998; Ord. No. 2004-063, § 12, 2-9-2005)

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**Sec. 62-182. Advertisements.**

No Person shall advertise a Family Child Care Home without including within such advertisement the Sarasota County license number of such Family Child Care Home. This requirement includes, but is not limited to, telephone directories, community bulletin boards, pamphlets, classified ads, signs, and other forms of advertising.

(Ord. No. 92-020, § 12, 4-21-1991; Ord. No. 98-026, § 12, 6-23-1998; Ord. No. 2004-063, § 13, 2-9-2005)

**Sec. 62-183. Administration and enforcement.**

- (a) It shall be the duty of the Director to administer and enforce the provisions of this article. The Director shall investigate complaints of alleged violations of this article.
- (b) The Director, with the approval of the Board, may enforce this article by any means provided by law, and may further enforce this article by actions at law and in equity, including actions for injunctive relief, and, if Sarasota County prevails in any such actions, it shall be entitled to its costs and reasonable attorneys' fees incurred in such action.

(Ord. No. 92-020, § 13, 4-21-1991; Ord. No. 98-026, § 13, 6-23-1998; Ord. No. 2004-063, § 14, 2-9-2005)

**Cross reference—** Administration, ch. 2.

**Sec. 62-184. Denial or revocation of license.**

The Health Department hereby adopts the procedures for denial or license revocation as referenced in F.S. § 402.310 as may be amended from time to time.

(Ord. No. 92-020, § 14, 4-21-1991; Ord. No. 98-026, § 14, 6-23-1998; Ord. No. 2004-063, § 15, 2-9-2005)

**Sec. 62-185. Variances.**

- (a) The Board may grant a variance from the terms of this article, except the provisions of Section 62-175, as stated when such variance will not be contrary to the public health and safety and where, owing to special conditions, a literal enforcement of the provisions of this article would result in hardship.
- (b) A written application for a variance shall be submitted to the Health Department in triplicate, together with a processing fee as required by the Board (check made payable to the Sarasota County Health Department) and demonstrating:
  - (1) That special conditions and circumstances exist which are peculiar to the home;
  - (2) That a literal interpretation of the provisions of this article would deprive the applicant of reasonable use of the applicant's home;
  - (3) That the special conditions and circumstances do not result from the actions of the applicant;
  - (4) That the granting of a variance to the applicant will not confer on the applicant any special privilege that is denied by this article to other homes in similar circumstances.
- (c) Any variance granted under the terms of this section is nontransferable and is void upon the sale or transfer of the home.

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(Ord. No. 92-020, § 15, 4-21-1991; Ord. No. 98-026, § 15, 6-23-1998; Ord. No. 2004-063, § 16, 2-9-2005)

**Sec. 62-186. Penalty for violations.**

The violation of this article shall be a misdemeanor, and any Person found guilty of violating same shall, upon conviction therefore, be punished by a fine not to exceed \$500.00 and/or by imprisonment in the County jail not to exceed 60 days. Each day or fraction thereof the violation continues shall be considered a separate violation.

(Ord. No. 92-020, § 16, 4-21-1991; Ord. No. 98-026, § 16, 6-23-1998; Ord. No. 2004-063, § 17, 2-9-2005)

**Sec. 62-187. Severability.**

Should any section or provision of this article be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this article as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

(Ord. No. 92-020, § 17, 4-21-1991; Ord. No. 98-026, § 17, 6-23-1998; Ord. No. 2004-063, § 18, 2-9-2005)

**Sec. 62-188. Repeal.**

This article shall be automatically repealed on June 30, 2019, unless otherwise ratified or amended by the Board of County Commissioners of Sarasota County, Florida.

(Ord. No. 98-026, § 18, 6-23-1998; Ord. No. 2004-063, § 18, 2-9-2005; Ord. No. 2012-019, § 5, 6-5-2012)

**Sec. 62-189. Effective date.**

This article shall take effect upon filing with the Florida Department of State.

(Ord. No. 2004-063, § 20, 2-9-2005)

**Secs. 62-190—62-210. Reserved.**