Agenda Item #:

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS SITTING AS THE CHILD CARE FACILITIES BOARD AGENDA ITEM SUMMARY

Meeting Date:	September 13, 2011	[]	Consent Workshop	[] [X]	Regular Public Hearing
Department:	County Attorney				
Submitted By:	County Attorney				
Submitted For:	County Attorney				

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: A Resolution of the Board of County Commissioners of Palm Beach County, Florida, sitting as the Child Care Facilities Board, adopting the Palm Beach County Rules and Regulations Governing Family Day Care Facilities; Amending Article VIII Of The Rules And Regulations Governing Family Day Care In Palm Beach County; Providing For Repeal of Laws In Conflict; Providing For Inclusion in the Code of Laws and Ordinances; Providing For Severability; and Providing For An Effective Date.

Summary: The Board of County Commissioners, pursuant to a Special Act of the State of Florida, serves as the Child Care Facilities Board. This amendment requires all loaded firearms stored or left on a premise where a minor is likely to gain access to the firearm without the lawful permission of the minor's parent or the person in charge of the minor be kept in a securely locked box or container. This amendment is necessary due to a change in state law, which prohibits a county from adopting any ordinance, rule, or regulation relating to the regulation of firearms and ammunition. Any existing ordinances, rules, or regulations not specifically authorized by the legislature are in violation of state law and must be amended. (AH; Countywide)

Background and Policy Issues: Chapter 2011-109 Laws of Florida, which amends Florida Statute, section 790.33, provides a preemption by the legislature that it is occupying the whole field of regulation of firearms and ammunition including the purchase, sale, transfer, taxation, manufacture, ownership, possession, storage, and transportation thereof, to the exclusion of all existing and future county, city, town, or municipal ordinances or any administrative regulations or rules adopted by local or state governments. Any such existing ordinances, rules or regulations are declared null and void. Additionally, Chapter 2011-109 Laws of Florida created penalties if any person, county, municipality, district or other entity violates the Legislature's occupation of the whole field of regulation of firearms and ammunition. Such penalties extend to elected or appointed local government officials under whose jurisdiction the violation occurred, and includes a civil fine up to \$5,000 against the elected or appointed local government official and could be cause for removal from office by the Governor. The above amendment is necessary to bring the rules and regulations governing family day care in Palm Beach County into statutory compliance.

D.	Attachments: 1. Resolution 2. Rules and Re	egulations Governi	ng Family Day Care F	- acilities	
Reco	mmended by: _	County Attor	LWW\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	マ・23・11 Date	
Appr	oved By:	N/A		Date	_

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2011	2012	2013	2014	2015
Capital Expenditures	\$	-0-	-0-	-0-	-0-
Operating Costs	-0-	-0-	-0-	-0-	-0-
External Revenues	-0-	-0-	-0-	-0	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	0-	0	0-	-0-	-0- -0- -0- -0-
NET FISCAL IMPACT _	~ 0~	لمعلوب <u>-0-</u>	0	0	<u>-0-</u>
# ADDITIONAL FTE POSITIONS (Cumulative)					
(
Is Item Included in Current	t Budget?	Yes	No		
Budget Account No.:	Fund Object	Depart Program	Unit		
B Recommended Source	e of Funds	s/Summary of Fig	cal Impact		

- B. Recommended Sources of Funds/Summary of Fiscal Impact:
- C. Departmental Fiscal Review:

III. REVIEW COMMENTS:

		REVIEW COMMENTS.
A.	OFMB Fiscal and/or Contract Dev	. and Control Comments:
-	OFMB 8/25/11	Contract Dev and Control
B.	Legal Sufficiency:	

anne Helpant 8/29/11

Assistant County Attorney

C. Other Department Review:

Department Director

1	RESOLUTION NO. R-2011-
2 3 4 5 6 7 8 9 10 11 12	A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, SITTING AS THE CHILD CARE FACILITIES BOARD, AMENDING ARTICLE VIII OF THE RULES AND REGULATIONS GOVERNING FAMILY DAY CARE IN PALM BEACH COUNTY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR INCLUSION IN THE CODEOF LAWS AND ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
13 14	WHEREAS, Chapter 59-1698, Special Acts, Laws of Florida, as amended
15	by Chapter 77-620, Special Acts, Laws of Florida, provides that the Palm Beach County
16	Board of County Commissioners sitting as the Child Care Facilities Board shall make,
17	promulgate, amend, and repeal such rules and regulations as are necessary to protect
18	the health and safety of persons in child care facilities; and
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20	WHEREAS, it is necessary to amend the existing Rules and Regulations
21	Governing Family Day Care Facilities to comply with Chapter 2011-109 Laws of Florida.
22	
23	NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
24	COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, sitting as the Child Care
25	Facilities Board that:
26	
27	Section 1. Amendment of the Palm Beach County Rules and Regulations
28	Governing Family Day Care Facilities
29	The Palm Beach County Board of County Commissioners sitting as the Child Care
30	Facilities Board hereby amends the Palm Beach County Rules and Regulations
31	Governing Family Day Care Facilities as set forth in the Appendix "D", attached hereto
32	and made a part hereof.
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34 35	Section 2. Repeal of Laws in Conflict
36	All local rules and regulations or local laws in conflict with any provision of this
37	Resolution are hereby repealed to the extent of any conflict.

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COMMISSIONER PAULETTE BURDICK

COMMISSIONER STEVEN L. ABRAMS

COMMISSIONER PRISCILLA A. TAYLOR

COMMISSIONER BURT AARONSON COMMISSIONER JESS R. SANTAMARIA

2	The Chair thereupon declared the F	Resolution duly passed and adopted this	day of
3	, 2011.		
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5			
6			
7	APPROVED AS TO FORM AND	PALM BEACH COUNTY, FLORIDA, BY	
8	LEGAL SUFFICIENCY	ITS BOARD OF COUNTY	
9		COMMISSIONERS	
10		Charan B. Back, Clark & Comptroller	
11 12		Sharon R. Bock, Clerk & Comptroller	
13			
13	By: anne Idelant	Bv:	
15	by. INTO Response	Deputy Clerk	

APPENDIX D.

CHAPTER 2

PALM BEACH COUNTY RUULES & REGULATIONS GOVERING FAMILY DAY CARE

ARTICLE VIII- PHYSICAL FACILITY

A. General

20. Firearms shall be kept unloaded in a locked closet or cabinet and out of the reach of children, and shall be in compliance with F.S. §790.174, as amended or replaced. Ammunition shall be stored separately from firearms and under key-lock. Firearm cases or racks shall be key locked to prevent removal of firearms by children, and shall not be housed in areas of the home used for the care of children. As required by Florida Statute, section 790.174, as may be amended, and Florida Administrative Code 65C-13.030 and 65C-20.010, as may be amended, a person who stores or leaves, on a premise under his or her control, a loaded firearm, as defined in Florida Statute, section 790.001, and who knows or reasonably should know that a minor is likely to gain access to the firearm without the lawful permission of the minor's parent or the person having charge of the minor, or without the supervision required by law, shall keep the firearm in a securely locked box or container or in a location which a reasonable person would believe to be secure or shall secure it with a trigger lock. To the extent prohibited by Florida Administrative Code 65C-20.010 (1)(d), no firearms or weapons as defined in Section 790.001 Florida Statutes, shall be kept upon any person located on the premise, excluding federal, state or local law enforcement officers.
