

ORDINANCE NO. 2023-43

1 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD  
2 COUNTY, FLORIDA, PERTAINING TO LICENSURE OF CHILD CARE FACILITIES;  
3 REPEALING ARTICLE XV OF CHAPTER 20 OF THE BROWARD COUNTY CODE OF  
4 ORDINANCES (“CODE”), REPEALING AND REPLACING CHAPTER 7 OF THE CODE,  
5 AND AMENDING SECTION 8½-16 OF THE CODE; AND PROVIDING FOR  
6 SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

7 (Sponsored by the Board of County Commissioners)  
8

9 WHEREAS, the regulation of child care facilities is governed by Section 402.301,  
10 et seq., Florida Statutes;

11 WHEREAS, pursuant to its authority under Article VIII of the Florida Constitution  
12 and Chapter 402, Florida Statutes, the Broward County Board of County Commissioners  
13 (the “Board”) enacted the Broward County Child Care Ordinance and the Family Child  
14 Care Home Licensing Ordinance, codified in Chapter 7 and Article XV of Chapter 20,  
15 respectively, of the Broward County Code of Ordinances (collectively, the “Child Care  
16 Ordinances”), to administer, enforce, and regulate the operation of child care facilities  
17 and family child care homes in Broward County;

18 WHEREAS, Section 402.306, Florida Statutes, provides that any county whose  
19 licensing standards meet or exceed state minimum standards may designate a local  
20 licensing agency to license child care facilities in the county;

21 WHEREAS, the standards set forth in the Child Care Ordinances meet or exceed  
22 state minimum standards, and, as permitted by Florida law, Broward County has  
23 designated its agency, the Broward County Child Care Licensing and Enforcement  
24 Section (“CCLE”), as the local licensing agency for child care;

25 WHEREAS, as a result, CCLE enforces not only the Child Care Ordinances, but  
26 also certain State statutes and rules promulgated by the Florida Department of Children  
27 and Families (“DCF”);

28 WHEREAS, DCF has revised and reorganized its child care regulations in various  
29 respects; and

30 WHEREAS, the Board desires to amend the Child Care Ordinances to align with  
31 the DCF regulations, as revised, and to ensure that, where appropriate for Broward  
32 County, higher standards remain included in the Child Care Ordinances,

33 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
34 BROWARD COUNTY, FLORIDA:

35 Section 1. Article XV of Chapter 20 of the Broward County Code of Ordinances  
36 is hereby repealed in its entirety.

37 Section 2. Chapter 7 of the Broward County Code of Ordinances is hereby  
38 repealed in its entirety, and a new Chapter 7 is hereby created to read as follows:

39 [Underlining omitted]

40 Chapter 7

41 **CHILD CARE**

42 **ARTICLE I. GENERAL PROVISIONS, ADMINISTRATION, AND ENFORCEMENT**

43 **Sec. 7-1. General provisions.**

44 (a) *Authority.* The Broward County Board of County Commissioners (“Board”)  
45 finds that Section 402.306, Florida Statutes, expressly vests counties with authority to  
46 adopt child care licensing standards that meet or exceed state minimum standards, and  
47 to appoint a local licensing agency to license child care facilities within the applicable  
48 county. This authority is in addition to the Board’s general authority to legislate pursuant  
49 to Article VIII, Section 1(g), of the Florida Constitution.

50 (b) *Additional legislative findings.* The Board finds and declares that Broward  
51 County (“County”) has regulated child care licensing for more than 45 years, and that  
52 such regulation has been beneficial for the health, safety, and welfare of children in  
53 Broward County. The Board further finds that a number of child care regulations originally  
54 enacted by the County have since been adopted by the State of Florida and implemented  
55 statewide as part of the required minimum standards for child care established by the  
56 State of Florida.

57 (c) *Legislative intent.* It is the Board’s intent to continue to protect the health,  
58 safety, and well-being of the children of Broward County and to promote their emotional  
59 and intellectual development and care through reasonable regulations of child care.

60 (d) *Appointment of local licensing agency.* Pursuant to Section 402.306, Florida  
61 Statutes, the Board reaffirms the appointment of the Broward County Child Care  
62 Licensing and Enforcement Section (“CCLE”), or its successor, as the local licensing  
63 agency within the meaning of Florida law.

64 (e) *Incorporation of Florida law.* The following legal authorities (collectively,  
65 “State Requirements”), as may be amended from time to time, are incorporated by  
66 reference as if fully set forth in this Chapter 7:

- 67 (1) Sections 402.301 through 402.319, Florida Statutes;
- 68 (2) Chapters 65C-20, 65C-22, and 65C-25, Florida Administrative Code;
- 69 (3) The Florida Department of Children and Families (“DCF”) Child Care Facility  
70 Handbook;
- 71 (4) The DCF School-Age Child Care Licensing Handbook; and
- 72 (5) The DCF Family Day Care Home and Large Family Child Care Home  
73 Handbook.

74 (f) *Construction.* This chapter provides regulations that meet or exceed the  
75 State Requirements and shall be construed in light of this purpose. Any reference to  
76 compliance with any portion of this chapter or these regulations shall include compliance  
77 with the State Requirements that are applicable to the same subject matter of that portion  
78 of this chapter or these regulations.

79 (g) *Conflicting provisions.* In the event the minimum standards for licensure of  
80 child care arrangements under this chapter differ from the State Requirements, the more  
81 stringent provision shall apply.

82 **Sec. 7-2. Definitions.**

83 (a) All terms used in this chapter that are defined in the State Requirements  
84 shall have the meaning defined in the State Requirements. All other terms used in this  
85 chapter shall have their common meanings unless specifically defined or otherwise  
86 incorporated herein.

87 (b) Except as otherwise specified in this chapter, the following definitions,  
88 including as such may be amended by the State of Florida from time to time, are hereby  
89 adopted and incorporated for purposes of this chapter:

90 (1) All definitions of terms used in Sections 402.302 - 402.319, Florida Statutes,  
91 and Chapters 65C-20 and 65C-22, Florida Administrative Code;

92 (2) All definitions as stated in DCF's then-current Child Care Facility Handbook  
93 incorporated into Chapters 65C-20 and 65C-22, Florida Administrative  
94 Code;

95 (3) All definitions as stated in DCF's then-current School-Age Child Care  
96 Facility Handbook incorporated into Chapters 65C-20 and 65C-22, Florida  
97 Administrative Code; and

98 (4) All definitions as stated in DCF's then-current Family Child Care Home  
99 Licensing Handbook incorporated into Chapters 65C-20 and 65C-22,  
100 Florida Administrative Code.

101 (c) The following additional definitions and definitional limitations shall  
102 supplement those referenced in Section 7-2(b) above:

103 *Administrative costs* mean the costs incurred by the County in enforcing this  
104 chapter. Administrative costs include, but are not limited to, postage, photocopies, staff  
105 time, and hearing officer expenses.

106 *Board or County Commission* means the Broward County Board of County  
107 Commissioners.

108            *Children with disabilities* means children with one or more physical or mental  
109 impairments that substantially limit one or more life activities, such as eating, seeing,  
110 hearing, speaking, learning, reading, concentrating, thinking, and communicating.

111            *Child care* means the care, protection, and supervision of a child, for a period of  
112 less than 24 hours a day, on a regular basis, that supplements parental care, enrichment,  
113 and health supervision for the child, in accordance with the child's individual needs, and  
114 for which a payment, fee, or grant is made.

115            *Child care arrangement* means a family child care home, child care facility, or  
116 substantial compliance facility.

117            *Child care facility* means any person or entity that provides child care for more  
118 than five children unrelated to the operator and receives a payment, fee, or grant for any  
119 of the children receiving care, whether or not operated for profit. Notwithstanding the  
120 foregoing, the following are not included within the definition of child care facility:

121            (1) Public schools and the programs identified in Section 402.3025(1)(a),  
122 Florida Statutes. For clarity, programs identified in Section 402.3025(1)(b),  
123 Florida Statutes, are deemed to be child care and are subject to the  
124 provisions of this chapter;

125            (2) Nonpublic schools, and the programs identified in Section 402.3025(2)(b),  
126 Florida Statutes; in addition, the programs identified in  
127 Section 402.3025(2)(c), Florida Statutes, provided that (a) the programs are  
128 operated and staffed directly by the schools, (b) a majority of the children  
129 enrolled in the schools are five years of age or older, and (c) the programs  
130 comply with the screening requirements for child care facility staff described

131 in this chapter. For clarity, nonpublic school programs for children under  
132 three years of age, or for children between three and five years of age that  
133 do not meet the exemption in Section 402.3025(2)(c), Florida Statutes, are  
134 deemed child care and subject to the provisions of this chapter; however,  
135 any nonpublic school program that includes children under age five that is  
136 not defined as child care under this chapter or the applicable State  
137 Requirements is a substantial compliance facility within the meaning of this  
138 chapter;

139 (3) Religious-affiliated child care facilities operating pursuant to  
140 Section 402.316, Florida Statutes; however, such exempt facilities  
141 constitute substantial compliance facilities within the meaning of this  
142 chapter;

143 (4) Summer camps for children in full-time residence;

144 (5) Summer day camps for children aged five years or older;

145 (6) Those religious schools normally conducted during vacation periods that  
146 are exempt under Section 402.302(2)(d), Florida Statutes;

147 (7) Operators of transient establishments, as defined in Chapter 509, Florida  
148 Statutes, providing child care services solely for the guests of the transient  
149 establishment, provided that all persons providing that child care have  
150 undergone screening according to the requirements stated or incorporated  
151 into this chapter;

152 (8) Family child care homes or large family child care homes, which are  
153 regulated under Article IV of this chapter; and

154 (9) All programs that provide child care exclusively for children grades six and  
155 above, regardless of location.

156 *Code* means the Broward County Code of Ordinances.

157 *Corporation* means a corporation or limited liability company.

158 *County Administrator* means the Broward County Administrator or designee.

159 *DCF* means the Florida Department of Children and Families.

160 *Division* means the Broward County Consumer Protection Division, or its  
161 successor.

162 *Drop-in child care* means child care provided occasionally for no more than a four-  
163 hour period per child in a shopping center where the parent remains on the premises of  
164 the shopping center at all times when the child is being cared for.

165 *Elementary school-age child* means a child attending public or nonpublic  
166 elementary school who has attained the age of five years by the preceding September 1.

167 *Family child care home* means an occupied residence in which child care is  
168 regularly provided for children of at least two unrelated families for which the owner of the  
169 residence receives a payment, fee, or grant for any of the children receiving care, whether  
170 or not operated for profit. A private residence used for an informal cooperative  
171 arrangement among neighbors or relatives, or for the occasional care of children with or  
172 without compensation, is not included in the definition of a family child care home.

173 *Family child care home personnel* refers to all owners, operators, employees,  
174 volunteers, and substitutes working in the family child care home, along with any other  
175 person (whether related to the operator or not) over the age of 12 who resides at the  
176 family child care home.

177            *First-aid training* means the successful completion of a course of instruction  
178 designed to provide fundamental principles, knowledge, and skills regarding first aid and  
179 accident prevention directly related to the care of children.

180            *Hearing officer* means a person designated by the County Administrator to preside  
181 over hearings as specified in this chapter.

182            *Local licensing agency* means the Broward County Child Care Licensing and  
183 Enforcement Section or its successor agency (“CCLE”).

184            *Nighttime child care* means child care provided between 8:00 p.m. and 6:00 a.m.

185            *Notice of violation* or *NOV* means a notice from the Division alleging a violation of  
186 this chapter for either (a) a Class I violation, or (b) a lesser violation identified in a local  
187 licensing agency inspection report that has not been timely corrected.

188            *Operator* or *Provider* means the person or business entity that holds a license to  
189 operate a family child care home issued in accordance with the provisions of this chapter.  
190 If a license is issued in the name of an individual, the operator is the person residing in  
191 the family child care home who is responsible for the operation of the home. If a license  
192 is issued in the name of a business entity, the operator is the officer, member, partner, or  
193 other representative of the entity residing in the family child care home who is designated  
194 on the license as the individual responsible for the operation of the home.

195            *Parent* shall mean a child’s biological parent, adoptive parent, or legal guardian or  
196 custodian appointed by a court of competent jurisdiction.

197            *Staff member* shall have the same meaning as child care facility personnel or  
198 family child care home personnel, depending on the applicable type of facility. It also  
199 includes employees and volunteers at substantial compliance facilities.

200            *Substantial compliance facility* shall mean a religious-affiliated child care facility  
201 operating pursuant to Section 402.316, Florida Statutes, or a child care facility affiliated  
202 with a nonpublic school that is not defined as a child care facility pursuant to  
203 Section 402.3025(2), Florida Statutes.

204            *Summer day camp* means recreational, educational, and/or other enrichment  
205 programs for children who are at least five years of age on or before September 1 of the  
206 current school year that operate during periods of time during the summer recess of  
207 Broward County public schools.

208            *Usable indoor floor space* means space available for indoor play, classrooms,  
209 children's work areas, or nap space, excluding means of egress and permanent fixtures.

210            *Volunteer* means any person who provides services to, for, or at a child care facility  
211 or family child care home, whether in the presence or absence of staff members, for no  
212 compensation.

213 **Sec. 7-3.     License for child care facilities and family child care homes.**

214            (a)     No person or entity is permitted to operate a child care facility or family child  
215 care home within Broward County, Florida, unless it has obtained and maintains a license  
216 approved by the local licensing agency. Violations of this chapter are subject to  
217 enforcement pursuant to Chapter 8½ of this Code or as otherwise provided by law and  
218 the penalties and remedies provided in Section 8½-16 of this Code or Section 402.312,  
219 Florida Statutes, including without limitation a civil penalty against the owner, director,  
220 and/or operator.

221 (b) A license issued under this section applies only to that portion of the  
222 building/facility initially designated for licensure unless the local licensing agency  
223 approves, in writing, additional space for operation under the issued license.

224 (c) The local licensing agency shall only issue or renew a license after  
225 determination that all standards required by this chapter and any other applicable  
226 regulations have been met. Any information obtained by the local licensing agency from  
227 DCF pursuant to Section 39.202, Florida Statutes, or otherwise, may be used by the local  
228 licensing agency as part of its licensure determination.

229 (d) Any application for a license to operate a child care facility or family child  
230 care home within Broward County, Florida, that is not rejected by the local licensing  
231 agency within the time period established in Section 120.60, Florida Statutes, shall be  
232 deemed approved.

233 (e) Any license issued under this chapter shall be issued in the name of the  
234 owner of the child care facility or family child care home, which may be an individual or  
235 business entity. The license is limited to the specified address and operation by the  
236 specified person or business entity. A license is not transferable or assignable to another  
237 owner or another address and, upon sale or transfer of ownership of an entity holding a  
238 license, such license shall become null and void.

239 (f) Licenses for family child care homes issued in the name of an individual  
240 are issued in the name of the operator residing in the home. Licenses for family child  
241 care homes issued in the name of a business entity shall identify one of the corporate  
242 officers designated by the licensee as the operator who resides on-site at the family child  
243 care home and is responsible for the operation of the home. Any operator requirements

244 shall, in the case of a business entity, be the responsibility of the designated operator as  
245 well as the business entity. The designated operator shall act on behalf of the business  
246 entity in all areas related to compliance with the requirements of this chapter, including,  
247 but not limited to, enforcement of said requirements by the local licensing agency. Any  
248 notices required to be provided by the local licensing agency to the operator or applicant  
249 shall be furnished to the designated individual.

250 (g) The license issued by the local licensing agency must be conspicuously  
251 displayed inside the child care facility at all times.

252 (h) The license of the child care facility is limited to the permitted capacity stated  
253 in the license and determined by the local licensing agency pursuant to this chapter. Prior  
254 to increasing their capacity or adding services or ages, the facility or family child care  
255 home must comply with the provisions of this chapter regarding obtaining the required  
256 approvals for such changes.

257 (i) A change to the license or registration of a child care arrangement will not  
258 be approved if there are outstanding fines or fees owed.

259 (j) Licenses for child care facilities and registrations for substantial compliance  
260 facilities expire one year after the last day of the month of issuance and must be renewed  
261 on or before that expiration date. Licenses for family child care homes expire 12 months  
262 after the date of issuance. Notwithstanding anything in this section to the contrary, the  
263 local licensing agency may, for administrative convenience, issue an initial license or  
264 registration that expires on the last day of a calendar month that is at least 180 days but  
265 not more than one year after the initial date of licensure.

266 (k) Renewal applications received within 45 days before the expiration date of  
267 the license shall be assessed a late processing fee as set forth in Section 40.51 of the  
268 Broward County Administrative Code.

269 (l) License renewal applications shall not be approved if the local licensing  
270 agency receives Florida abuse history information records from DCF pursuant to  
271 Section 39.202, Florida Statutes, containing verified indicators of abuse/neglect by one  
272 or more child care staff members at the facility, until such time as the local licensing  
273 agency has the opportunity to thoroughly review same as part of its licensure  
274 determination. The local licensing agency shall not renew the license if the information  
275 received from DCF indicates an immediate danger to the health, safety, or welfare of  
276 children.

277 (m) The local licensing agency shall not renew a facility's license if the facility  
278 has not paid any final administrative fines imposed for violation(s) of this chapter or has  
279 any other unpaid, overdue amounts owing to Broward County. "Final" means the time  
280 period to request a hearing to contest the administrative fine has expired and any  
281 administrative proceedings to contest the fine have concluded.

282 **Sec. 7-4. Exemption from licensure.**

283 Substantial compliance facilities are exempt from licensure as child care facilities  
284 but must comply with the standards set forth in Article III of this chapter, must register  
285 with the local licensing agency, and must meet the local licensing agency's minimum  
286 standards for substantial compliance in order to maintain the status as exempt from  
287 licensure. Violations of these requirements are subject to enforcement pursuant to

288 Chapter 8½ of this Code or as otherwise provided by law, and subject to the penalty for  
289 operating an unlicensed child care home provided in Section 8½-16 of this Code.

290 **Sec. 7-5. License fees.**

291 (a) Initial license applications for a new prospective child care facility or family  
292 child care home must be accompanied by a nonrefundable preliminary application fee as  
293 set forth in Section 40.51 of the Broward County Administrative Code. Initial license  
294 applications will not be processed until the local licensing agency receives the preliminary  
295 application fee.

296 (b) In addition to the preliminary application fee, all child care facilities and  
297 family child care homes will be assessed a nonrefundable annual license fee based on  
298 the permitted capacity of the facility pursuant to the schedule stated in Section 40.51 of  
299 the Broward County Administrative Code.

300 **Sec. 7-6. Licensing procedures of child care facilities and family child care**  
301 **homes.**

302 (a) Application for a license or renewal of a license shall be made in a manner  
303 and on the forms prescribed by the local licensing agency, and must be accompanied by  
304 the appropriate fees.

305 (b) Checks, cashier's checks, and money orders shall be made payable to  
306 Broward County. Other payment methods, including credit cards, may be accepted and  
307 are subject to additional fees as determined by the local licensing agency or as provided  
308 for in the Broward County Administrative Code.

309 (c) The application for a license or renewal of a license must be signed by the  
310 owner, prospective owner, or designated representative of the owner or prospective

311 Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.

312 owner of a child care facility and the operator of a family child care home. A completed  
313 application for renewal of a license must be submitted to the local licensing agency at  
314 least 45 days prior to the expiration date of the current license to ensure that a lapse in  
315 licensure does not occur. Within 30 days after receipt, the local licensing agency shall  
316 examine the application, notify the applicant of any errors or omissions, and request any  
317 additional information needed to complete the application. Whenever information required  
318 to be submitted to the local licensing agency concerns qualifications or characteristics  
319 personal to the applicant, including age, moral character, and criminal records, the term  
320 “applicant” means the individual applicant if the applicant is an individual, and means the  
321 designated representative if the applicant is a business entity.

322 (d) All business entities seeking to obtain or renew a license must be in good  
323 standing and authorized to transact business in the State of Florida. If the application is  
324 in the name of a business entity, the application must contain the name and address of  
325 each partner, officer, director, manager, and member of the business entity, as applicable,  
326 and the application must include copies of the business entity’s organizational documents  
327 listing all partners, officers, directors, managers, and members, as applicable.

328 (e) For new family child care homes, the application must include written  
329 authorization from the owner of the property that the operator is permitted to operate a  
330 family child care home at that location.

331 (f) The application and all supporting documentation must be complete,  
332 truthful, and correct. Falsification of application information is grounds for denial of the  
333 application and subjects the applicant to penalties as stated in Section 402.319, Florida  
334 Statutes.

335 (g) Prior to the renewal of a license, the local licensing agency shall reexamine  
336 the premises and records of the licensee.

337 (h) All new and renewal applications must identify all employees by their full  
338 legal names and any educational and training credentials issued by DCF.

339 (i) If a license has been revoked by the local licensing agency, the applicant  
340 may not apply or reapply for a license for any location for one year after the date of  
341 revocation. If the license is issued in the name of a business entity, the prohibition on  
342 reapplying for a license within one year applies to all partners, officers, managers, and  
343 members, as applicable, of that business entity as well as any other business entity with  
344 any of the same partners, officers, managers, or members.

345 **Sec. 7-7. Transfer of ownership.**

346 (a) Whenever a licensed child care facility or family child care home is sold or  
347 the ownership is changed, the new or prospective owner or designated representative of  
348 the prospective owner must apply to the local licensing agency for a new license prior to  
349 the date of sale or change in ownership. The new owner must receive approval for a  
350 license prior to assuming any responsibility for the child care facility or family child care  
351 home. Prior to issuance of a new license, the local licensing agency shall make a  
352 complete on-site inspection to determine compliance with all applicable licensing  
353 requirements. The local licensing agency may grant an exception to the complete on-site  
354 inspection requirement if the licensee merely undergoes a change in its form of  
355 ownership, e.g., from individual ownership to corporate ownership, conversion from a  
356 corporation to a limited liability company, etc., provided the same individuals are involved  
357 in owning the facility.

358 (b) Licensees selling or transferring a majority ownership interest in a child care  
359 facility or family child care home must provide written notice to the local licensing agency  
360 of the sale or transfer and provide contact information for the purchaser or transferee.  
361 The written notice must be provided at least 90 days before the closing of the sale or  
362 transfer or, if the closing is less than 90 days after execution of the contract for sale or  
363 transfer, then within five business days after said execution.

364 (c) Any application for a new license as a result of a change in majority  
365 ownership of a child care facility or family child care home that is not rejected by the local  
366 licensing agency within 45 days after the date the applicant submits (i) a complete  
367 application, (ii) any additional information requested by the local licensing agency, and  
368 (iii) correction of any application errors or omissions identified by the local licensing  
369 agency, is deemed approved. Failure to obtain a new license after any transfer in  
370 ownership is a violation of this chapter and subjects the violator to penalties for operating  
371 without a license in accordance with this chapter and Section 402.312, Florida Statutes.

372 (d) For the purposes of a business entity that holds a license for a child care  
373 facility or family child care home, any change in majority control or other change in the  
374 owners of more than fifty percent (50%) of the ownership interest in the entity shall be  
375 deemed a transfer of majority ownership interest subject to the requirements of this  
376 section.

377 (e) A change in the name of a licensee shall not constitute a change in  
378 ownership, but the licensee must notify the local licensing agency in writing in advance of  
379 such name change and a new license will be issued in the new name.

380 (f) Notwithstanding any change in ownership of a licensee, the current licensee  
381 will continue to be responsible for compliance with this chapter until the new owner has  
382 been issued a license. Prior to the new owner taking operational control, the current  
383 licensee must notify all parents in writing of the change in ownership.

384 (g) Whenever the ownership of a licensee changes and a new license is issued  
385 pursuant to this section, the new licensee shall be responsible for any outstanding final  
386 administrative fines (as defined in Section 7-3(m)) that were imposed against the prior  
387 owner for violation(s) of this chapter.

388 **Sec. 7-8. Advertisements.**

389 Any advertisement for a licensed child care facility or family child care home in any  
390 medium must include the facility's license number. If the license is pending, the  
391 advertisement must indicate pending status. This requirement does not apply to  
392 employment advertisements.

393 **Sec. 7-9. Provisional licenses.**

394 (a) *Conditions.* The local licensing agency may issue a provisional license to  
395 applicants or licensees who, due to circumstances beyond their control, are unable to  
396 conform to all of the standards provided in this chapter. No provisional license may be  
397 issued unless the applicant or licensee makes adequate provisions for the health and  
398 safety of the children and the child care facility or family child care home is in compliance  
399 with the requirements for screening of staff members pursuant to this chapter.

400 (b) *Time limits.* No provisional license may be issued for a period longer than  
401 six months. In the sole discretion of the local licensing agency, a provisional license may

402 be renewed by the local licensing agency time for up to an additional six months due to  
403 unusual circumstances beyond the control of the licensee.

404 (c) *Suspension procedures.* If periodic inspection by the local licensing agency  
405 determines that insufficient progress has been made toward full compliance with all  
406 requirements for a license, a provisional license may be suspended as follows:

407 (1) Upon a determination that there are grounds for suspension of the  
408 provisional license, a letter of intent will be sent by the local licensing agency  
409 stating the grounds for suspension.

410 (2) Within 15 days after the date of the letter of intent, a conference between  
411 the applicant and the local licensing agency will be scheduled. At the time  
412 of such conference, the parties may enter into a stipulated agreement with  
413 respect to the provisional license.

414 (3) If no agreement is reached and the local licensing agency determines that  
415 violations still exist, the local licensing agency shall notify the applicant in  
416 writing that the provisional license will be suspended. If the applicant does  
417 not make a written request for a hearing to the local licensing agency within  
418 15 days after receipt of such notice, the provisional license shall be  
419 automatically suspended.

420 (4) If a hearing is timely requested, the hearing will be scheduled by the local  
421 licensing agency and held within 30 days after receipt of the request.

422 **Sec. 7-10. Probationary status.**

423 (a) *Conditions.* A probationary status indicates that a current license is in  
424 jeopardy of being suspended, revoked, or not renewed due to violations of applicable  
425

426 standards by the licensee. A probationary status shall not be issued as an initial license  
427 for a new child care facility or family child care home.

428 (b) A probationary status is a disciplinary sanction for repeated noncompliance  
429 with licensing requirements. Probationary status shall not last longer than six months and  
430 may not be renewed. While on probationary status, the local licensing agency may not  
431 approve any additions, revisions, or other changes to the license, other than suspension  
432 or revocation.

433 (c) Within ten days after being placed on probationary status, the licensee must  
434 submit a corrective action plan to the local licensing agency for consideration. If the  
435 licensee fails to submit a corrective action plan acceptable to the local licensing agency,  
436 then the local licensing agency may suspend or revoke the probationary license in the  
437 manner provided for in this chapter. The local licensing agency, as part of its approval of  
438 a corrective action plan, may place additional requirements, conditions, or restrictions on  
439 the licensee.

440 (d) The local licensing agency shall inspect all licensees on probationary status  
441 at least once per month. A probationary status may be suspended or revoked if monthly  
442 inspections find that the licensee is not in compliance with the terms of the corrective  
443 action plan or is otherwise not making sufficient progress toward compliance with  
444 applicable standards.

445 (e) The local licensing agency may place a licensee on a probationary status  
446 after issuing Notice(s) of Violation pursuant to Section 7-13(i) for three or more Class I  
447 Violations within a rolling 12-month period.

448 (f) A licensee will immediately be placed on a probationary status if a Notice of  
449 Violation is issued for a Class I Violation where harm has occurred to a child in the  
450 licensee's care. The probationary status shall commence on the later of (i) the issuance  
451 date of the Notice of Violation if the licensee elects not to contest the Notice of Violation;  
452 or (ii) the date the Notice of Violation is upheld after the hearing process set forth in this  
453 chapter and any subsequent appeal.

454 (g) The local licensing agency may place a child care arrangement on  
455 probationary status if a Notice of Violation is issued to that child care arrangement for any  
456 Class I Violation that placed a child in imminent danger of harm, including without  
457 limitation any violation in which a child departed the facility without adult supervision. The  
458 probationary status shall commence on the later of (i) the issuance date of the Notice of  
459 Violation if the licensee elects not to contest the Notice of Violation; or (ii) the date the  
460 Notice of Violation is upheld after the hearing process set forth in this chapter and any  
461 subsequent appeal.

462 (h) If a licensee placed on a probationary status is issued a Notice of  
463 Violation(s) for a Class I Violation by the local licensing agency during the probationary  
464 period, the local licensing agency may, in its discretion, schedule a hearing before a  
465 hearing officer, regardless of whether the Class I Violation resulted in harm to a child.  
466 The hearing officer shall review the events leading to the issuance of the Class I  
467 Violation(s) and determine if the violation reflects continuing, recurring, and unresolved  
468 problems that adversely affect, or that may adversely affect, the health, safety, or well-  
469 being of one or more children at the child care arrangement and whether the license

470 should be suspended or revoked. At the conclusion of the hearing, the hearing officer  
471 shall issue written Findings and Recommendations as provided for in Section 7-18(b).

472 **Sec. 7-11. Denial of license.**

473 (a) When the local licensing agency determines that grounds exist for the denial  
474 of a new or renewal license application, it shall notify the applicant in writing, stating the  
475 grounds upon which the application is being denied. If the applicant does not make a  
476 written request for a hearing to the local licensing agency within 15 days after receipt of  
477 such notice, the license shall be denied.

478 (b) If a hearing is timely requested, the hearing will be scheduled by the local  
479 licensing agency and held within 30 days after receipt of the request.

480 **Sec. 7-12. Inspections.**

481 (a) Child care arrangements subject to licensure or registration under this  
482 chapter are subject to investigation and inspection without prior notice by the local  
483 licensing agency (including inspections of the physical site of the child care arrangement  
484 and access to personnel and records) during the child care arrangement's regular  
485 business hours to ensure compliance with all applicable provisions of this chapter.

486 (b) Failure to comply with reasonable requests of the local licensing agency in  
487 connection with the investigation or inspection of a child care arrangement shall be  
488 grounds for revocation or denial of a license or for the loss of a substantial compliance  
489 facility's exemption.

490 (c) If the local licensing agency issues a written report of any investigation or  
491 inspection, the child care arrangement must display the report in a conspicuous place  
492 accessible to parents. The child care arrangement must also post each Notice of Violation

493 issued by the local licensing agency. If the child care arrangement has elected to contest  
494 the issuance of a Notice of Violation and has provided written notice to the local licensing  
495 agency of its request for a hearing, a copy of the written request for a hearing may also  
496 be posted. Unless the Notice of Violation is dismissed after hearing by a hearing officer,  
497 the Notice of Violation and description of corrective action, if any, taken by the child care  
498 arrangement must remain posted for one year after the date of the Notice of Violation.

499 (d) All licensed child care facilities and family child care homes shall be  
500 inspected by the local licensing agency at least three times each calendar year.

501 (e) Any child care arrangement that closes for a period longer than three  
502 consecutive weeks (other than periods during which Broward County public schools are  
503 in summer recess) must notify the local licensing agency in writing of said closure as soon  
504 as possible. A satisfactory inspection by the local licensing agency is required prior to  
505 reopening. Any child care arrangement that is ordered closed by a governmental entity  
506 with jurisdiction over the arrangement for any violations related to the health, safety, and  
507 welfare of the children in care must, prior to reopening, notify the local licensing agency  
508 and obtain a satisfactory inspection by the local licensing agency.

509 (f) Child care arrangements must correct all violations reported by the local  
510 licensing agency within the time period specified in the inspection report.

511 (g) No person shall hinder, resist, or oppose an employee or agent of the local  
512 licensing agency in the performance of their duties under this section or knowingly provide  
513 false statements or documents or misrepresent their identity to an employee or agent of  
514 the local licensing agency. Failure to cooperate with, or harassment of, an employee or  
515 agent of the local licensing agency in connection with an investigation of a complaint or

516 inspection of a child care arrangement is grounds for revocation or denial of a license for  
517 a child care facility or family child care home, or for loss of a substantial compliance  
518 facility's exemption and revocation of its registration.

519 **Sec. 7-13. Violations/penalties.**

520 (a) When the local licensing agency determines that a child care arrangement  
521 is not in compliance with applicable standards set forth in this chapter, it shall make a  
522 reasonable attempt to discuss each violation with the owner, operator, and/or director,  
523 document the violation(s) in a written inspection report, and establish the time frame  
524 within which the child care arrangement must correct the violation(s). For each violation,  
525 the inspection report shall include the following information:

- 526 (1) A reference to the statute, rule, or section of this chapter that was violated;  
527 (2) A factual description of the nature of the violation, stating the manner in  
528 which the child care arrangement failed to comply with the specified statute,  
529 rule, or section of this chapter; and  
530 (3) A specific statement as to how the violation should be corrected, if deemed  
531 necessary or appropriate by the local licensing agency.

532 (b) If the local licensing agency determines that a child care arrangement has  
533 not corrected the violation(s) noted in the inspection report within the time frame for  
534 corrective action, it may issue a Notice of Violation. The Notice of Violation shall be in  
535 writing and include the following information:

- 536 (1) A reference to the statute, rule, or section of this chapter that was violated;

537 (2) A factual description of the nature of the violation(s), stating the manner in  
538 which the child care arrangement failed to comply with the specified statute,  
539 rule, or section of this chapter;

540 (3) A specific statement as to the failure of the child care arrangement to correct  
541 the violation(s) within the time frame established in the inspection report  
542 and/or any related prior Notice(s) of Violation(s); and

543 (4) The date by which each violation must be corrected.

544 (c) Notwithstanding Sections 7-13(a) and (b), if the local licensing agency  
545 determines that a child care arrangement has violated a child care standard classified in  
546 this chapter as a Class I Violation, it shall document the violation in an inspection report  
547 and issue a Notice of Violation to the child care arrangement. Due to the nature of Class I  
548 Violations, the fact that the violation(s) occurred is sufficient to issue an inspection report  
549 and Notice of Violation requiring immediate corrective action. The local licensing agency  
550 shall make a reasonable attempt to discuss each such violation with the operator or  
551 director of the child care arrangement and explain the severity of this action. A Notice of  
552 Violation issued pursuant to this Section 7-13(c) shall otherwise conform to the  
553 requirements stated in Section 7-13(b) above.

554 (d) The local licensing agency may document any actions by a child care  
555 arrangement taken to correct any violation(s) cited.

556 (e) All Notices of Violation shall be dated and signed by the local licensing  
557 agency's monitor and a staff member of the child care arrangement. The signature of the  
558 child care arrangement's staff member serves only as an acknowledgment of receipt of  
559 the Notice of Violation and is not an admission that any violation(s) occurred. Delivery of

560 a Notice of Violation shall be sufficient if it is hand-delivered to the licensee, registrant, or  
561 any employee of the child care arrangement at the address at which the relevant Notice  
562 of Violation(s) was issued, or if it is sent via by certified mail, return receipt requested,  
563 and addressed to the appropriate person and to the address at which the license was  
564 issued under this chapter or that was provided by the registrant.

565 (f) Each day that a violation is determined to exist constitutes a separate and  
566 distinct violation.

567 (g) Upon receipt of the Notice of Violation, the child care arrangement must  
568 correct the violation(s) within the time specified in the Notice of Violation. To contest the  
569 Notice of Violation, the child care arrangement must, within 15 days after receipt of the  
570 Notice of Violation, make a written request for a hearing to the local licensing agency  
571 (addressed and furnished to the Child Care Licensing and Enforcement Section;  
572 Attention: Hearings). If the child care arrangement does not timely deliver a written  
573 request for a hearing to the local licensing agency, the violation(s) stated in the Notice of  
574 Violation are deemed admitted and the child care arrangement is deemed to have waived  
575 the right to contest the substantive issues contained in that Notice of Violation(s).  
576 Notwithstanding a child care arrangement's failure to timely deliver a request for a hearing  
577 on the Notice of Violation(s), if the local licensing agency seeks to impose an  
578 administrative fine based on the Notice of Violation, the child care arrangement may  
579 contest the amount of the administrative fine by requesting a hearing in writing as  
580 described above within 15 days after receiving notice of the fine amount.

581 (h) If a hearing is timely requested, the hearing will be scheduled by the local  
582 licensing agency and held within 30 days after receipt of the request. The local licensing  
583

584 agency may consolidate a hearing challenging a Notice of Violation with a hearing  
585 challenging any administrative fine or other sanction requested in any administrative  
586 complaint arising from the Notice of Violation. A child care arrangement's initial written  
587 request for a hearing shall be deemed sufficient notice to the local licensing agency of  
588 the child care arrangement's desire to contest the substance and issuance of the Notice  
589 of Violation and the imposition of the associated administrative fine.

590 (i) The local licensing agency may issue a Notice of Violation to a child care  
591 arrangement for which the local licensing agency has identified at least three violations in  
592 any rolling 12-month period or at least two separate violations of the same nature in any  
593 rolling 12-month period and, thereafter, may schedule a hearing before a hearing officer.  
594 The hearing officer shall review the events leading to the issuance of the prior violations  
595 and determine if the violations reflect continuing, recurring, and unresolved problems that  
596 adversely affect, or that may adversely affect, the health, safety, or well-being of one or  
597 more children enrolled at the child care arrangement and whether the license should be  
598 suspended or revoked. At the conclusion of the hearing, the hearing officer shall issue  
599 Findings and Recommendations as provided for in Section 7-18(b) of this chapter.

600 (j) A violation of Section 7-3(a) or 7-4 of this chapter may be prosecuted by  
601 the State Attorney's Office in the same manner as misdemeanors are prosecuted  
602 pursuant to Section 775.082 or 775.083, Florida Statutes. Violations prosecuted by the  
603 State Attorney's Office shall be prosecuted in the name of the State of Florida in a court  
604 having jurisdiction of misdemeanors, and, if convicted, the violator shall be punished by  
605 a fine not to exceed \$500, or imprisonment in a county jail not to exceed 60 days, or both.

- 606 (k) Pursuant to Florida law, it is a misdemeanor of the first degree, punishable  
607 as provided in Section 775.082 or 775.083, Florida Statutes, for any person to knowingly:
- 608 (1) Fail, by false statement, misrepresentation, impersonation, or other  
609 fraudulent means, to disclose in any application for voluntary or paid  
610 employment or for licensure regulated under Sections 402.301 - 402.318,  
611 Florida Statutes, all information required under those sections or a material  
612 fact pertinent to determination of such person's qualifications to be child  
613 care personnel, as defined in Section 402.302, Florida Statutes, in a child  
614 care facility, family child care home, or other child care arrangement.
- 615 (2) Operate or attempt to operate a child care facility or family child care home  
616 without having obtained a license required by this chapter.
- 617 (3) Operate or attempt to operate a child care facility or family child care home  
618 under a license that is suspended, revoked, or terminated.
- 619 (4) Misrepresent, by action or omission, a child care facility or family child care  
620 home to be duly licensed pursuant to this chapter without being so licensed.
- 621 (5) Make any other misrepresentations, by action or omission, regarding the  
622 licensure or operation of a child care facility or family day care home to a  
623 parent who has a child placed in the facility or home or who is inquiring as  
624 to placing a child in the facility or home, or to a representative of the local  
625 licensing agency, or to a representative of a law enforcement agency,  
626 including, but not limited to, any misrepresentation as to:
- 627 a. The number of children at the child care facility or the family child  
628 care home;

- 629           b.     The part of the child care facility or family child care home designated  
630                     for the provision of child care;
- 631           c.     The qualifications or credentials of child care personnel at the child  
632                     care facility or home;
- 633           d.     Whether a child care facility or family child care home complies with  
634                     the screening requirements of Section 402.305, Florida Statutes; or
- 635           e.     Whether the child care personnel have the training as required by  
636                     Section 402.305, Florida Statutes.

637           (l)     Nothing contained in this chapter shall prohibit the County from enforcing  
638                     the rules and regulations set forth herein by any other means legally available.

639           (m)     Licensees and registrants are responsible for ensuring that their  
640                     employees, officers, and agents comply with this chapter.

641     **Sec. 7-14.   Administrative fines.**

642           (a)     Whenever the local licensing agency seeks to impose an administrative fine  
643                     against a child care arrangement based on a Notice of Violation for violation(s) of the  
644                     standards/requirements of this chapter, it shall issue an administrative complaint against  
645                     the licensee (or registrant, if a substantial compliance facility).

646           (b)     The administrative complaint shall include the following for each violation  
647                     alleged:

648           (1)     The amount of the administrative fine the local licensing agency seeks to  
649                     impose;

650           (2)     The classification of the violation;

- 651 (3) A reference to the statute, rule, or section of this chapter that was allegedly  
652 violated;
- 653 (4) A factual description of the nature of the violation, stating the manner in  
654 which the child care arrangement failed (i) to comply with the specific  
655 statute, rule, or section of this chapter, and (ii) to take corrective action to  
656 remedy the violation(s) within the time frame specified in the Notice of  
657 Violation; in addition, with respect to any administrative fine to be imposed  
658 for a Class I Violation, stating that the administrative fine is being imposed  
659 regardless of whether the child care arrangement immediately corrected the  
660 violation;
- 661 (5) The licensee's or registrant's right to a hearing before a hearing officer if  
662 the administrative fine imposed is being disputed.
- 663 (c) Within 15 days after receipt of the administrative complaint, the licensee or  
664 registrant must either pay the administrative fine imposed by the local licensing agency  
665 or make a written request to the local licensing agency for a hearing before a hearing  
666 officer. If a hearing is timely requested, the hearing will be scheduled by the local licensing  
667 agency and held within 30 days after receipt of the request. At the conclusion of the  
668 hearing, the hearing officer shall issue Findings and Order as provided for in  
669 Section 7-18 of this chapter.
- 670 (d) If the licensee or registrant previously timely requested a hearing on the  
671 Notice of Violation, no additional hearing request is required to contest the imposition or  
672 amount of the administrative fine, if any. The licensee's or registrant's initial written  
673 request for a hearing to contest the Notice of Violation constitutes sufficient notice to the

674 local licensing agency of the request to contest the administrative fine. The local licensing  
675 agency will schedule the hearing to occur within 30 days after the request, and the hearing  
676 shall address both the substance of the Notice of Violation and the imposition and amount  
677 of an administrative fine.

678 (e) If a licensee or registrant fails to pay an administrative fine imposed against  
679 it after the final disposition of any and all administrative actions, including appellate  
680 procedures, the local licensing agency may send written notice to the licensee or  
681 registrant that it has 15 days after receipt to pay the administrative fine. Failure to timely  
682 pay all administrative fines within the 15-day period may result in the local licensing  
683 agency seeking revocation of the child care arrangement's license in accordance with  
684 the procedures set forth in this chapter.

685 (f) In any civil action brought by Broward County, whether filed by the Broward  
686 County Attorney's Office or by outside counsel retained by Broward County, to recover  
687 administrative fines not timely paid, Broward County shall also be entitled to recover  
688 attorneys' fees, prejudgment and postjudgment interest, and court costs, in addition to  
689 the unpaid administrative fine.

690 **Sec. 7-15. Violations – classification.**

691 The local licensing agency will use the following classifications as a guideline for  
692 determining the severity of the violation(s) and the amount of the administrative fine to be  
693 imposed:

694 (a) *Class I Violations.* This is the most serious category of violations. It includes  
695 any violation of a child care standard that could or does result in death or serious harm to  
696 the health, safety, or well-being of one or more children at the child care arrangement.

697 Class I Violations shall also include actions or omissions by a child care operator that  
698 misrepresent material facts or hinder or impede the local licensing agency's ability to carry  
699 out its duties (including, without limitation, an investigation or inspection of the child care  
700 arrangement). A Class I Violation is subject to an administrative fine of up to \$500 per  
701 day for each violation. A fine shall be imposed for a Class I Violation even if corrective  
702 action is completed immediately by the child care arrangement. Repeat occurrences of  
703 the same type of Class I Violation will result in an increased amount of the administrative  
704 fine, up to a maximum fine of \$500 per day for each violation. Class I Violations include,  
705 but are not limited to, the following violations:

- 706 (1) Violation of the background screening requirements for child care  
707 personnel;
- 708 (2) Violation of the requirement for direct supervision of children at the child  
709 care arrangement at all times;
- 710 (3) Violation of reporting requirements regarding an illness, accident, injury, or  
711 emergency at the child care arrangement that results in the serious injury  
712 or death of a child;
- 713 (4) Violation of the provisions of this chapter regarding releasing a child from  
714 the child care arrangement;
- 715 (5) Transporting children without seat belts or proper child safety restraints;
- 716 (6) Intentionally disengaging vehicle child safety alarm devices while one or  
717 more children are being transported;

718 (7) Hindering and/or impeding the local licensing agency's ability to carry out  
719 its duties (including the conducting of investigations and inspections of the  
720 child care arrangement);

721 (8) Misrepresenting or failing to disclose material facts to the local licensing  
722 agency; and

723 (9) Use of any method of discipline prohibited under this chapter that results in  
724 physical, psychological, or emotional harm to a child.

725 (b) *Class II Violations.* This category includes violations that could reasonably  
726 be anticipated to pose a threat to the health, safety, or well-being of one or more children  
727 enrolled at the child care arrangement, although the threat need not be imminent. A  
728 Class II Violation is subject to an administrative fine of up to \$100 per day for each  
729 violation. No fine will be imposed for a Class II Violation if corrective action is completed  
730 by the child care arrangement within the time period stated in the inspection report or  
731 otherwise established by the local licensing agency, or if corrective action was taken  
732 immediately after the fact and prior to the local licensing agency becoming aware of the  
733 violation. Repeat occurrences of, or failure to timely correct, the same type of Class II  
734 Violation will result in an increased amount of the administrative fine, up to a maximum  
735 fine of \$500 per day for each violation. Class II Violations include, but are not limited to,  
736 the following violations:

737 (1) Violation of the requirement to have, at all times when children are present  
738 at the child care arrangement, a staff member on site trained in first  
739 aid/CPR;

740 (2) Violation of the requirement to have a first-aid kit on site;

- 741 (3) Violation of the requirements related to the physical facility of the child care  
742 arrangement;
- 743 (4) Violation of sanitation requirements;
- 744 (5) Violation of the applicable staff-to-children ratios;
- 745 (6) Violation of the child care arrangement's maximum licensed capacity;
- 746 (7) Violation of the requirement to maintain a daily log for attendance of children  
747 in care; and
- 748 (8) Use of any method of discipline prohibited under this chapter that does not  
749 result in harm to a child.

750 A Class II Violation can be deemed a Class I Violation if such violation was serious  
751 enough to rise to the level of a Class I Violation. In such event, the local licensing agency  
752 may issue a Notice of Violation for a Class I Violation.

753 (c) *Class III Violations.* This category includes all violations that are not Class I  
754 or Class II Violations. A Class III Violation is subject to an administrative fine of up to \$50  
755 per day for each violation. No fine will be imposed for a Class III Violation if corrective  
756 action is completed by the child care arrangement within the time period stated in the  
757 inspection report or otherwise established by the local licensing agency, or if corrective  
758 action was taken immediately after the fact and prior to the local licensing agency  
759 becoming aware of the violation. Class III Violations include, but are not limited to, the  
760 following violations:

- 761 (1) Violation of record keeping for enrollment of children and child care staff  
762 information;
- 763 (2) Violation of record keeping on mandatory fire drills;

- 764 (3) Failure to provide proof of a current and satisfactory fire inspection;  
765 (4) Failure to provide proof of current and proper insurance; and  
766 (5) Violation of educational requirements for child care staff.

767 A Class III Violation may be deemed either a Class I or II Violation if the violation  
768 was serious enough to rise to the level of a Class I or Class II Violation. In such event, the  
769 local licensing agency may issue a Notice of Violation for a Class I or Class II Violation,  
770 depending on the nature and circumstances surrounding the particular violation.

771 **Sec. 7-16. Disciplinary action.**

772 (a) In determining the appropriate disciplinary action to be taken for violation(s),  
773 which may, in accordance with Section 402.310, Florida Statutes, include fines,  
774 suspension, probation, or revocation, the local licensing agency shall consider, but not  
775 be limited to, the following factors:

- 776 (1) Action(s) taken by the licensee or registrant to correct the violation(s) or to  
777 remedy previous complaints;  
778 (2) The severity and nature of the violation(s), including the probability that  
779 death or serious harm to any person may result or has resulted, the severity  
780 of the actual or potential harm, and the extent to which the standards  
781 established by this chapter were violated; and  
782 (3) Any previous violation(s) issued to the licensee or registrant.

783 (b) The local licensing agency, on behalf of Broward County, is authorized to  
784 enter into voluntary settlement agreements with child care arrangements regarding  
785 violations and/or administrative fines when it determines it is in the best interest of  
786 Broward County to do so. Any settlement agreement between the local licensing agency

787 and the applicable child care arrangement shall be in writing and approved as to form  
788 and legal sufficiency by the Broward County Attorney’s Office. The settlement agreement  
789 may contain conditions the child care arrangement must adhere to, including, but not  
790 limited to, additional training for personnel, additional inspections, and payment of any  
791 administrative costs incurred by the local licensing agency to develop and enforce the  
792 agreement. The local licensing agency may establish written policies providing the  
793 conditions under which a licensee or registrant may reduce the amount of the imposed  
794 administrative fine after successful completion of an in-person training course by specific  
795 personnel of the child care arrangement. The local licensing agency shall issue a written  
796 report quarterly to the County Administrator listing any matters settled pursuant to this  
797 section.

798 **Sec. 7-17. Creation and powers of hearing officer.**

799 There is hereby created for the purposes of this chapter the position of hearing  
800 officer. Hearing officer(s) shall be selected by the County Administrator or designee from  
801 a list of candidates approved by the Board. Said hearing officer(s) shall be a member in  
802 good standing of The Florida Bar, engaged in the practice of law in Broward County, with  
803 experience preferably in the areas of family and/or administrative law. The Division shall  
804 provide reasonable clerical support to the hearing officer(s). Alternatively, or in addition,  
805 the Board may contract with the Florida Division of Administrative Hearings (“DOAH”)  
806 to provide administrative law judges to serve as hearing officers who shall conduct  
807 hearings under the rules provided for in this chapter.

808 **Sec. 7-18. Notice of hearing.**

809 (a) If a licensee or registrant makes a timely written request for a hearing  
810 pursuant to this chapter, the local licensing agency shall provide the licensee or registrant  
811 with no less than seven business days' written notice, excluding Saturdays, Sundays,  
812 and legal holidays, of the time, date, and place of the hearing, and any administrative  
813 costs that may be associated with the request. This time period commences on the date  
814 of the mailing or hand delivery of the notice of hearing. A hearing may be held with less  
815 than seven business days' written notice by mutual agreement of the local licensing  
816 agency and the affected party.

817 (b) Notwithstanding the time periods in Section 7-18(a), if the local licensing  
818 agency determines that existing conditions at a child care arrangement pose an imminent  
819 threat to the health, safety, or welfare of one or more children, or there is a substantial  
820 probability that death or serious physical or emotional harm to one or more children may  
821 result therefrom, in addition to the local licensing agency ordering the immediate closure  
822 of the child care arrangement pursuant to Section 7-21(c), a hearing may be held after  
823 giving the licensee or registrant at least 48 hours' written notice, including Saturdays,  
824 Sundays, and legal holidays.

825 (c) Notices of hearing must be sent by certified mail, return receipt requested,  
826 and addressed to the appropriate person and to the address at which the license was  
827 issued under this chapter or that was provided by the licensee or registrant. Service of  
828 the notice of hearing shall be deemed sufficient if same is hand-delivered to any owner,  
829 director, or employee of the child care arrangement at the address at which the Notice of  
830 Violation was issued.

831 **Sec. 7-19. Hearing procedures.**

832 All hearings held under this chapter shall comply with the requirements of this  
833 section.

834 (a) Each party has the following rights at a hearing:

835 (1) To be represented by counsel;

836 (2) To call and examine witnesses;

837 (3) To introduce exhibits;

838 (4) To examine opposing witnesses on any relevant matter, even though the  
839 matter was not covered under direct examination; and

840 (5) To impeach any witness regardless of which party first called the witness to  
841 testify.

842 (b) Except as otherwise provided in this chapter, all hearings shall be  
843 conducted, insofar as is practicable, in accordance with the Florida Rules of Civil  
844 Procedure and the Florida Evidence Code.

845 (c) Irrelevant, immaterial, or unduly repetitious evidence may be excluded in  
846 the discretion of the hearing officer. All testimony shall be under oath. Hearsay evidence  
847 may be used for the purpose of supplementing or explaining other evidence, but shall not  
848 be sufficient, in and of itself, to support a finding by the hearing officer in favor of any  
849 party unless the hearsay evidence would be admissible over objection in a civil action.

850 (d) Any interested party or person may make application and, upon good cause  
851 shown, may be allowed by the hearing officer in their discretion to intervene and appear  
852 in the proceeding.

853 (e) The hearing officer shall have the power to issue subpoenas for production  
854 of documents and/or attendance of witnesses at a hearing or for deposition upon the  
855 written request of any party.

856 (1) Subpoenas may be served by any person authorized by law to serve  
857 process or by any person of majority age who is not a party. Service shall  
858 be made by delivering a copy thereof to the person named in the subpoena.  
859 Proof of such service shall be made by affidavit of the person making  
860 service if not served by an officer authorized by law to do so.

861 (2) A party may seek enforcement of a subpoena issued under the authority of  
862 this section by filing a petition for enforcement in the applicable court in the  
863 Seventeenth Judicial Circuit of Florida.

864 (f) Child care arrangements that are licensed or registered in the name of an  
865 individual may be represented by that individual. Child care arrangements that are  
866 licensed or registered in the name of a business entity may be represented by an officer,  
867 director, manager, or partner, or by an employee designated by an officer, director,  
868 manager, or partner of the business entity, as applicable, notwithstanding applicable law  
869 that would otherwise require a business entity to be represented by an attorney.

870 **Sec. 7-20. Hearing Officer recommendations and orders.**

871 All hearing officer recommendations and orders issued pursuant to this chapter  
872 shall comply with this section. For cases involving only notices of violation and/or  
873 administrative fines, Section 7-20(a) applies. For cases that involve any other matter  
874 under this chapter, Section 7-20(b) applies to the entire case, including any portion of  
875 that case involving notice(s) of violation or administrative fines.

- 876 (a) *Notices of Violations and imposition of administrative fines.*
- 877 (1) After any hearing regarding a Notice of Violation or imposition of an  
878 administrative fine, the hearing officer shall issue a document entitled  
879 “Hearing Officer’s Findings and Order” (“Findings and Order”). The Findings  
880 and Order shall be based on the evidence presented at the hearing and  
881 shall include findings of fact and conclusions of law.
- 882 (2) If, at the conclusion of a hearing, the hearing officer finds that violation(s) of  
883 this chapter occurred, the Findings and Order shall include a determination  
884 regarding the imposition of an administrative and/or such other action the  
885 hearing officer deems appropriate.
- 886 (3) If, at the conclusion of a hearing, the hearing officer finds that no violation  
887 occurred, the Findings and Order shall state that no violation occurred and  
888 include a determination that the Notice of Violation and/or the administrative  
889 complaint are dismissed.
- 890 (4) The local licensing agency or an applicant, licensee, or registrant of the child  
891 care arrangement shall have the right to appeal a decision of the hearing  
892 officer to a representative of DCF pursuant to Section 402.310(4), Florida  
893 Statutes. Notwithstanding any appellate rights that an applicant, licensee,  
894 or registrant may have under Section 402.310(4), Florida Statutes, the  
895 hearing officer’s Findings and Order may be appealed by filing a petition for  
896 writ of certiorari in the Circuit Court of the Seventeenth Judicial Circuit in  
897 and for Broward County, Florida, within the time period prescribed by law.

- 898 (b) *Hearings regarding license status; removal of licensure exemption.*
- 899 (1) After a hearing pertaining to the local licensing agency’s denial, revocation,  
900 or change in status of a license or registration of a child care arrangement  
901 (including, but not limited to, the removal of a substantial compliance  
902 facility’s exemption from licensure), or any other matter within the hearing  
903 officer’s jurisdiction other than a hearing solely relating to a Notice of  
904 Violation or administrative fine, the hearing officer shall issue a document  
905 entitled “Hearing Officer’s Findings and Recommendations” (“Findings and  
906 Recommendations”). The Findings and Recommendations shall be based  
907 on the evidence presented at the hearing and shall include findings of fact  
908 and conclusions of law. The Findings and Recommendations shall include  
909 the hearing officer’s recommendation regarding whether the local licensing  
910 agency’s decision(s) should be upheld, modified, or rejected.
- 911 (2) The Findings and Recommendations shall include a statement providing  
912 that each party (i) has a right to file and serve “Exceptions” to the findings  
913 of fact and conclusions of law within 15 business days after the date the  
914 hearing officer sends the Findings and Recommendations to the parties,  
915 and (ii) may file and serve a “Response” to the other party’s Exceptions  
916 within ten business days after the date the Exceptions were served on that  
917 party. For purposes of this section, service of the Exceptions and  
918 Responses shall be by certified mail, return receipt requested, hand  
919 delivery, or e-mail. All Exceptions and Responses must be served on the  
920 hearing officer and on all other parties within the required time frames. The

921 local licensing agency shall provide the Findings and Recommendations  
922 and all timely filed and served Exceptions and Responses to the County  
923 Administrator, and the County Administrator or designee shall review same  
924 and issue the local licensing agency's final agency action ("Final Agency  
925 Action"). The Final Agency Action shall be issued within 90 days after the  
926 date of the Findings and Recommendations. The applicant, licensee, or  
927 registrant of the child care arrangement has the right to appeal the Final  
928 Agency Action to a representative of DCF as provided in  
929 Section 402.310(4), Florida Statutes.

930 (3) Notwithstanding any appellate rights that an applicant, licensee, or  
931 registrant of a child care arrangement may have under Section 402.310(4),  
932 Florida Statutes, the local licensing agency's Final Agency Action may be  
933 appealed by filing a petition for writ of certiorari in the Circuit Court of the  
934 Seventeenth Judicial Circuit in and for Broward County, Florida, within the  
935 time period prescribed by general law.

936 (c) The hearing officer may direct the licensee or registrant to pay reasonable  
937 administrative costs, as defined in Section 7-2, if the hearing officer upholds the Notice of  
938 Violation or administrative fine, or directs any other action requested by the local licensing  
939 agency, such as the issuance of a probationary license, suspension or revocation of a  
940 license, or removal of a substantial compliance facility's exemption from licensure.

941 **Sec. 7-21. Suspension or revocation of license or registration.**

942 (a) Notwithstanding anything to the contrary contained in this chapter, the local  
943 licensing agency may suspend a child care arrangement's license or registration for a  
944

945 period of time necessary to correct violations that, in the opinion of the local licensing  
946 agency, pose an imminent danger to the health, safety, or welfare of one or more children  
947 at the child care arrangement or pose a substantial probability of resulting in death or  
948 serious physical or emotional harm to one or more children. Any such temporary  
949 suspensions of a license or registration shall be in effect until such time as the violation(s)  
950 are corrected to the satisfaction of the local licensing agency. A licensee or registrant  
951 who receives a Notice of Violation that includes a notice of temporary suspension may  
952 make a written request to the local licensing agency for a hearing to contest the temporary  
953 suspension. Upon receipt of the timely written request for a hearing, the local licensing  
954 agency shall schedule a hearing pursuant to Section 7-18(b).

955 (b) Notwithstanding anything to the contrary contained in this chapter, the local  
956 licensing agency may seek revocation of a child care arrangement's license or registration  
957 for a violation that results in death or serious injury to a child. A licensee or registrant who  
958 receives a Notice of Violation indicating that the local licensing agency seeks revocation  
959 of the license or registration may make a written request to the local licensing agency for  
960 a hearing to contest the revocation. Upon receipt of the written request for a hearing, the  
961 local licensing agency shall schedule a hearing pursuant to Section 7-18(b). If the Notice  
962 of Violation includes both a temporary suspension as well as indicates an intent to seek  
963 revocation of a license or registration, or the removal of a registrant's exemption from the  
964 requirement to obtain a license, the local licensing agency may consolidate such  
965 proceeding with a licensee's or registrant's request for a hearing to contest the temporary  
966 suspension.

967 (c) When the local licensing agency has reasonable cause to believe that  
968 grounds exist for temporary suspension or revocation of a child care arrangement's  
969 license or registration pursuant to this section, the local licensing agency shall issue a  
970 Notice of Violation to the operator, owner, or director of the child care arrangement,  
971 identifying the grounds upon which the license or registration is being temporarily  
972 suspended and informing the licensee or registrant that the child care arrangement must  
973 temporarily cease operation as of the close of that business day.

974 (d) Any hearing requested pursuant to this section shall be held pursuant to  
975 Section 7-20(b) within 30 days after a timely written request for hearing.

976 **Sec. 7-22. Insurance.**

977 Each child care facility, substantial compliance facility, and family child care home  
978 must maintain at all times a comprehensive general liability policy with a combined single  
979 limit for bodily injury and property damage as follows: at least \$500,000 for child care  
980 facilities and substantial compliance facilities; and at least \$100,000 for family child care  
981 homes. The child care arrangement must provide the local licensing agency with a  
982 certificate of insurance evidencing the required coverage at the time of licensure or  
983 registration, as applicable, upon renewal, and upon request of the local licensing agency.  
984 The child care arrangement or insurer must provide the local licensing agency at least 30  
985 days' notice before the expiration or cancellation of the policy.

986 **ARTICLE II. CHILD CARE FACILITIES**

987 **Sec. 7-28. Additional requirements for child care facilities.**

988 The requirements of this Article II are in addition to the applicable State  
989 Requirements for child care facilities.

990 **Sec. 7-29. Additional child care personnel requirements.**

991 (a) If any child care facility is owned by a business entity, all persons identified  
992 as an officer, member, partner, or manager of the business entity in the then-current  
993 organizational documents of the business entity and (i) who reside locally, (ii) are involved  
994 in the operation of the child care facility, or (iii) have the authority to be at the facility during  
995 any hours of operation when children are present, must comply with all screening  
996 requirements. For purposes of this chapter, persons who reside in Broward, Miami-Dade,  
997 Palm Beach, Collier, or Hendry counties are deemed to reside locally.

998 (b) The licensee must ensure that all child care personnel on site at any time  
999 have a government-issued photo identification available for review by the local licensing  
1000 agency.

1001 (c) The licensee must ensure that any child care personnel taking a leave of  
1002 absence (as defined in the State Requirements) in excess of 180 days comply with all  
1003 initial screening requirements prior to returning to work at the child care facility. The  
1004 licensee shall maintain written verification of all child care personnel leaves of absence in  
1005 that individual's personnel file at the child care facility. Written verification shall include  
1006 the individual's name, signature, and specific dates of the leave of absence.

1007 (d) At all times the child care facility is open for operation, there shall be at least  
1008 one child care staff member on site who is able to communicate in English.

1009 **Sec. 7-30. Additional personnel training requirements.**

1010 (a) *Infant care training.* All child care personnel permanently assigned to care  
1011 for infants (i.e., children under one year of age) must have completed or complete within  
1012 90 days after such assignment:

- 1013 (1) Four hours of annual in-service training specifically geared to infant care;  
1014 and  
1015 (2) The Infant and Toddler Appropriate Practices module from Part II of the  
1016 DCF child care training.
- 1017 (b) *Employee education.* All staff members of child care facilities must have a  
1018 high school diploma or the equivalent.

1019 **Sec. 7-31. Child care licensing seminar.**

1020 Before the initial licensing of a child care facility, every prospective and current  
1021 owner or director shall attend a child care licensing seminar provided by the local licensing  
1022 agency.

1023 **Sec. 7-32. Additional health requirements for child care personnel.**

1024 Before the first day of employment at a child care facility, all child care personnel,  
1025 excluding temporary substitutes, must have on file at the child care facility a signed  
1026 statement from a licensed physician or authorized agent of the Florida Department of  
1027 Health attesting that the person is in good health in order to care for children in a child  
1028 care facility setting. The health assessment statement shall be documented on a form  
1029 prescribed by the local licensing agency and updated at least every two years.

1030 **Sec. 7-33. Ratios of staff to children and supervision – additional requirements.**

1031 (a) *Staffing ratios.* Except as otherwise provided in this chapter, the County  
1032 adopts the minimum standards for ratio of staff members to children provided in  
1033 Section 402.305(4)(a), Florida Statutes.

1034 (b) *Minimum staffing.* At least two staff members must be on the premises of a  
1035 child care facility at all times during the facility's hours of operation when any children are  
1036 present.

1037 (c) *General provisions regarding ratios.*

1038 (1) Volunteers under the age of 18 shall not count as staff members for  
1039 purposes of a facility's compliance with staff-to-children ratio requirements.

1040 (2) In groups where children of varying ages are combined, the staff-to-children  
1041 ratio shall be based on the age of the youngest child in the group.

1042 (3) Infants shall not be cared for in the same classroom with any child over  
1043 24 months of age.

1044 (d) *Napping.* When children are napping, the child care direct supervision  
1045 requirements set forth below shall apply in addition to the staffing ratio requirements:

1046 (1) If any of the napping children are under 12 months of age, there must be  
1047 one child care staff member for every four children.

1048 (2) If any of the napping children are under 2 years but over 12 months of age,  
1049 there must be one child care staff member for every six children.

1050 (3) If the napping children are all at least two years of age but none are three  
1051 years of age or older, there must be one child care staff member for every  
1052 22 children.

1053 (4) If the napping children are all at least three years of age, there must be one  
1054 child care staff member for every 30 children.

1055 (5) During naptime, there must be at least 18 inches of space around each  
1056 sleeping mat and/or cot.

1057 (e) *Direct supervision.* There shall be at least one child care staff member  
1058 providing direct supervision at all times when one or more children are present. At no  
1059 time shall any children be left alone for any reason without direct supervision by a child  
1060 care staff member. Direct supervision means watching and directing the children's  
1061 activities within close proximity in the same room or within a designated outdoor play area,  
1062 and responding to each child's needs. Child care personnel and volunteers at a facility  
1063 must be assigned to provide care to a specific group of children and be present with that  
1064 group at all times during the day, including during meals, napping, and transportation of  
1065 children.

1066 (f) *Children with disabilities.* For child care facilities caring only for children with  
1067 disabilities, the staffing ratios for each applicable group of children must comply with the  
1068 following:

1069 (1) If any children are under two years of age, there must be at least one child  
1070 care staff member for every four children.

1071 (2) If any children are at least two years of age but not more than three years  
1072 of age, there must be at least one child care staff member for every six  
1073 children.

1074 (3) If any children are at least three years of age but not more than four years  
1075 of age, there must be at least one child care staff member for every eight  
1076 children.

1077 (4) If any children are at least four years of age but not more than five years of  
1078 age, there must be at least one child care staff member for every ten  
1079 children.

1080 (5) If all children are at least five years of age, there must be at least one child  
1081 care staff member for every 14 children.

1082 **Sec. 7-34. Additional child discipline requirements.**

1083 Each child care facility must have a written discipline policy, which must include  
1084 standards that prohibit children from being subjected to any method or practice of  
1085 discipline or punishment that is cruel, harsh, or unusual, as described in the State  
1086 Requirements. In addition:

1087 (a) Children shall not be directed or permitted to discipline other children.

1088 (b) Children shall not be confined in any form of physical restraint, equipment,  
1089 device, or furniture, including, but not limited to, highchairs, swings, walkers, and  
1090 spinners, as a form of discipline.

1091 (c) Children shall not be prohibited from participating in, or required to  
1092 participate in, any physical activity as a method of punishment.

1093 **Sec. 7-35. Additional physical facilities requirements.**

1094 (a) *Animals.* Children shall not be permitted to touch animals without adult  
1095 supervision. Reptiles shall not be handled by children.

1096 (b) *Electric devices.* Electric fans, except ceiling fans that are out of reach of  
1097 children, shall be properly screened and inaccessible to children. Unvented or open flame  
1098 heaters and portable electric heaters are prohibited.

1099 (c) *Drinking water.*

1100 (1) *Garden or other hoses.* Use of a garden or other hose to provide drinking  
1101 water is prohibited due to potential health risks that could result from cross  
1102 connections and backflow contamination of the water system.

1103 (2) *Drinking fountains.* Any child care facility with a licensed capacity of 50  
1104 children or fewer shall have a minimum of two drinking fountains, including  
1105 at least one inside the facility and at least one in any outdoor play area.  
1106 Child care facilities with a licensed capacity of more than 50 children shall  
1107 have one additional drinking fountain located either inside or outside the  
1108 facility for each additional 50 children licensed capacity or any fraction  
1109 thereof. Manual or electrically powered commercial water coolers may be  
1110 used to meet the indoor drinking fountain requirements. Electrically  
1111 powered commercial water coolers may be used to meet the outdoor  
1112 drinking fountain requirements. Water coolers with a hot water feature are  
1113 prohibited for use by children at child care facilities. Sharing of cups or  
1114 individual water bottles between children is prohibited.

1115 (d) *Storage space.* There shall be sufficient storage space accessible for each  
1116 child to store extra clothing and other personal items, as well as separate storage space  
1117 for equipment and supplies. Each closet door must be constructed to enable children to  
1118 open the door from inside the closet.

1119 (e) *Facility phone accessibility.* At all times during the facility's operating hours,  
1120 a child care facility must have a person responsible for answering the telephone, including  
1121 periodically checking voicemail for any messages. A staff member actively handling  
1122 telephone calls shall not be included as a staff member for purposes of staff-to-children  
1123 ratios.

1124 (f) *E-mail.* All child care facilities shall have on file with the local licensing  
1125 agency a permanent, valid e-mail address for the licensee that is not a staff member's  
1126

1127 personal e-mail address (i.e., that does not change when the child care facility director or  
1128 other staff members change). The e-mail address on file with the local licensing agency  
1129 must be checked periodically throughout the day when children are in care.

1130 (g) *Notification of changes.* The licensee must immediately notify the local  
1131 licensing agency of any changes to the facility's phone number or e-mail address.

1132 (h) *HVAC filters.* The licensee must change air conditioning filters per  
1133 manufacturer's specifications and must maintain a log showing the dates of such changes  
1134 for review by the local licensing agency.

1135 (i) *Flashlight.* An operable flashlight must be kept in the child care facility for  
1136 use in the event of a power failure.

1137 (j) *Exits.* Exits from a child care facility shall open onto safe, protected, fenced  
1138 areas, or shall have active audible alert mechanisms to alert child care staff when such  
1139 doors are opened. A limited exception for the front door will apply provided a child care  
1140 staff member is present in the immediate vicinity of the front door at all times when the  
1141 child care facility is open and caring for one or more children.

1142 **Sec. 7-36. Additional indoor square footage/usable indoor space requirements.**

1143 (a) *Equipment and furnishings.*

1144 (1) Toys, equipment, and furnishings must be in a usable, safe, and sanitary  
1145 condition and shall not present a choking hazard for children.

1146 (2) Shock-absorbent matting or floor covering shall be provided in indoor play  
1147 space areas as follows:

1148 a. In areas in which play equipment is used and the equipment has a  
1149 climbing height of greater than 18 inches but does not exceed

1150

1151 36 inches, there shall be a shock-absorbent floor covering approved  
1152 by the local licensing agency. The shock-absorbent floor covering  
1153 shall extend a minimum of two feet beyond all sides of the  
1154 equipment.

1155 b. In areas in which play equipment is used and the equipment has a  
1156 climbing height of greater than 36 inches, there shall be a  
1157 shock-absorbent matting or floor covering approved by the local  
1158 licensing agency. The placing of equipment against the wall is  
1159 permissible. The shock-absorbent matting or floor covering shall  
1160 extend a minimum of six feet beyond all sides of the equipment, or  
1161 to the wall if fewer than six feet from that side of the equipment.

1162 (b) When not napping, children must not be confined in highchairs, sassy seats,  
1163 bounce seats, or similar equipment for more than 15 minutes at a time without direct staff  
1164 contact.

1165 (c) Infants shall not be in cribs or play yards except while napping.

1166 **Sec. 7-37. Additional outdoor play space/area requirements.**

1167 (a) The outdoor play space shall adjoin the building where the child care facility  
1168 is located.

1169 (b) Secure and adequate locks and/or latches must be on all gates. Locks  
1170 and/or latches on exit gates must be approved by the appropriate fire authority having  
1171 jurisdiction. The outdoor play space and any area adjacent to any outdoor play space  
1172 that a child may have access to shall be free and safe from any reasonably foreseeable  
1173 condition that has the potential of endangering or does endanger the health, safety, and

1174 welfare of children, including, but not limited to, the presence of hazardous materials and  
1175 high-tension wires.

1176 (c) The outdoor play space must provide for exposure to sunlight and also  
1177 include shade (i.e., an area where exposure to direct sunlight is blocked). The shade area  
1178 must, at a minimum, be large enough for all children using the outdoor play space at the  
1179 same time to sit down comfortably without coming into direct physical contact with another  
1180 child.

1181 (d) The outdoor play space must have adequate drainage to prevent standing  
1182 water from collecting in the area. No children shall be permitted to play in an area where  
1183 standing water has collected until the area is adequately drained.

1184 (e) Trampolines are prohibited.

1185 (f) Outdoor play space used after dark must be adequately illuminated.

1186 (g) *Facilities in urban areas.*

1187 (1) A child care facility in an urban area may substitute indoor play space for  
1188 outdoor play space to the extent provided in this chapter if the applicant  
1189 can show there is no available location for a child care facility with outdoor  
1190 play space within the urban area. "Urban" means an area with a high  
1191 concentration of government buildings, high-intensity commercial uses,  
1192 high-density residential uses, regional shopping centers, hospitals, major  
1193 office and employment areas, higher education facilities, and professional  
1194 sports and recreational complexes. Urban child care is generally a child  
1195 care facility or child care arrangement provided for the convenience of  
1196 parents employed in the vicinity of the facility.

- 1197 (2) To be classified as an urban child care facility, the applicant, prior to  
1198 submitting an application for licensure, must:
- 1199 a. Provide the local licensing agency with documentation that the  
1200 outdoor play space requirements set forth in this chapter cannot be  
1201 met;
- 1202 b. Obtain documentation from the local governing body that confirms  
1203 the geographical area has been declared urban within the meaning  
1204 of Section 7-37(g)(1); and
- 1205 c. Consult with the local licensing agency to verify that a location with  
1206 the required outdoor play space prescribed in this chapter is not  
1207 reasonably available. Urban designation will not be granted if the  
1208 local licensing agency determines space for an outdoor play area is  
1209 available. Outdoor play space is considered available if appropriate  
1210 space is adjacent to the facility and available for rent or purchase by  
1211 the child care facility.
- 1212 (3) No application for an urban child care facility designation will be approved  
1213 by the local licensing agency without the above criteria being met.
- 1214 (3) A facility that is approved as an urban child care facility is not required to  
1215 comply with the provisions of this section relating to outdoor play space, but  
1216 must provide a minimum of 45 square feet of usable indoor space per child  
1217 for one-half of the licensed indoor capacity, in addition to the indoor play  
1218 space required by the DCF Child Care Facility Handbook. The urban child

1219 care facility shall provide this additional usable indoor space with equipment  
1220 that permits gross-motor activities appropriate for the age of the children.

1221 **Sec. 7-38. Additional napping, sleeping space, and safe sleep environment**  
1222 **requirements.**

1223 (a) The child care facility must obtain written approval from the local licensing  
1224 agency to care for infants prior to caring for infants.

1225 (b) *Infant safe sleep environment.*

1226 (1) All infants who are observed sleeping on their stomachs shall be  
1227 repositioned onto their backs unless they have demonstrated that they are  
1228 capable of independently rolling from their back to their stomach and from  
1229 stomach to back.

1230 (2) Mobiles hanging above cribs or play yards are prohibited when infants are  
1231 napping or sleeping in the crib or play yard; and no items shall be contained  
1232 inside, attached to, or hung on any crib or play yard, including, but not  
1233 limited to, pillows, toys, stuffed animals, bumper pads, bibs, blankets, quilts,  
1234 or comforters. Infants may use pacifiers while napping or sleeping, provided  
1235 such pacifiers are not tied or fastened to the infants' clothing or to the crib  
1236 or play yard.

1237 (3) Infants shall not be placed for napping or sleeping wearing any bibs,  
1238 necklaces, or garments with tie strings or hoods. Infants shall be observed  
1239 to ensure they are comfortably clothed in accordance with the room  
1240 temperature and demonstrate no visible signs of being cold, overheated, or  
1241 perspiring.

1242 (4) Infants shall not be placed for napping or sleeping in any car safety seat,  
1243 bean bag chair, bouncy seat, infant seat, swing, jumping chair, highchair,  
1244 chair, futon, sofa, or any other type of furniture or equipment that does not  
1245 meet the State Requirements for cribs and play yards.

1246 (5) Infants who arrive at the facility asleep in a car safety seat must be  
1247 immediately removed from the seat by the parent or the child care personnel  
1248 and placed on their backs in a safe sleep environment.

1249 (6) Only one infant at a time shall be in any crib or play yard for napping or  
1250 sleeping.

1251 (7) All licensees must implement, maintain, and comply with a written policy on  
1252 providing an infant safe sleep environment that complies with this chapter.

1253 (8) The licensee shall ensure that upon enrollment of their children, parents of  
1254 infants are provided a copy of the facility's written policy on providing an  
1255 infant safe sleep environment. A signed statement from the parent  
1256 acknowledging receipt of the policy must be included in the infant's  
1257 enrollment file maintained at the facility.

1258 **Sec. 7-39. Additional requirements for toilet and bath facilities.**

1259 (a) The minimum requirements for toilet and bath fixtures for child care facilities  
1260 are as follows:

1261 <i>Facility Capacity</i>	<i>Toilets</i>	<i>Sinks</i>	<i>Bathtubs, Showers,</i>
1262 <i>No. of Children</i>			<i>or Deep Sinks</i>
1263 5-10	1	1	1
1264 11-15	1	2	1

1265	16-30	2	3	1
1266	31-50	3	4	1
1267	Above 50	3 plus 1 for every	4 plus 1 for every	1
1268		additional 30	additional 30	
1269		children	children	

1270 (b) At least one permanent bathtub, shower, or deep sink shall be available for  
 1271 bathing children at all times.

1272 (c) Urinals are permitted but do not count towards the required number of  
 1273 toilets.

1274 (d) Child care facilities licensed to care only for school-age children shall be  
 1275 permitted to use portable or permanent bath tubs, showers, or deep sinks.

1276 (e) Potty chairs or seats must be available in child care facilities serving  
 1277 children under the age of three years unless there are sufficient toilets in the child care  
 1278 facility specifically designed for use by children of that age.

1279 **Sec. 7-40. Additional nighttime child care requirements.**

1280 (a) The child care facility must obtain written approval from the local licensing  
 1281 agency to provide nighttime child care prior to instituting the provision of nighttime child  
 1282 care.

1283 (b) The minimum requirements for toilet and bath fixtures for facilities providing  
 1284 nighttime child care are as follows:

1285	<i>Facility Capacity</i>	<i>Toilets</i>	<i>Sinks</i>	<i>Bathtubs or</i>
1286	<i>No. of Children</i>			<i>Showers</i>
1287	Up to 18	1	1	1

1288	19-30	2	2	2
1289	31-50	3	3	3
1290	Above 50	4 plus 1 for every	4 plus 1 for every	4
1291		additional 30	additional 30	
1292		children	children	

1293 (c) Meals must be served to children in nighttime child care who are in the child  
1294 care facility at ordinary meal times and who either were not served an evening meal  
1295 before arrival or who remain through the time when breakfast is served. The evening meal  
1296 must be included in the facility's menu.

1297 **Sec. 7-41. Additional requirements regarding first-aid treatment and emergency**  
1298 **procedures.**

1299 The child care facility must maintain written instructions from each child's parent  
1300 for child care personnel to follow if immediate or emergency medical treatment of the child  
1301 is necessary. The instructions must include, at a minimum:

- 1302 (1) Authorization for the child care facility to seek medical treatment;
- 1303 (2) Authorization for the health facility or physician selected by the parent to  
1304 provide medical treatment as necessary; and
- 1305 (3) Information regarding responsibility for payment for the provision of  
1306 emergency services.

1307 **Sec. 7-42. Additional food and nutrition requirements.**

1308 (a) Meals or snacks furnished by a child's parent for sharing with other children  
1309 must be limited to commercially prepared foods and may not include any foods cooked  
1310 or prepared in the home.

1311 (b) Child care facilities shall ensure that each child is provided with a nutritious  
1312 mid-morning and mid-afternoon snack, in addition to meals, to meet the child's nutritional  
1313 needs. Mid-morning snacks may be omitted if the time span between breakfast and lunch  
1314 does not exceed three hours. Snacks shall be served at least two hours before regularly  
1315 scheduled meals.

1316 (c) Disposable gloves must be worn by child care staff when food items for the  
1317 children in care are touched or served.

1318 (d) If a child is not provided breakfast or lunch by their parent and the child  
1319 care facility accepts the child for care that day, the facility must provide the child with a  
1320 nutritious meal.

1321 (e) Formula provided by the facility must be commercially prepared, ready-to-  
1322 feed formula. The formula shall be iron fortified unless otherwise recommended by the  
1323 child's parent or a licensed medical professional.

1324 (f) Staff members shall not hold a child in their arms while removing items from  
1325 the microwave, bottle warmer, or other heating devices. Children must be kept at a safe  
1326 distance from the microwave oven.

1327 (g) All knives and sharp instruments must be stored in a locked area when not  
1328 in use.

1329 **Sec. 7-43. Additional child health record requirements.**

1330 (a) *Immunization records.* Within 15 days after enrollment, the child care facility  
1331 must obtain, from a parent for each child in care, a current, complete, and properly  
1332 executed Florida Certification of Immunization form Part A-1, B, or C, DH 680, which is  
1333 incorporated by reference in Rule 65C-22.001(7)(o), Florida Administrative Code, or the

1334 Religious Exemption from Immunization form, DH 681, which is incorporated by reference  
1335 in Rule 65C-22.001(7)(p), Florida Administrative Code. DH Form 680 and DH Form 681  
1336 may be obtained from the Florida Department of Health. Specific immunization  
1337 requirements for children in child care facilities are included and detailed in the  
1338 “Immunization Guidelines-Florida Schools, Child Care Facilities and Family Day Care  
1339 Homes,” promulgated by the Florida Department of Health.

1340 (b) *Health examination records.* Within 15 days after enrollment, the child care  
1341 facility must obtain for each child in care a current, complete, and properly executed  
1342 Student Health Examination form DH 3040, which is incorporated by reference in  
1343 Rule 65C-22.001(7)(q), Florida Administrative Code, and which may be obtained from  
1344 the Florida Department of Health or from the parent, or a signed statement by authorized  
1345 professionals indicating the results of the components of the Student Health Examination  
1346 form are included in the health examination.

1347 **Sec. 7-44. Additional requirements for releasing a child from child care facility.**

1348 (a) In order to be accountable for the children in care, to facilitate the release  
1349 process, and to ensure the safety of the children in its care, the child care facility must  
1350 have, implement, and follow written procedures for the release of children.

1351 (b) A child care facility shall not release a child to any person(s) other than the  
1352 person(s) authorized by the parent and listed on the Child Care Enrollment Information  
1353 Card or its equivalent. Any person(s) authorized to take a child from the child care facility,  
1354 if unknown to the child care personnel releasing the child, must present a  
1355 government-issued photo identification to the child care personnel before the child is

1356 released. A password or number identifier known only to the parent and the facility shall  
1357 be recorded on the Child Care Enrollment Information Card or its equivalent.

1358 (c) If no person authorized by Section 7-44(b) is available to remove a child  
1359 from care and the child must be released, the child's parent must first contact the child  
1360 care facility and give the correct password or number identifier assigned to the child, and  
1361 then authorize another individual to remove the child from the facility. The person  
1362 authorized by the parent to remove the child must present a government-issued photo  
1363 identification prior to the child being released to that person.

1364 (d) If a child care facility releases a child in violation of this section, such action  
1365 shall constitute commission of a Class I Violation.

1366 (e) If a child is not picked up by an authorized person within one hour after the  
1367 scheduled closing time of the child care facility, unless other arrangements have been  
1368 made in advance or the facility elects to remain open for a late pick-up, the facility shall  
1369 immediately notify local law enforcement so that the child can be picked up and the  
1370 incident documented.

1371 (f) The child's arrival and departure must be recorded by child care personnel  
1372 at the time the child enters and departs the child care facility. The attendance sheet/class  
1373 roster must accompany the child care personnel and the group of children throughout the  
1374 day should they leave the classroom. In order to account for children's whereabouts,  
1375 children who are reassigned to different classrooms throughout the day should be signed  
1376 in and/or out of the rosters for those respective classrooms each time.

1377 **Sec. 7-45. Additional transportation requirements.**

1378 (a) Any person who drives a vehicle transporting children for a child care facility  
1379 must be at least 21 years of age. If the driver is an employee of an entity under contract  
1380 with the child care facility or a vehicle leasing company, the driver must be under the  
1381 direct and constant supervision of the child care facility's personnel when children are  
1382 being transported.

1383 (b) *Vehicle requirements.* For purposes of this section, "vehicles" refers to  
1384 vehicles owned, operated, or regularly used by the child care facility as well as vehicles  
1385 that provide transportation through a contract or other arrangement with an outside entity.  
1386 Parents' personal vehicles used for transporting their own children during field trips are  
1387 excluded from meeting the requirements of this section.

1388 (1) Vehicles must state the name of the child care facility on each side panel in  
1389 six- to eight-inch letters. The back panel must have the wording "Caution  
1390 Transporting Children" in a minimum of four-inch letters. The facility's  
1391 license number also must be printed on the side and back panels of the  
1392 vehicle.

1393 (2) All trash, debris, and dirt must be removed from the vehicles daily. All seats,  
1394 safety restraint devices, and fixtures must be maintained free of rips and  
1395 tears and in good repair at all times. Vehicles must be cleaned and sanitized  
1396 routinely.

1397 (3) The required vehicle child safety alarm device shall not be intentionally  
1398 disengaged when children are present or being transported.

1399 (4) When transporting children, staff-to-children ratios must be maintained at  
1400 all times. The driver may be included in the staff-to-children ratio if they meet  
1401 screening and training requirements.

1402 (5) A child care staff member, in addition to the driver, must be present in the  
1403 vehicle when transporting children under five years of age. The nondriver  
1404 child care staff member shall be seated in the vehicle in the back seat or in  
1405 a position that allows:

1406 a. Each child to be seen with a quick glance;

1407 b. Each child to be heard at all times;

1408 c. Each child's activities to be observed; and

1409 d. Child care staff to respond immediately should there be an  
1410 emergency.

1411 (6) A child care staff member must be in the vehicle whenever a child is in the  
1412 vehicle.

1413 (7) A child care staff member or the driver (if an employee of an entity under  
1414 contract with the child care facility or a vehicle leasing company) must be  
1415 seated behind the steering wheel if the motor is running and children are  
1416 being loaded, unloaded, and/or are on board.

1417 **Sec. 7-46. Drop-in child care.**

1418 (a) This section applies to child care arrangements that meet the definition of  
1419 drop-in child care in Section 7-2.

1420 (b) Drop-in child care arrangements shall be licensed as and meet all  
1421 requirements for child care facilities under this Article II, except as modified in this section.

1422

1423 Child care provided in health clubs/spas/gyms, bowling alleys, hotels/resorts, athletic  
1424 training/instructional facilities, and similar establishments is not a child care arrangement  
1425 and therefore is not required to be licensed or registered under this chapter if care is  
1426 provided only while a parent is on site. A determination as to whether an arrangement is  
1427 considered to be a drop-in child care facility will be made by the local licensing agency on  
1428 a case-by-case basis.

1429 (c) While drop-in child care facilities must be licensed with the local licensing  
1430 agency, because of the nature of care and the limited duration of time children spend in  
1431 drop-in child care facilities, the following provisions of Article II relating to the operation of  
1432 child care facilities do not apply to child care arrangements that only provide drop-in child  
1433 care:

1434 (1) Section 7-37, relating to the requirement to provide outdoor play space;  
1435 however, if such outdoor play space is provided by the drop-in child care  
1436 facility, the requirements of Section 7-37 apply; and

1437 (2) Section 7-43, relating to health examinations and health maintenance;  
1438 however, a parent of a child in drop-in child care shall be required to attest  
1439 to the child's health condition and the type and current status of the child's  
1440 immunizations.

1441 (d) Except as provided in this section, all other provisions of Article II of this  
1442 chapter apply to drop-in child care. In addition, the following additional requirements apply  
1443 to child care arrangements providing only drop-in child care:

1444 (1) The licensee must have an ability to immediately communicate with the  
1445 parent of each child in the drop-in-child care; and

1446 (2) The licensee must maintain a daily sign-in and sign-out sheet for all children  
1447 enrolled to ensure compliance with the four-hour maximum period of time a  
1448 child may remain in a drop-in child care facility.

1449 **Sec. 7-47. School-age child care programs.**

1450 This section establishes the minimum standards for licensure of school-age child  
1451 care programs.

1452 (a) Except as provided in this section, school-age child care programs are  
1453 exempt from licensure as a child care facility under this chapter if an exemption from  
1454 licensure is provided under Chapter 402, Florida Statutes, or Rule 65C-22.008, Florida  
1455 Administrative Code. Notwithstanding such exemption, any school-age program that  
1456 operates on a public or nonpublic school site before and/or after normal school hours  
1457 pursuant to an agreement with the school must be licensed as a child care facility under  
1458 this chapter.

1459 (b) Any person or entity that provides only school-age child care programs, and  
1460 that is subject to licensure as a child care facility under this chapter, must ensure  
1461 compliance with the minimum standards for licensure established under Articles I and II  
1462 of this chapter and this Section 7-47, except as provided in Section 7-47(c) below. In  
1463 addition to the minimum standards for licensure established under Articles I and II of this  
1464 chapter, child care personnel at a school-age child care program must immediately notify  
1465 the child's parent or other authorized contact person listed on the enrollment information  
1466 if the child is unexpectedly absent from the program.

1467 (c) School-age child care programs subject to licensure under this chapter are  
1468 not required to comply with the following provisions:

- 1469 (1) Section 7-37(a), requiring that the outdoor play area adjoin the facility; and  
1470 (2) Section 7-43, relating to health examinations and health maintenance.

1471 **Sec. 7-48. Indoor recreational facilities.**

1472 (a) Except as provided in this section, indoor recreational facilities intended for  
1473 use by children are required to be licensed with the local licensing agency as a child care  
1474 facility. All indoor recreational facilities required to be licensed as a child care facility must  
1475 meet all the requirements of Articles I and II of this section and the following additional  
1476 requirements:

- 1477 (1) The child's arrival and departure must be recorded by child care personnel  
1478 at the time a child enters and departs the indoor recreational facility; and  
1479 (2) The facility's child care personnel must immediately notify a parent or other  
1480 authorized contact person responsible for the child's welfare if the child is  
1481 unexpectedly absent from the indoor recreational facility.

1482 (b) An indoor recreational facility that cares for children enrolled in  
1483 five-year-old kindergarten in accordance with the admission criteria of Section 1003.21,  
1484 Florida Statutes, and/or first grade or above, and does not permit any child to remain at  
1485 the facility for more than four hours in any one day, is not required to comply with the  
1486 following provisions of this chapter:

- 1487 (1) Section 7-33(d), relating to ratios of staff-to-children;  
1488 (2) Section 7-37, relating to outdoor play space;  
1489 (3) Section 7-38, relating to napping; and  
1490 (4) Section 7-43, relating to health examinations and health maintenance.

1491                   **ARTICLE III. “SUBSTANTIAL COMPLIANCE” FACILITIES**

1492   **Sec. 7-54.   Substantial compliance facilities – in general.**

1493           (a)   *Legislative findings.* The Board finds and declares that, although certain  
1494 types of child care arrangements and facilities are not generally subject to licensure under  
1495 Article I of this chapter, it is reasonable and necessary to adopt requirements for  
1496 “substantial compliance” in order to protect children attending these facilities. The term  
1497 “substantial compliance” as used in this chapter means compliance with the minimum  
1498 standards set forth for background screening of child care personnel, and health, safety,  
1499 and sanitation requirements provided in this Article III.

1500           (b)   This article is applicable to religious-affiliated child care facilities (as  
1501 described in Section 7-54(b)(1)) operating pursuant to Section 402.316, Florida Statutes,  
1502 and to nonpublic schools and their integral child care programs, except for those child  
1503 care arrangements requiring licensure as provided in Section 7-54(b)(2) below and  
1504 Section 402.3025, Florida Statutes. Any religious-affiliated child care facility or nonpublic  
1505 school program subject to the provisions of Section 7-4 of this chapter is required to  
1506 register with the local licensing agency as provided for in this chapter prior to commencing  
1507 operations and must meet the requirements for substantial compliance.

1508           (1)   *Religious-affiliated child care facilities.* A religious-affiliated child care facility  
1509 is not required to be licensed under this chapter if the facility is an integral  
1510 part of a place of worship or religious school conducting regularly scheduled  
1511 classes, courses of study, or educational programs and is accredited by, or  
1512 by a member of, an organization that publishes and requires compliance  
1513 with standards for health, safety, and sanitation. However, the facility is

1514 required to meet the standards stated or incorporated in this Article III. Any  
1515 religious-affiliated child care facility exempt from licensure but desiring to  
1516 be licensed as a child care facility in accordance with this chapter may  
1517 submit a written request to the local licensing agency seeking licensure and  
1518 follow all required procedures for licensure. Once licensed, a religious-  
1519 affiliated child care facility permanently loses its ability to be exempt from  
1520 licensure and to operate as a substantial compliance facility.

1521 (2) *Nonpublic schools.* Programs in nonpublic schools that would otherwise be  
1522 classified as a child care arrangement but for the exemption specified in  
1523 Section 7-4 of this chapter must meet the minimum standards for substantial  
1524 compliance. A nonpublic school may designate certain programs as child  
1525 care, in which case these programs must be licensed and comply with all  
1526 applicable requirements of Article II.

1527 (c) *General rule.* Substantial compliance facilities must comply with the  
1528 requirements of this chapter, including all incorporated applicable State Requirements,  
1529 except to the extent expressly exempted as set forth in this Article III.

1530 (d) *Exemptions.* Substantial compliance facilities are exempt from complying  
1531 with the following provisions of this chapter, including any corresponding State  
1532 Requirements:

1533 (1) Section 7-30(b), regarding the educational attainment of staff members.

1534 (2) Section 7-37(a), regarding the adjacency of outdoor play space, provided  
1535 that the substantial compliance facility must have an outdoor play space on  
1536 the same campus and that such space may be safely accessed by children

1537 in care. The local licensing agency shall have authority to determine  
1538 whether a substantial compliance facility's outdoor play space is safely  
1539 accessible to children in care.

1540 (3) Section 7-12(d), regarding the number of inspections per year. Instead,  
1541 substantial compliance facilities shall be inspected at least twice per year.

1542 (4) Section 4.2.1(B) of the DCF Facility Handbook, pertaining to Part II  
1543 introductory child care training. However, if the substantial compliance  
1544 facility serves infants, all staff members assigned to care for the infants must  
1545 complete the five-hour Infant and Toddler Appropriate Practices course.

1546 (5) Section 4.2.2 of the DCF Facility Handbook, pertaining to Early Literacy  
1547 Training.

1548 (6) Section 4.2.7 of the DCF Facility Handbook, pertaining to annual in-service  
1549 training hours.

1550 (7) Section 4.6 of the DCF Facility Handbook, pertaining to staff credentials.

1551 (8) Section 4.7 of the DCF Facility Handbook, pertaining to director credentials.

1552 (9) Sections 7-3(C)1, 4, and 5 of the DCF Facility Handbook, pertaining to the  
1553 "Know Your Child Care Facility" brochure, influenza brochure, and  
1554 "distracted adults" brochure, respectively.

1555 (e) *Noncompliance with standards for substantial compliance.* Failure of a  
1556 substantial compliance facility to comply with the applicable requirements of this Article III  
1557 may, in addition to any other sanction provided for in this chapter, result in the loss of the  
1558 facility's exemption from licensure. Failure to register as required by this chapter may, in

1559 addition to any other applicable sanctions, result in the imposition of a civil penalty against  
1560 the owner or person in charge of the of the facility pursuant to Section 8½-16 of this Code.

1561 (f) Except for express exemptions provided for in this Article III, all references  
1562 to “child care facilities,” “facility,” or “facilities” in Articles I and II of this chapter include  
1563 reference to religious-affiliated child care facilities and nonpublic school programs that  
1564 are exempt from licensure under this chapter.

1565 **Sec. 7-55. Registration procedures.**

1566 (a) No one shall operate a substantial compliance facility within Broward  
1567 County, Florida, without first registering with the local licensing agency and complying  
1568 with all applicable standards of this Article III. The registration shall be applicable only to  
1569 that portion of the building/facility initially designated for use unless the local licensing  
1570 agency approves, in writing, any additional space for operation of the facility.

1571 (b) Procedures for registration of a substantial compliance facility shall be the  
1572 same as those for licensure of a child care facility under this chapter, except where  
1573 expressly provided in this Article III.

1574 **Sec. 7-56. Enforcement of requirements for substantial compliance.**

1575 Substantial compliance facilities are subject to the same enforcement procedures  
1576 and sanctions as child care facilities under this chapter, except where expressly provided  
1577 in this Article III.

1578 **ARTICLE IV. FAMILY CHILD CARE HOMES**

1579 **Sec. 7-62. Family child care homes – general provisions.**

1580 (a) The requirements of this Article IV for family child care homes within  
1581 Broward County are in addition to all State Requirements for family child care homes,  
1582

1583 including without limitation provided by Florida Statutes, the Florida Administrative Code,  
1584 and the DCF Family Day Care Home and Large Family Child Care Home Handbook.

1585 (b) No one shall operate a family child care home within Broward County,  
1586 Florida, without first being licensed as such by the local licensing agency.

1587 (c) A family child care home is not required to be licensed as a child care facility  
1588 provided that it complies with all obligations stated or incorporated in this Article IV and  
1589 provides care for no more than one of the following groups of children at any time,  
1590 inclusive of children under 13 years of age who are related to the operator or provider:

1591 (1) Up to four children not more than 12 months of age;

1592 (2) Up to three children not more than 12 months of age, and other children  
1593 over 12 months of age, for a maximum total of six children;

1594 (3) Up to six preschool-age children who are all older than 12 months of age;  
1595 or

1596 (4) Up to ten children if no more than five are preschool-age and of the  
1597 preschool-age children, not more than two are under 12 months of age.

1598 If an operator serves more children than permitted in this section, the family child  
1599 care home must be licensed as a child care facility.

1600 (d) If any family child care home is owned by a business entity, all persons  
1601 identified as an officer, member, partner, or manager of the business entity in the then-  
1602 current organizational documents of the business entity and who (i) reside locally, (ii) are  
1603 involved in the operation of the child care facility, or (iii) have the authority to be at the  
1604 facility during any hours of operation when children are present, must comply with all

1605 screening requirements. For purposes of this chapter, persons who reside in Broward,  
1606 Miami-Dade, Palm Beach, Collier, or Hendry counties are deemed to reside locally.

1607 (e) The licensee must ensure that all child care personnel on site have a  
1608 government-issued photo identification available for review by the local licensing agency.

1609 (f) The licensee must ensure that any child care staff member taking a leave  
1610 of absence (as defined in the State Requirements) in excess of 180 days complies with  
1611 all initial screening requirements prior to returning to work at the family child care home.  
1612 The licensee shall maintain written verification of all leaves of absence in that staff  
1613 member's personnel file at the family child care home. Written verification shall include  
1614 the individual's name, signature, and specific dates of the leave of absence.

1615 (g) *Additional staff training requirements.*

1616 (1) If a family child care home accepts infants, then all family child care home  
1617 personnel must have completed the Infant and Toddler Appropriate  
1618 Practices module from the DCF child care training before starting work. All  
1619 family child care home personnel who provide care to infants at the family  
1620 child care home must, prior to caring for such infants, also successfully  
1621 complete the most current training course approved by the local licensing  
1622 agency relating to providing an infant safe sleep environment, as identified  
1623 on the local licensing agency's website.

1624 (2) The operator of a family child care home must ensure that all family child  
1625 care home personnel comply with the training requirements of Section 7-  
1626 62(g)(1), and that the safe sleep training is renewed at least every two years  
1627 in the same manner as required for the initial training. Successful

1628 completion of the required training must be evidenced by a certificate or  
1629 any equivalent documentation, issued by the applicable training  
1630 organization in the name of the individual who completed the course and  
1631 indicating the date the course was completed. Documentation evidencing  
1632 compliance with the training requirements of this section shall be included  
1633 in the individual's personnel file maintained at the family child care home.

1634 (3) As part of the ten hours of annual in-service training required by State  
1635 Requirements, family child care home personnel assigned to regularly care  
1636 for infants must take at least four hours of training specifically geared to  
1637 infant care.

1638 (h) *Minimum age requirements for staff.*

1639 (1) *Operator.* The operator of a family child care home must be at least 21 years  
1640 of age. Whenever the operator of the home is absent from the family child  
1641 care home and children in care are present, there must be an employee or  
1642 substitute 21 years of age or older in charge of the home and on the  
1643 premises.

1644 (2) *Other personnel employed at the home.* Any individual 18 to 20 years of  
1645 age may be employed in a family child care home; however, such  
1646 individuals must be under direct supervision of family child care home  
1647 personnel aged 21 or older.

- 1648 (i) *Health requirements.*
- 1649 (1) Family child care home personnel shall comply with the following:
- 1650 a. Prior to licensing of, or employment in, a family child care home, a
- 1651 statement shall be on file, from a licensed physician or authorized
- 1652 agent of the Florida Department of Health, attesting that all family
- 1653 child care home personnel are physically qualified to care for
- 1654 children.
- 1655 b. Family child care home personnel must undergo physical
- 1656 examinations at least every two years.
- 1657 (2) Reports of required staff health examinations shall be maintained on file at
- 1658 the family child care home and furnished to the local licensing agency upon
- 1659 request. All reports and records required by this section shall be reported
- 1660 and maintained in such a manner and upon such forms as promulgated by
- 1661 the local licensing agency.
- 1662 (j) *Child discipline.* The family child care home shall have a written discipline
- 1663 policy, which shall also include standards that prohibit children from being subjected to
- 1664 any method or practice of discipline or punishment that is cruel, harsh, or unusual,
- 1665 including, but not limited to, the following:
- 1666 (1) Children shall not be directed or permitted to discipline other children.
- 1667 (2) Children shall not be confined in any form of physical restraint, equipment,
- 1668 device, or furniture, including, but not limited to, swings, walkers, and
- 1669 spinners.

1670 (3) Children shall not be prohibited from participating in, or required to  
1671 participate in, any physical activity as a method of punishment.

1672 **Sec. 7-63. Additional requirements – physical facilities.**

1673 (a) *Additional general requirements.* In addition to all requirements of other  
1674 applicable law, all local building, zoning, fire, health, and licensing requirements must be  
1675 met and maintained. All family child care homes must be inspected and approved by the  
1676 appropriate building, zoning, and fire departments.

1677 (b) All areas and surfaces within a family child care home that are accessible  
1678 to children must be free of toxic substances and hazardous materials. Lead-based paints  
1679 are prohibited. Medicines, prescription and nonprescription drugs, cleaning supplies,  
1680 flammables, and other potentially poisonous or dangerous supplies must be stored in a  
1681 locked cabinet out of children’s reach and in such a manner as to ensure the safety of the  
1682 children.

1683 (c) All animals (including pets of the owner of the family child care home), other  
1684 than a service animal as defined in Section 413.08, Florida Statutes, must be kept  
1685 separate from the children during the hours of operation of the home. Children shall not  
1686 be permitted to touch animals without adult supervision. Children shall not be permitted  
1687 to touch reptiles.

1688 (d) All areas of the family child care home must be kept clean, safe, sanitary,  
1689 in a good state of repair, properly ventilated, and free of rodents.

1690 (e) Drinking water may be served from a drinking fountain, single-use  
1691 disposable cups (which must be disposed of after each use), or nonbreakable and

1692 shatterproof cups or bottles for use only by a specific child, provided by the child's parent  
1693 or the family child care home, and labeled with the child's name.

1694 (f) There must be a working landline telephone in the family child care home  
1695 at all times. Telephone numbers for the local licensing agency and the Florida Department  
1696 of Health, and the address of the family child care home with directions to the home, must  
1697 be posted near the telephone.

1698 (g) Electric fans, except ceiling fans that are out of reach of children, shall be  
1699 properly screened and inaccessible to children.

1700 (h) Accumulated trash and garbage shall not be stored in the outdoor or indoor  
1701 play area and shall not be in any other place accessible to children, and must instead be  
1702 stored in a properly secured container or receptacle.

1703 (i) *Rooms occupied by children.*

1704 (1) All rooms in the home occupied by children must have adequate lighting.

1705 (2) The home must have proper ventilation, and the temperature must be  
1706 maintained between sixty-five degrees (65°) and eighty-two degrees (82°)  
1707 Fahrenheit.

1708 (j) *Outdoor play space.*

1709 (1) The operator shall arrange for supervised outdoor play each day that  
1710 weather permits.

1711 (2) There shall be adequate (as determined by the local licensing agency) and  
1712 enclosed outdoor play space on the premises with adequate sun exposure  
1713 along with provision for shade in warm weather.

- 1714 (3) All water hazards at a family child care home, such as wading pools,  
1715 ditches, fish ponds, etc., must be fenced and locked to keep them  
1716 inaccessible to children.
- 1717 (4) Except during such times when the only children being cared for at a family  
1718 child care home are related to the operator, sandboxes must be covered  
1719 between sundown and sunrise each day to prevent animals and vermin  
1720 from gaining access to the sand and/or sawdust.
- 1721 (5) The operator must obtain written permission from the parent before that child  
1722 is permitted to participate in any swimming activities.
- 1723 (k) *Indoor play space.*
- 1724 (1) A family child care home must have at least 35 square feet of usable indoor  
1725 floor space per child, which does not include bedrooms unless these  
1726 bedrooms are demonstrably used as multipurpose activity rooms. This  
1727 square footage requirement does not apply to family child care homes that  
1728 held a license prior to April 1, 2024.
- 1729 (2) Indoor play space at a family child care home must be in a part of the home  
1730 specifically designated for this purpose and set apart from kitchens,  
1731 bathrooms, pantries, utility rooms, garages, and passageways leading to  
1732 outdoor exits.
- 1733 (l) *Toilet and bath facilities.*
- 1734 (1) The family child care home must have at least one toilet, one bathing facility,  
1735 and one sink for hand washing. For infants and children in diapers, there  
1736 must also be at least one portable infant seat or potty chair and one portable

1737 bathing facility, each of which must be cleaned and sanitized and  
1738 disinfected after each use.

1739 (3) Children must be continuously supervised while bathing.

1740 (4) Except as provided herein, no toilet facility shall open directly into an area  
1741 where food is prepared. When the indoor play space also serves as the  
1742 dining area and the children are closely supervised while using the toilet  
1743 and bath facilities, a toilet facility may open directly into areas where food is  
1744 served.

1745 (m) Unvented fuel fire heater equipment is prohibited.

1746 (n) At least one operable flashlight must be maintained in a location readily  
1747 accessible to the operator for use in the event of a power failure.

1748 (o) *Health and sanitation.* All family child care homes shall conform to state and  
1749 local water and sewage disposal standards.

1750 (p) *Diaper changing requirements.*

1751 (1) Child care personnel must wear disposable gloves and change them after  
1752 each individual diaper change. Used disposable gloves must be disposed  
1753 of promptly.

1754 (2) If a temporary diaper changing surface covering is used, the covering must  
1755 be removed after each use and discarded, and the underlying impermeable  
1756 surface must be cleaned and sanitized after each use. If a mat with an  
1757 impermeable surface is used, surfaces around and under the mat must be  
1758 regularly cleaned and sanitized.

- 1759 (3) Any children in care with wet or soiled diapers, clothing, and/or linen must  
1760 be changed immediately by child care staff.
- 1761 (4) Soiled cloth or reusable diapers and clothing must not be rinsed or washed  
1762 at the family child care home. Rather, such items must be emptied of feces  
1763 in the toilet, placed in a plastic bag labeled with the child's name and closed  
1764 tight, kept out of the reach of children, and given to the parent at the end of  
1765 the day to take home for laundering.
- 1766 (q) *Activities and equipment.*
- 1767 (1) Toys or other materials small enough to be swallowed must be kept out of  
1768 the reach of infants and toddlers.
- 1769 (2) A written and followed plan of scheduled activities must be posted in a  
1770 conspicuous location, accessible to each parent, at the family child care  
1771 home. The written plan shall include a variety of activities that range from  
1772 structured to unstructured activities that encourage a child's developmental  
1773 growth. The written plan must meet the needs of the children being served  
1774 and include scheduled activities that:
- 1775 a. Are suitable to the age levels and abilities of the children in care;
  - 1776 b. Are supported by an adequate supply of materials/equipment so that  
1777 each child can participate;
  - 1778 c. Promote emotional, social, intellectual, and physical growth;
  - 1779 d. Include quiet and active play, both indoors and outdoors;

- 1780 e. Include meals, snacks, and nap times, to the extent appropriate  
1781 based upon the children’s ages and the times the children are in  
1782 care;
- 1783 f. Do not include the use of electronic media for children under two  
1784 years of age. Electronic media may only be used for educational  
1785 purposes or physical activity for children two years of age and older  
1786 and for no more than two hours per day;
- 1787 g. Implement program practices that promote consistency and  
1788 continuity of care for infants and toddlers. Early care and education  
1789 programs should provide opportunities for each child to build  
1790 emotionally secure relationships with a limited number of child care  
1791 staff members. Efforts to promote consistency and continuity of care  
1792 are shown through following daily routines and communicating  
1793 consistently with parents; and
- 1794 h. Provide adequate time and space for infants in care to engage in  
1795 activities that promote development of movement skills (tummy time,  
1796 crawling, turning over, sitting, etc.). Infant seats (swings, bouncers,  
1797 etc.) must be used for any infant only for short periods of time (no  
1798 longer than 30 minutes’ duration per use) and no more than two  
1799 times per day. Infants in care shall be provided opportunities for  
1800 outdoor time each day that weather permits.

1801 (3) The program must make reasonable accommodations as required by the  
1802 Americans with Disabilities Act to the environment, planned activities, and  
1803 schedule so that children with special needs may participate.

1804 (4) Play materials shall be arranged in an orderly manner so that children may  
1805 select, remove, and replace play materials with a minimum of assistance  
1806 during appropriate times throughout the day.

1807 **Sec. 7-64. Additional napping and safe sleep requirements.**

1808 (a) All operators of family child care homes must obtain written approval from  
1809 the local licensing agency prior to caring for infants.

1810 (1) All cribs and play yards must contain mattresses or mats that fit the  
1811 dimensions of such cribs or play yards without any gaps and that are in  
1812 compliance with the manufacturer's specifications for use in such cribs and  
1813 play yards.

1814 (2) Cribs and play yards shall not be positioned near any potential safety  
1815 hazard including, but not limited to, window blinds, draperies, or electrical  
1816 cords.

1817 (3) In addition to the requirements of Section 6 of the DCF Family Child Care  
1818 Home Licensing Handbook relating to supervision of children, children from  
1819 birth to 24 months of age who are napping or sleeping must be observed by  
1820 family child care home staff by sight and sound. Use of electronic audio and  
1821 video monitoring equipment is permissible, except in large family child care  
1822 homes as defined in Section 402.302(11), Florida Statutes, where direct  
1823 supervision of such children is required at all times.

- 1824 (4) All family child care homes must satisfy all minimum standards contained in  
1825 the State Requirements or this section for providing an infant in care a safe  
1826 sleep environment. All infants who are observed sleeping on their stomachs  
1827 shall be repositioned onto their backs unless they have demonstrated that  
1828 they are capable of independently rolling from their back to their stomach  
1829 and from stomach to back.
- 1830 (5) Mobiles hanging above cribs or play yards are prohibited at all times when  
1831 infants are sleeping or napping in the crib or play yard, and no items shall  
1832 be contained inside, attached to, or hung on any crib or play yard, including,  
1833 but not limited to, pillows, toys, stuffed animals, bumper pads, bibs,  
1834 blankets, quilts, or comforters. Infants may use pacifiers while napping or  
1835 sleeping, as long as such pacifiers are not tied or fastened to the infants'  
1836 clothing or to the crib or play yard.
- 1837 (6) Infants shall not be placed for napping or sleeping wearing any bibs,  
1838 necklaces, or garments with tie strings or hoods. Infants shall be observed  
1839 to ensure they are comfortably clothed in accordance with the room  
1840 temperature and demonstrate no visible signs of being cold, overheated, or  
1841 perspiring.
- 1842 (7) Infants shall not be placed for napping or sleeping in any car safety seat,  
1843 bean bag chair, bouncy seat, infant seat, swing, jumping chair, highchair,  
1844 chair, futon, sofa, or any other type of furniture or equipment that does not  
1845 meet minimum State Requirements for cribs and play yards.

1846 (8) Infants who arrive at the family child care home asleep in a car safety seat  
1847 must be immediately removed from the seat by the parent or the family child  
1848 care home personnel and placed on their back in a safe sleep environment.

1849 (9) Only one infant at a time shall be in any crib or play yard for napping or  
1850 sleeping.

1851 (b) All operators of family child care homes shall implement, maintain, and  
1852 comply with a written policy on providing an infant safe sleep environment, which policy,  
1853 at minimum, shall include the requirements of this section.

1854 (c) The operator of a family child care home shall ensure that upon enrollment,  
1855 parents of infants are provided a copy of the family child care home's written policy on  
1856 providing an infant safe sleep environment. A copy of the signed statement from the  
1857 parent acknowledging receipt of the policy must be included in the infant's enrollment file  
1858 maintained at the family child care home.

1859 **Sec. 7-65. Additional requirements – nighttime child care.**

1860 All family child care homes that provide, or intend to provide, nighttime child care  
1861 after 8:00 p.m. shall, in addition to all other requirements stated or incorporated in this  
1862 chapter, comply with the following standards:

1863 (a) A family child care home must obtain written approval to provide nighttime  
1864 child care from the local licensing agency prior to providing nighttime child care on a  
1865 regular basis.

1866 (b) The operator shall provide the parents with a written statement describing  
1867 the supervision being provided at night, a copy of which must be countersigned by the  
1868 parent and maintained on site. The operator must also prepare a written plan outlining

1869 the sleeping arrangements of the children in care and provide same to the local licensing  
1870 agency upon request.

1871 (c) Meals must be served to children in care at the family child care home at  
1872 ordinary meal times if the children have not been served an evening meal before arrival  
1873 or remain through the time when breakfast is served.

1874 (d) A family child care home must have an adequate amount of designated floor  
1875 space per child during nighttime child care with a minimum distance of 18 inches between  
1876 each bed or crib. Sleeping rooms for children of three years of age or older must be  
1877 separated by sex.

1878 (e) *E-mail.* All child care homes shall have on file with the local licensing agency  
1879 a permanent, valid e-mail address. The e-mail address on file with the local licensing  
1880 agency must be checked periodically throughout the day when children are in care. The  
1881 local licensing agency shall be notified within 24 hours after any change is made to the  
1882 home's e-mail address.

1883 **Sec. 7-66. Additional first-aid treatment and emergency procedures.**

1884 (a) The family child care home shall have written instructions from a parent for  
1885 each child in care for staff to follow in arranging for immediate treatment in emergencies.  
1886 The instructions must be updated upon any change of medical condition and at least  
1887 annually. These instructions must include:

1888 (1) Authorization for the family child care home staff to seek medical treatment,  
1889 including emergency transportation by authorized medical staff;

1890 (2) Authorization for the health facility or physician selected by the licensee to  
1891 provide medical treatment as necessary; and

- 1892 (3) Responsibility for payment for the rendition of emergency services.
- 1893 (b) *Fire safety/emergency procedures.*
- 1894 (1) After a fire at a family child care home, or the end of a declared local  
1895 emergency in Broward County, the operator must notify the local licensing  
1896 agency within 24 hours as to the family child care home's operational status  
1897 in order for the licensing agency to ensure health standards are met for  
1898 continued operation as a family child care home.
- 1899 (2) A copy of the current annual fire inspection report must be conspicuously  
1900 posted in the family child care home.
- 1901 (3) The operator shall prepare and post in the family child care home an  
1902 emergency evacuation plan, including a diagram of safe routes by which  
1903 the child care personnel and children may exit each area of the home in the  
1904 event of fire or other emergency requiring evacuation.
- 1905 **Sec. 7-67. Additional admission and record keeping requirements.**
- 1906 (a) *Record storage.* All required records must be kept on site at the family child  
1907 care home during normal hours of operation.
- 1908 (b) *Children's health records and maintenance.*
- 1909 (1) *Immunization records.* Within 15 days after enrollment, the family child care  
1910 home must obtain for each child in care a current, complete, and properly  
1911 executed Florida Certification of Immunization form Part A-1, B, or C,  
1912 DH 680, which is incorporated by reference in Rule 65C-22.001(7)(o),  
1913 Florida Administrative Code, or the Religious Exemption from Immunization  
1914 form, DH 681, which is incorporated by reference in Rule 65C-22.001(7)(p),

1915 Florida Administrative Code, from the parent. DH Form 680 and  
1916 DH Form 681 may be obtained from the local county health department.  
1917 Specific immunization requirements are included and detailed in the most  
1918 current edition of the “Immunization Guidelines-Florida Schools, Child Care  
1919 Facilities and Family Day Care Homes,” promulgated by the Florida  
1920 Department of Health.

1921 (2) *Health examination records.* Within 15 days after enrollment, the family child  
1922 care home must obtain for each child in care a current, complete, and  
1923 properly executed Student Health Examination form DH 3040, which is  
1924 incorporated by reference in Rule 65C-22.001(7)(q), Florida Administrative  
1925 Code, and may be obtained from the local county health department or from  
1926 the parent, or a signed statement by authorized professionals indicating the  
1927 results of the components of the Student Health Examination form are  
1928 included in the health examination.

1929 (c) *Enrollment information.* The family child care home must maintain in each  
1930 child’s records statements signed by a parent that the family child care home has provided  
1931 written notification of the family child care home’s scheduled hours of operation.

1932 (d) *Personal data.* The family child care home must maintain enrollment  
1933 information for each child that includes, at a minimum, the name, address, and telephone  
1934 number of a physician or health resource.

1935 (e) *Personnel records.* The following information shall be kept on file at the  
1936 family child care home for all family child care home personnel:

1937 (1) Name, address, and telephone numbers;

- 1938 (2) Reports of the required health examination, which must be updated every  
1939 two years;
- 1940 (3) Person to contact in an emergency;
- 1941 (4) Positions and dates of employment;
- 1942 (5) Proof of date of birth;
- 1943 (6) Appropriate documentation that the person has been screened in  
1944 accordance with Section 402.3055, Florida Statutes;
- 1945 (7) Documentation of completion of required training; and
- 1946 (8) Copy of a government-issued photo identification.

1947 **Sec. 7-68. Additional requirements for release of child.**

1948 (a) In order to be accountable for the children in care, to facilitate the release  
1949 process, and to ensure the safety of the children in its care, the family child care home  
1950 must have, implement, and follow written procedures for the release of children.

1951 (b) A family child care home shall not release a child to any person(s) other  
1952 than the person(s) authorized by the parent and listed on the Child Care Enrollment  
1953 Information Card or its equivalent. Any person(s) authorized to take a child from the family  
1954 child care home, if unknown to the personnel of the family child care home releasing the  
1955 child, must present a government-issued photo identification to the home personnel  
1956 before the child is released. A password or number identifier known only to the parent  
1957 and the family child care home shall be recorded on the Child Care Enrollment Information  
1958 Card or its equivalent.

1959 (c) If no person authorized by Section 7-68(b) is available to remove a child  
1960 from care and the child must be released, the child's parent must first contact the family  
1961

1962 child care home and give the correct password or number identifier assigned to the child,  
1963 and then authorize another individual to remove the child from the family child care home.  
1964 The person authorized by the parent to remove the child must present government-issued  
1965 photo identification prior to the child being released to that person.

1966 (d) If a family child care home releases a child in violation of this section, such  
1967 action shall constitute commission of a Class I Violation.

1968 (e) If a child is not picked up by an authorized person within one hour after the  
1969 scheduled closing time of the family child care home, unless other arrangements have  
1970 been made in advance or the family child care home elects to remain open for a late  
1971 pick-up, the family child care home shall immediately notify local law enforcement so that  
1972 the child can be picked up and the incident documented.

1973 (f) Each child's arrival and departure must be recorded by child care personnel  
1974 at the time that child enters and departs the family child care home. The attendance  
1975 sheet/class roster must accompany the child care personnel and the group of children  
1976 throughout the day should they leave the classroom. In order to account for children's  
1977 whereabouts, children who are reassigned to different classrooms throughout the day  
1978 should be signed in and/or out of the rosters for those respective classrooms each time.

1979 **Sec. 7-69. Additional transportation requirements.**

1980 (a) An operator/provider of a family child care home or a large family child care  
1981 home who transports children must ensure that the home complies with all applicable  
1982 state and local laws and regulations regarding the transportation of children including,  
1983 but not limited to, Chapter 316, Florida Statutes, "State Uniform Traffic Control,"  
1984 Chapter 322, Florida Statutes, "Driver's Licenses," and the rules set forth in the DCF

1985 Family Day Care Home and Large Family Child Care Home Handbook relating to the  
1986 transportation of children enrolled in family child care homes and large family child care  
1987 homes.

1988 (b) Any person who drives a vehicle transporting children for a family child care  
1989 home must be at least 21 years of age. If the driver is an employee of an entity under  
1990 contract with a family child care home or a vehicle leasing company, the driver must be  
1991 under the direct and constant supervision of family child care home personnel when  
1992 children are being transported.

1993 (c) *Child safety alarm devices.*

1994 (1) Any vehicle used to transport children must have a child safety alarm device  
1995 installed. The alarm device must be periodically tested and properly  
1996 maintained in working order at all times.

1997 (2) The alarm device must be designed to automatically activate when the  
1998 vehicle's ignition is turned on. Alarm devices that are activated manually  
1999 are prohibited.

2000 (3) The alarm device must be designed so that the vehicle horn, siren, or other  
2001 type of audible alarm will sound within one minute if the driver, or a family  
2002 child care home staff member, does not go to the rear or back seat of the  
2003 vehicle, or, in the case of a passenger van, does not open the side entry  
2004 door of the vehicle, to manually shut off the alarm prior to leaving the  
2005 vehicle. The alarm must be audible from a distance of 500 feet from the  
2006 vehicle.

- 2007 (4) The alarm device must be installed so that the driver, or a family child care  
2008 home staff member, is able to observe the rearmost seats of the vehicle  
2009 and reach the switch that turns off the alarm prior to leaving the vehicle.  
2010 The driver, or a family child care home staff member, must physically  
2011 inspect each seat before turning off the alarm and leaving the vehicle.
- 2012 (5) The alarm device must be installed by a certified technician or mechanic  
2013 employed by an electronics or automotive business in accordance with the  
2014 device manufacturer's recommendations.
- 2015 (d) Documentation demonstrating proof of compliance with the requirements  
2016 of this section must be maintained on file at the family child care home or large family  
2017 child care home for inspection by the licensing agency.
- 2018 (e) All trash, debris, and dirt must be removed from the vehicles daily. All seats,  
2019 safety restraint devices, and fixtures must be maintained free of rips and tears and in  
2020 good repair at all times. Vehicles must be cleaned and sanitized routinely.
- 2021 (1) A child care staff member, in addition to the driver, is required in the vehicle  
2022 when transporting children under five years of age. The nondriver child care  
2023 staff member shall be seated in the vehicle in the back seat or in a position  
2024 that allows:
- 2025 a. Each child to be seen with a quick glance;
  - 2026 b. Each child to be heard at all times;
  - 2027 c. Each child's activities to be observed; and
  - 2028 d. Child care staff to respond immediately should there be an  
2029 emergency.

2030 (2) An adult staff member must be in the vehicle whenever a child is in the  
2031 vehicle.

2032 (3) An adult staff member must be seated behind the steering wheel if the motor  
2033 is running and children are being loaded, unloaded, and/or are on board.

2034 (f) *Records of unusual incidents and accidents.* A written record of unusual  
2035 incidents or accidental injuries to children/personnel occurring at the home must be kept  
2036 on file on an Accident or Incident Form approved by the local licensing agency.

2037 Section 3. Section 8½-16 of the Broward County Code of Ordinances is hereby  
2038 amended to read as follows:

2039 **Sec. 8½-16. Schedule of civil penalties.**

2040 . . .

2041 (h) *Violations of (i) Family Child Care Home and Child Care Facility Licensure*  
2042 *Regulations, and (ii) Substantial Compliance Facility Registration Regulations:*

		<i>Fine</i>	
		<i>First</i>	<i>Repeat</i>
<i>Violation</i>		<i>Violation</i>	<i>Violation</i>
2046	(1) Operating a family child care home 2047 without a Broward County license 2048 (sec. <del>20-299</del> (i) <u>7-3(a)</u> )	\$250.00	\$500.00
2049	(2) Operating a child care facility without a 2050 Broward County license 2051 (sec. <del>7-11.01(a)</del> <u>7-3(b)</u> )	250.00	500.00
2052	(3) <u>Operating a substantial compliance facility</u>	<u>250.00</u>	<u>500.00</u>

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.

2053 without a registration (sec. 7-4)

2054 The hearing officers established pursuant to ~~section 20-306 and s~~Section 7-11.14  
2055 7-17 are authorized and empowered to impose the civil penalties as provided for in  
2056 ~~s~~Section 8½-12.

2057 Section 4. Severability.

2058 If any portion of this Ordinance is determined by any court to be invalid, the invalid  
2059 portion will be stricken, and such striking will not affect the validity of the remainder of this  
2060 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be  
2061 legally applied to any individual, group, entity, property, or circumstance, such  
2062 determination will not affect the applicability of this Ordinance to any other individual,  
2063 group, entity, property, or circumstance.

2064 Section 5. Inclusion in the Broward County Code of Ordinances.

2065 It is the intention of the Board of County Commissioners that the provisions of this  
2066 Ordinance become part of the Broward County Code of Ordinances as of the effective  
2067 date. The sections of this Ordinance may be renumbered or relettered and the word  
2068 “ordinance” may be changed to “section,” “article,” or such other appropriate word or  
2069 phrase to the extent necessary to accomplish such intention.

2070 Section 6. Effective Date.

2071 This Ordinance is effective as of April 1, 2024.

ENACTED December 12, 2023

FILED WITH THE DEPARTMENT OF STATE December 13, 2023

EFFECTIVE December 13, 2023

Approved as to form and legal sufficiency:  
Andrew J. Meyers, County Attorney

By: /s/ Scott Andron 10/19/2023  
Scott Andron (date)  
Assistant County Attorney

By: /s/ Nathaniel A. Klitsberg 10/19/2023  
Nathaniel A. Klitsberg (date)  
Senior Assistant County Attorney

2072 SA/cv  
2073 CCLE Ordinance  
2074 12/12/2023  
2075 #1054649v12

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.