

# ENFORCEMENT FACT SHEET

The Department is granted enforcement authority by ss. 402.310 and 402.312, Florida Statutes, and Chapters 65-C20 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 noncompliant 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 noncompliance and may include corrective action requirements, task(s) and due dates to meet the minimum licensing standards.

## 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 Chapters 65-C22.010(2) and 65-C20.012(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.

## Probation-Status License

The probation-status license is issued when the license is in jeopardy of being revoked or not renewed due to violations of licensing standards.

## 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 provision 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, that results in death or serious harm to a child including abuse or neglect.

**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. A Class II standard violation resulting in death or serious harm to a child shall be increased to a Class I violation.

**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., and Chapters 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.

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

<b>Violation Level</b>	<b>Occurrence per Same Standard</b>	<b>Required Action by the Department:</b>	<b>Gold Seal Quality Care Designated Programs</b>	<b>Optional Action by the Department:</b>
<b>SR Only</b>	All occurrences	Progressive enforcement handled by the local Early Learning Coalition		
<b>Class III</b>	1 <sup>st</sup>	Provide Technical Assistance and Document on the inspection report.		
	2 <sup>nd</sup>	Provide Technical Assistance and Document on the inspection report.		
	3 <sup>rd</sup>	Provide Technical Assistance and Document on the inspection report; <b>AND</b> Fine in the amount of \$25 for each violation.	For three or more occurrences that have not been corrected within a 1 year period of each citation: Provide Technical Assistance and Document on the inspection report; <b>AND</b> Fine in the amount of \$25 for each violation; <b>AND</b> Include Gold Seal termination language in Administrative Complaint; <b>AND</b> Notify program office.	
	4 <sup>th</sup>	Provide Technical Assistance and Document on the inspection report; <b>AND</b>  Fine in the amount of \$30 per day* for each violation.		
	5 <sup>th</sup>	Provide Technical Assistance and Document on the inspection report; Place License on probation for a period not to exceed 6 months. Exception for Children's Health and Immunization violations, see rule 65C-22.010(2)(d)3.c., F.A.C.; <b>AND</b>  Fine in the amount of \$40 per day* for each violation.		
	6 <sup>th</sup> and subsequent	Provide Technical Assistance and Document on the inspection report; Suspend, deny or revoke license. Place License on probation for Children's Health and Immunization violations, see rule language 65C-22.010(2)(d)3.d., F.A.C.; <b>AND</b>  Fine in the amount of \$50 per day* for each violation.		
<b>Class II</b>	1 <sup>st</sup>	Provide Technical Assistance and Document on the inspection report.		
	2 <sup>nd</sup>	Provide Technical Assistance and Document on the inspection report; <b>AND</b> Fine in the amount of \$50 for		

		each violation.		
	3 <sup>rd</sup>	Provide Technical Assistance and Document on the inspection report; <b>AND</b> Fine in the amount of \$60 per day* for each violation.	Provide Technical Assistance and Document on the inspection report; <b>AND</b> Fine in the amount of \$60 per day* for each violation; <b>AND</b> Include Gold Seal termination language in Administrative Complaint; <b>AND</b> Notify program office.	
	4 <sup>th</sup>	Provide Technical Assistance and Document on the inspection report; Place License on probation status for a period not to exceed 6 months; <b>AND</b>  Fine in the amount of \$75 per day* for each violation.		
	5 <sup>th</sup> and subsequent	Provide Technical Assistance and Document on the inspection report; Suspend, deny or revoke license; <b>AND</b>  Fine in the amount of \$100 per day* for each violation.		
<b>Class I</b>	1 <sup>st</sup> and 2 <sup>nd</sup>	Provide Technical Assistance and Document on the inspection report; <b>AND</b>  Fine in the amount not less than \$100 nor more than \$500 per day* for each violation.	Provide Technical Assistance and Document on the inspection report; <b>AND</b>  Fine in the amount not less than \$100 nor more than \$500 per day* for each violation; <b>AND</b> Include Gold Seal termination language in Administrative Complaint; <b>AND</b> Notify program office	<b>May</b> impose other disciplinary sanction in addition to the fine.
	3 <sup>rd</sup> and subsequent (in <b>any</b> standard)	Provide Technical Assistance and Document on the inspection report; <b>AND</b> Suspend, deny or revoke license.		<b>May</b> fine not less than \$100 nor more than \$500 per day* for each violation <b>and/or</b> any other disciplinary sanction.