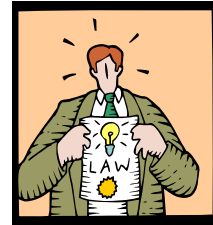




ENFORCEMENT FACT SHEET



The Department is granted enforcement authority by sections 402.310, 402.311, and 402.312, Florida Statutes, and chapters 65C-20 and 65C-22, Florida Administrative Code. Enforcement actions shall be progressive in accordance with the following guidelines:

Technical Assistance

- Technical assistance is provided to each child care provider found to be non-compliant with one or more licensing standards. Licensing staff shall provide technical assistance for each standard violated by offering recommendations to the provider on how to comply with licensing standard(s).

Corrective Action

- Corrective action documentation is required for all licensing standards cited for non-compliance and may include corrective action requirements, task(s), and due dates to meet the minimum licensing standards.

Administrative Warning Notification

- An administrative warning is a written notification that advises the provider of the Department's intent to take administrative action if further violations of a previously violated standard are found.

Administrative Fine

- An administrative fine is a disciplinary sanction based on the number of occurrences and the Classification Level of licensing standard violations, which occur over a two year period, as defined in 65C-22.010(2) and 65C-20.012(3), F.A.C.

Provisional-Status License

- The provisional-status license is issued for an owner or operator to remedy a violation or violations, which are **beyond the control** of the provider. The provisional-status license is not a disciplinary sanction and may be issued for a period not to exceed six months.

Probationary-Status License

- The probationary-status license is issued as a disciplinary sanction imposing a deadline for an owner or operator to remedy a violation or violations, which are **within the control** of the provider. The probationary-status license may be issued for a period not to exceed six months.

Suspend, Deny or Revoke a License

- Suspension of a license or registration is based on the nature and severity of violation(s), repetition of the violation(s), progressive enforcement history and/or the immediate threat to the health, safety or well-being of the children in care. A suspended license or registration shall be for a fixed amount of time.
- Denial of a license or registration is based on the nature and severity of the violation(s), repetition of the violation(s), progressive enforcement history, and the extent to which the provisions of ss. 402.301-402.319, F.S., have been violated.
- Revocation of a license or registration is based on severity of the violation(s), including the probability that death or serious harm to the health or safety of any child will result or has resulted, the severity of the actual or potential harm, and the extent to which the provisions of ss. 402.301-402.319, F.S., have been violated.

Emergency Suspension Order

- An Emergency Suspension Order is an administrative order issued by the Department to close a facility or home for a violation of a licensing standard or standards which pose an imminent (immediate) threat to a child and which could or does result in death or serious harm to the health, safety or well-being of a child.

Injunction

- An injunction is a court order issued by a Circuit Court to close a facility or home that is operating without a license or registration. An injunction may also be used to close a facility or home that continues to operate after an Emergency Suspension Order has been issued to a provider.

CLASSIFICATION OF VIOLATIONS

Class Level of Violations

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

The Department utilizes the progressive disciplinary sanctions outlined in s. 402.310, F.S., sections 65C-22.010(2) and 65C-20.012(3), F.A.C., for facilities and homes. The progressive disciplinary sanction matrix below outlines the Department's procedure for consistent enforcement of continued violations of licensing standards over a two year period. A Class II standard violation resulting in death or serious harm to a child shall be escalated (increased) to a Class I violation.

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.