

PROGRESSIVE ENFORCEMENT

Presented by: Kimberly Coward
Assistant Regional Counsel
Southern Region
Department of Children & Families

VIOLATION CLASSES

- **CLASS I** - the most serious in nature, pose an imminent threat to a child including abuse and neglect, and which could or does result in death or serious harm to the health, safety or well-being of a child
- **CLASS II** - less serious in nature than Class I violations, and could be anticipated to pose a threat to the health, safety or well-being of a child, although threat is not imminent
- **CLASS III** - pose a low potential for harm to children

WHEN WILL I BE FINED?

- The 1st Class I violation... (1/1)
- The 2nd Class II violation... (2/2)
- The 3rd Class III violation... (3/3)

...and all subsequent violations
within a 2-year period

PROGRESSIVE DISCIPLINARY SANCTIONS A.K.A. THE MATRIX

Progressive Disciplinary Sanctions: Facilities/Family Day Care and Large Family Child Care Homes

Violation Level	Occurrence per Same Standard	Violation is Named:	The Department <u>SHALL</u> :	Also, the Department :
Health/Imm Violation	1 st	Technical Support	Technical Assistance	
	2 nd	Technical Support	Formal Letter	
	3 rd	Class III Violation of Standard # X	Fine in the amount of \$25 for each violation.	
	4 th	Class III Violation of Standard # X	Fine in the amount of \$30 for each violation.	
	5 th	Class III Violation of Standard # X	Fine in the amount of \$40 per day per each violation.	
	6 th and subsequent	Class III Violation of Standard # X	License on probation for a period not to exceed 6 months.	Shall fine of \$50 per day for each violation.
Class III	1 st	Technical Support	Technical Assistance	
	2 nd	Technical Support	Formal Letter	
	3 rd	Class III Violation of Standard # X	Fine in the amount of \$25 for each violation.	
	4 th	Class III Violation of Standard # X	Fine in the amount of \$30 per day for each violation.	
	5 th	Class III Violation of Standard # X	License on probation for a period not to exceed 6 months.	Shall fine of \$40 per day for each violation.
	6 th and subsequent	Class III Violation of Standard # X	Suspend, deny or revoke license.	Shall fine of \$50 per day for each violation.
Class II	1 st	Technical Support	Formal Letter	
	2 nd	Class II Violation of Standard # X	Fine in the amount of \$50 for each violation.	
	3 rd	Class II Violation of Standard # X	Fine in the amount of \$60 per day for each violation.	
	4 th	Class II Violation of Standard # X	License on probation status for a period not to exceed 6 months.	Shall fine of \$75 per day for each violation.
	5 th and subsequent	Class II Violation of Standard # X	Suspend, deny or revoke license.	Shall fine of \$100 per day for each violation.
Class I	1 st and 2 nd	Class I Violation of Standard # X	Upon applying the factors in s. 402.302(1)(b), F.S., fine not less than \$100 nor more than \$500 per day.	May impose other disciplinary sanction in addition to the fine.
	3 rd and subsequent (in any standard)	Class I Violation of Standard # X	Suspend, deny or revoke license.	May , upon applying the factors in s. 402.310, F.S., fine not less than \$100 nor more than \$500 per day for each violation and/or any other disciplinary sanction.

*** Licensing staff will provide technical assistance to owners/operators/directors at each occurrence of noncompliance with a licensing standard.

STANDARDS CLASSIFICATION SUMMARY

Child Care Facility Standards Classification Summary



CHILD CARE FACILITY STANDARDS CLASSIFICATION SUMMARY

Florida Statute and Administrative Code Section

Specific Child Care Licensing Standard	
Class Violation Level	Description of the Licensing Standard Violation

General Requirements ss. 402.3125, 402.318, F.S.

1. License Displayed/Citation Posted/Advertising	
3	The facility's license was not posted in a conspicuous place within the facility.
3	Citation(s) for a licensing standard violation was not posted with the license.
3	The citation did not remain posted for the full year after its effective date.
3	The facility failed to include their license number when advertising.

2. Licensed Capacity ss. 402.305(6), rule 65C-22.001(2) & 65C-22.002(3)(f) & (g), F.A.C.	
2	The facility is licensed to serve [] children. A total of [] children were counted at the center and/or were on a field trip.
2	The facility failed to maintain the required 20 or 35 sq ft. per child in areas occupied by children.
3	The facility failed to post the room capacity in each room of the facility.

RATIO

4. Ratio Sufficient rule 65C-22.001(4)(a)(b) & 402.305(4), F.A.C.

2

A ratio of [] staff for [] children is required. There were [] staff for [] children observed.

Classrooms of one age group:

- Birth through 1 year of age, there must be one staff for every 4 children.
- 1 year of age or older, but under 2 years of age, there must be one staff member for every 6 children.
- 2 years of age or older, but under 3 years of age, there must be one staff member for every 11 children.
- 3 years of age or older, but under 4 years of age, there must be one staff member for every 15 children.
- 4 years of age or older, but under 5 years of age, there must be one staff member for every 20 children.
- 5 years of age or older, there must be one staff member for every 25 children.

Mixed Ratios:

- In groups of mixed age ranges, where children under 1 year of age are included, one staff member shall be responsible for no more than 4 children of any age group at all times.
- In groups of mixed age ranges, where children 1 year of age but under 2 years of age are included, one staff member shall be responsible for no more than 6 children of any age group at all times.
- When children 2 years of age and older are in care, the staff-to-children ratio shall be based on the age group with the number of children within the group. For every 20 children, a child care facility must have one (1) credentialed staff member.



SUPERVISION

5. Supervision rule 65C-22.001(5)(a)-(d), 65C-22.001(6)(f), 65C-22.002(4)(c)2. & 65C-22.007 (2), F.A.C.	
2	Direct supervision of children in the [] group was inadequate in that [].
2	Staff were not within sight and hearing of all the children during nap time.
2	There were insufficient personnel readily accessible to meet ratio requirements during nap time.

CF-FSP Form 5316, Child Care Facility Standards Classification Summary, March 2009, 65C-22.010(1)(2), F.A.C. Page 1 of 18

2	Children in the outdoor play area were not adequately supervised in that [].
1	A child was unknowingly left behind in a vehicle, at the facility or on a field trip.
1	A child was not adequately supervised and left the facility premises without the knowledge or awareness of staff.
2	In addition to the staff required to meet staff-to-child ratios, an additional adult was not present during a field trip.
1	The operator, employee or substitute was observed supervising children while under the influence of narcotics, alcohol or other drugs that impair the individual's ability to provide safe child care.
1	The facility provided a water activity using a swimming pool that exceeds three feet in depth or a beach or lake area and did not have a person with a certified lifeguard certification or equivalent present.
2	The individual(s) responsible for children on a field trip did not have a telephone or other means of instant communication available.
2	During evening child care hours, staff did not stay awake at all times.
1	An unscreened individual was left alone to supervise children in care.
1	One or more children were not adequately supervised in that [], which posed an imminent threat to a child, or could or did result in death or serious harm to the health, safety or well-being of a child.
2	One or more children were not adequately supervised in that [], which was anticipated as posing a threat to the health, safety or well-being of a child, but the threat was not imminent.

BACKGROUND SCREENING DOCS

60. Background Screening Documents ss. 402.3054(3), 435.04(1), & 435.05(1)(a)(c) F.S., & rule 65C-22.006(4), F.A.C.	
2	Documentation of Level 2 screening was missing for staff.
2	A finger print card for the purpose of conducting state/federal criminal records check was not on file for the employees.
2	CF-FSP Form 5131, Background Screening and Personnel File Requirements, was not on file for the employees.
3	The fingerprint card had been completed but not submitted to FDLE within ten working days from the date of hire for the employees.
3	Documentation of the Attestation of Good Moral Character was missing for the staff.
3	The Attestation of Good Moral Character was not completed prior to expiration.
2	The fingerprint card had been completed but was never submitted to FDLE for the employees.
2	Verification of employment history for the past 2 years was not on file for the employees.
2	Background screening was not completed every five years after the initial screening for the individuals.
2	The personnel record for the individual indicated the person had been found guilty of an offense noted in Section 435.04, Florida Statute, which disqualifies the person from employment.
1	The personnel record for the individual indicated the person had been found guilty of an offense noted in Section 435.04, Florida Statute, which disqualifies the person from employment and the owner/operator failed to take appropriate action.
2	The child enrichment provider was missing level 2 screening
2	The child enrichment provider did not meet the screening requirements prior to providing services.

REFERENCES

- ◉ Visit the DCF Child Care Website
www.myflorida.com/childcare

- ◉ Go to: Laws and Requirements

Click on:

- Family Day Care Standard Classifications
- Large Family Child Care Standard Classifications
- Facility/Center Standard Classifications

AND

- Chapter 65C-22, Florida Administrative Code (facilities)
- Chapter 65C-20, Florida Administrative Code (homes)

Did you know that
the top violation is
Standard #57
Children's
Immunization?