

Chapter 7 CHILD CARE*

***Editor's note:** Ord. No. 2004-02, § 1, adopted Feb. 10, 2004, amended former Ch. 7, Arts. I, II, in its entirety to read as herein set out. Former Ch. 7 pertained to similar subject matter and derived from Ord. No. 94-2, § 1, adopted Jan. 11, 1994. Material in brackets has been added by the editor for purposes of clarification.

Cross references: Licenses, ch. 20; licensing of family day care homes, § 20-291 et seq.

State law references: Child care facilities, § 402.301, F.S. et seq.

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ARTICLE I. LICENSURE OF CHILD CARE FACILITIES

Sec. 7-1. General provisions.

Short Title: Article I of this Ordinance sets forth the minimum standards for licensing of child care facilities. Article II sets forth requirements for "substantial compliance" for those child care facilities and arrangements not subject to licensure under this Ordinance. Article III sets forth requirements for specialized child care facilities for the care of mildly-ill children. This Ordinance shall be known and cited as the Broward County Child Care Ordinance.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-2. Declaration of intent.

The Board of County Commissioners finds and declares that the reasonable control and regulation of activities related to the health, welfare, and safety of children in child care is necessary. It is the intent of the Board of County Commissioners to adopt such minimum standards as are necessary to protect persons in or attending child care facilities or other types of child care arrangements in Broward County.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-3. Definitions.

For the purposes of this Ordinance, the following terms shall have the meaning indicated in this section. No attempt is made to define ordinary words that are used in accordance with their established dictionary meaning except when necessary to avoid misunderstanding.

(1) *Adult* shall mean a person eighteen (18) years of age or older.

(2) *Before- and/or after-school child care* shall mean child care programs provided for children enrolled in five-year-old kindergarten and grades one (1) or above, which are time limited to before and/or after a routine school day, or which extends to full days during school holidays. Before- and/or after-school child care programs shall meet all the requirements for a child care facility except those requirements that are specifically exempted.

(3) *At-risk* shall mean a child who has deafness, hearing impairment, blindness, visual impairment, physical (orthopedic) disability, speech impairment, health or development impairment, mental retardation, serious emotional disturbance, specific learning disabilities, or special needs who, by reason thereof, requires special services.

(4) *Child* shall mean a person under eighteen (18) years of age.

(5) *Children with disabilities* shall mean children who have disabilities related to deafness, hearing impairment, blindness, visual impairment, physical (orthopedic) handicap, speech impairment, health or development impairment, including AIDS-related viruses, mental retardation, serious emotional disturbance, or specific learning disabilities who by reason thereof require special services.

(6) *Child care* shall mean the care, protection, and supervision of a child for a period of less than twenty-four (24) hours a day on a regular basis, which supplements parental care, enrichment, and health supervision for the child, in accordance with the child's individual needs, and for which a payment, fee, grant, or other type of financial arrangement is made for care.

(7) *Child care facility* shall mean a place or child care arrangement other than an occupied residence that provides care for more than five (5) children unrelated to the operator and that receives a payment, fee, grant, or some other form of compensation for any of the children in child care whether or not operated for profit. The definition of a child care facility includes public school programs referenced in Section 402.3025(1)(b), Florida Statutes. The following arrangements are not included in the definition of a child care facility and are exempt from licensure under Article I of this Ordinance:

- a. Religious-affiliated child care facilities described in Section 402.316, Florida Statutes; however, exempt facilities must comply with the requirements for substantial compliance under Article II of this Ordinance;
- b. Public school programs referenced in Section 402.3025(1)(a), Florida Statutes;
- c. Non-public schools and their integral programs, except as provided in Section 402.3025, Florida Statutes; however, exempt non-public schools must comply with the requirements for substantial compliance under Article II of this Ordinance;
- d. Summer camps having children in full-time residence;
- e. Bible or other religious schools normally conducted during vacation periods and that are sponsored and supervised by a recognized religious group or institution;
- f. Summer day camps for school age children; and
- g. Operators of transient establishments, as defined in Chapter 509, Florida Statutes, that provide child care services solely for the guests of their establishment or resort; provided, however, that all persons providing child care at the establishment or resort are background screened according to the requirements set forth in this Ordinance.
- h. All programs that provide child care exclusively for children grades six (6) and above, regardless of location.

(8) *Child care for mildly-ill children* shall mean the care of children with short term illness or symptoms of illness or disability, provided either as an exclusive service in a center specialized for this purpose, or as a component of other child care services offered in a distinct part of a regularly licensed child care facility, for a period of less than twenty-four (24) hours per day.

(9) *Child care personnel* shall mean all owners, directors, employees, volunteers, part-time workers, and substitutes working in a child care facility. The term does not include persons who work in a child care facility after hours when children are not present. The term "child care personnel" shall also include any reference herein to "staff," "staff member," or "employee." For purposes of background screening, the term "child care personnel" includes: (a) any member of a child care facility director's family who is over the age of twelve (12) years, or (b) any person over the age of twelve (12) years residing with a child care facility director, if the child care facility is located in or adjacent to the home of the director, or if the family member of, or person residing with, the child care facility director has any direct contact with the children in the facility during its hours of operation.

Members of the director's family, or persons residing with the director who are between the ages of twelve (12) years and eighteen (18) years shall not be required to be fingerprinted, but shall be screened for delinquency records.

For purposes of background screening, the term shall also include persons who work in child care programs that provide care for children fifteen (15) hours or more each week in public or non-public schools, summer day camps, family child care homes, and religious-

affiliated child care facilities otherwise exempt under Section 402.316, Florida Statutes. The term does not include persons who work in public and non-public school programs during regular school hours, or after hours for activities related to a school's program for grades kindergarten through 12 pursuant to Section 1006.25, Florida Statutes.

A volunteer who assists on an intermittent basis for less than forty (40) hours per month is not included in the term "child care personnel" for the purposes of background screening and training, provided that the volunteer is under the direct and constant supervision of the director or a designee of the director who meets the requirements set forth in Sec. 7-4 of this Ordinance. Students who observe and participate in a child care facility as part of their required course work shall not be considered child care personnel, if such observation and participation are on an intermittent basis and the students are under the direct and constant supervision of child care personnel.

(10) *Contagious disease* shall mean a type of infectious disease caused by receiving living germs directly from a person afflicted with the disease, or by contact with a secretion of an afflicted person, or by some object handled or used by an afflicted person.

(11) *Department* shall mean the State of Florida, Department of Children and Families, abbreviated and referred to in this Ordinance as "DCF."

(12) *Direct supervision* shall mean watching and directing the children's activities within close proximity within the same room inside or within a designated outdoor play area and responding to each child's needs. Child care personnel and volunteers at a facility must be assigned to provide care to a specific group of children and be present with that group of children at all times during the day including during meals, napping, snack time, and transportation of children.

(13) *Director* shall mean any on-site individual who is ultimately responsible for the daily operation, and supervision of a child care facility. The director must leave a staff person in charge in his/her absence who has a Child Development Associate ("CDA") or Child Development Associate Equivalent ("CDAE") as a minimum qualification whenever the director is absent more than one (1) hour and there are thirty-nine (39) or more children present.

(14) *Division* shall mean the Children's Services Administration Division, Human Services Department, Broward County, Florida.

(15) *Drop-in child care* shall mean child care provided occasionally in a child care facility in a shopping mall or business establishment whose sole purpose is to provide babysitting for no more than a four (4) hour period and where the parent remains on the premises of the shopping mall or business establishment at all times. Drop-in child care arrangements shall be licensed and must meet all the requirements for this type of child care arrangement set forth in Sec. 7-13 of this Ordinance. Drop-in child care shall not refer to child care arrangements in health clubs/spas/gyms, bowling alleys, hotels/resorts, athletic training/ instructional facilities, or similar-type establishments, or to short-term care in a licensed child care facility. A determination as to whether an arrangement is considered to be a drop-in child care facility will be made by the local licensing agency on a case-by-case basis.

(16) *Elementary school-age child* shall mean a child attending public and non-public elementary school who has attained the age of five (5) years by the preceding September 1.

(17) *First aid training* shall mean the successful completion of a course of instruction designed to provide fundamental principles, knowledge of, and skills in first aid and accident prevention directly related to the care of children.

(18) *Health provider consultant* shall mean a Florida licensed pediatric physician; a Florida licensed family practitioner; a physician's assistant; an advanced registered nurse practitioner (ARNP) with appropriate pediatric experience; or a registered nurse with experience in pediatric nursing, who supervises or provides direction to the licensed health caregiver and is available for consultation.

(19) *Hearing officer* shall mean a person designated by the County Administrator to preside over hearings as specified in this Ordinance.

(20) *Indoor recreational facility* shall mean an indoor commercial facility established primarily for the purpose of entertaining children in a planned fitness environment through equipment, games, and activities in conjunction with the provision of food service, which includes providing snacks, and which provides child care for a particular child no more than four (4) hours in any one (1) day. An indoor recreational facility must be licensed as a child care facility; however, the facility is exempt from the minimum outdoor square footage per child requirement specified in Sec. 7-5.03 of this Ordinance, if the indoor recreational facility has, at a minimum, three thousand (3,000) square feet of usable indoor floor space.

(21) *Infant* shall mean a child less than twelve (12) months of age.

(22) *Isolation area* shall mean a room or a series of rooms within the child care facility for mildly-ill children, which provides for separate airflow and physical separation from the rest of the facility. The isolation area must include a separate toilet, handwashing facility and diaper changing area. These areas shall be utilized when caring for children with contagious diseases.

(23) *Legal age* shall mean a person eighteen (18) years of age or older.

(24) *Licensed health caregiver* shall mean, at a minimum, a licensed practical nurse who has knowledge and experience in the routine medical needs of mildly-ill children, is trained to perform the written physical assessment, and is under the direction of a health provider consultant.

(25) *Local licensing agency* shall mean the Child Care Licensing and Enforcement Section, Children's Services Administration Division, Human Services Department, Broward County, Florida.

(26) *Medication* shall mean any substance or preparation which is used for the purposes of prevention or treatment of an injury, illness, or disease.

(27) *Mildly-ill children* shall mean children exhibiting illnesses or symptoms of illnesses, as defined in Article III of this Ordinance, which have caused or would cause them to be excluded from regular child care settings, as outlined in Sec. 7-6.02(a)(2)(a-j) and who need special attention and supervision, and meet the admission criteria for mildly-ill child care programs as described in Sec. 7-41 and the applicable subsections of this Ordinance.

(28) *Nighttime child care* shall mean child care during that time after 6:00 p.m. and prior to 6:00 a.m. Eastern Standard or Daylight Savings Time. Child care for twenty-four (24) hours or more is defined as residential care and is governed by the state pursuant to Chapter 409, Florida Statutes. Such care is not governed under the terms of this Ordinance.

(29) *Owner* shall mean any individual or proprietary entity holding the child care facility's license and vested with the ultimate authority and responsibility for the administration and operation of the facility.

(30) *Parent* shall mean a child's natural parent, adopted parent, guardian, or legal custodian appointed by a court of competent jurisdiction.

(31) *Preschooler* shall mean a child over thirty-six (36) months of age.

(32) *Public and non-public school programs* shall mean those programs referenced in Section 402.3025, Florida Statutes, and shall not include religious-affiliated child care facilities that provide child care programs pursuant to Section 402.316, Florida Statutes. Certain public and non-public school programs will require licensure under Article I of this Ordinance, and others not subject to licensure may be required to meet the requirements for substantial compliance under Article II of this Ordinance.

(33) *Religious-affiliated child care facilities* shall mean those child care facilities operating pursuant to Section 402.316, Florida Statutes, that are exempt from licensure under Article I of this Ordinance but must meet the standards and requirements for substantial compliance under Article II of this Ordinance.

(34) *Sanitize* shall mean, with respect to cleaning linens, adding one-quarter (1/4) cup of bleach per gallon of water to the final rinse cycle of the wash in an effort to eliminate children's exposure to disease micro-organisms.

(35) *Screening* shall mean the act of assessing the background of child care personnel, which includes, but is not limited to, review of local criminal records checks through local law enforcement agencies, fingerprinting for all purposes and records checks required in this Ordinance, statewide criminal records checks through the Florida Department of Law Enforcement, federal criminal records checks through the Federal Bureau of Investigation, and employment history checks.

Screening for volunteers included under the definition of "child care personnel" includes only local criminal records checks through local law enforcement agencies for current residence and residence immediately prior to employment as a volunteer, if prior residence is different than the current one. If prior residence was outside of Broward County, statewide criminal records correspondence checks through the Department of Law Enforcement must be submitted to the local licensing agency.

(36) *Single-service articles* shall mean any cups, containers, closures, plates, straws, place mats, napkins, doilies, spoons, stirrers, paddles, knives, forks, wrapping materials and all similar materials which are constructed wholly, or in part, from paper, paperboard, molded pulp, foil, wood, plastic, synthetic or any other readily destructible material, and are intended by the manufacturer to be for a one (1) time, one (1) person use, and then discarded.

(37) *Substantial compliance* shall mean compliance with the minimum standards set forth in Article II of this Ordinance for background screening of child care personnel, and health, safety, and sanitation requirements. Public and non-public schools and their integral programs, except as provided in Section 402.3025, Florida Statutes, and religious-affiliated child care facilities operating pursuant to Section 402.316, Florida Statutes, are exempt from licensure pursuant to Article I of this Ordinance but shall be required to meet the standards and requirements for substantial compliance set forth in Article II of this Ordinance prior to operating.

(38) *Substitute*: A substitute shall refer to an individual who is considered an employee of a child care facility and who provides services to, for, or at the facility in the absence of regular staff members and who has successfully obtained the background screening clearance based on the requirements set forth in Sec. 7-4 of this Ordinance prior to employment.

(39) *Summer day camp* shall mean recreational, educational, and/or other enrichment programs operated during summer vacations for children who are five (5) years of age on or before September 1 of the current school year and older. Section 409.175, Florida Statutes, requires that owners, operators, employees, and volunteers working in day or residential summer camps be screened as outlined in Chapter 435, Florida Statutes.

(40) *Toddler* shall mean a child twelve (12) to thirty-six (36) months of age.

(41) *Training coordinating agencies* shall mean authorized contract providers, designated by DCF and responsible for the coordination of child care personnel training.

(42) *Urban child care facilities* shall mean child care facilities located in urban areas as determined by the local licensing agency and meeting the minimum standards set forth in Sec. 7-16 of this Ordinance.

(43) *Usable indoor space* shall mean that space available for indoor play, classrooms, children's work areas or nap space, excluding means of egress and permanent fixtures.

(44) *Volunteer* shall mean a person who provides services to, for, or at a child care facility in the presence or absence of regular staff members for no compensation. A volunteer must be at least eighteen (18) years of age to be counted in the staff-to-children ratio.

(45) *Weekend child care* shall mean child care provided between the hours of 6:00 p.m. on Friday and 6:00 a.m. on Monday.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-4. Minimum standards for child care personnel.

(a) All child care personnel must be of good moral character in order to work in a child care facility as determined through screening and background checks. Screening and background checks shall include, but are not limited to, contacting previous employers, local, state and federal law enforcement agencies, and any other resource deemed appropriate by the local licensing agency for a determination of moral character, including a delinquency screening check, if applicable. All child care personnel must obtain a successful background screening clearance based on the requirements in this section prior to employment in a child care facility.

(1) The screening and background checks shall include a one-time employment history check for the last two (2) years or last three (3) jobs, if applicable, a local criminal records check every five (5) years, a state criminal records check every five (5) years and a federal criminal records check.

(2) For all child care personnel, the owner or the designee of the owner shall be responsible for obtaining the screening and background checks required in paragraph (1) above.

(3) The owner or director of the child care facility shall inform all child care personnel of the requirement to inform the owner or director immediately if the employee has been found guilty of, regardless of adjudication, or if the employee has entered a plea of nolo

contendere (no contest) or guilty to, any of the disqualifying offenses listed below in Sec. 7-4(b) of this Ordinance while employed at the child care facility.

(4) In addition to the screening and background checks conducted by the local licensing agency pursuant to paragraph (b) below, the local licensing agency, at its discretion, may conduct supplemental screening and background checks when relevant information is subsequently brought to the attention of the local licensing agency.

(5) The screening and background checks for child care personnel that require employment history must be completed, documented, and maintained in the individual's personnel record.

(6) Information in the central abuse hotline may not be used for employment screening except as provided in Sections 39.202(2)(a) and (h), Florida Statutes. Information in the central abuse hotline and DCF's automated abuse information system may be used by the local licensing agency as part of the licensure or registration process pursuant to this Ordinance.

(7) Each owner and director of a child care facility shall be subject to an annual records check for child abuse or neglect as part of the local licensing agency's consideration in determining licensure or registration approval or renewal.

(8) The owner or director of the child care facility shall require that the application for a child care personnel position contain a question that specifically asks the applicant if he or she has ever worked in a child care facility that has, during the term of his or her employment, (i) had its license denied, revoked, or suspended in any state or jurisdiction, or (ii) been the subject of disciplinary action, or (iii) received a fine(s), while the person was employed in the child care facility. The applicant shall attest to the accuracy of the information requested under penalty of perjury. If the applicant admits any such action has occurred, the employer shall review the nature of the denial, suspension, revocation, disciplinary action, or fine before the applicant is hired.

(b) Screening and background checks for child care personnel shall, at a minimum, comply with Level 2 screening standards set forth in Section 435.04, Florida Statutes, as may be amended from time to time. Factors to be considered by the local licensing agency in determining good moral character shall include, but not be limited to, the following:

No person shall be an owner or director of, nor be employed in, nor be a substitute or volunteer in a child care facility or other child care program who has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere (no contest) or guilty to, any offense prohibited under any of the following provisions of the Florida Statutes or under similar statutes of other jurisdictions:

(1) Section 415.111, Florida Statutes, relating to adult abuse, neglect, or exploitation of aged persons or disabled adults.

(2) Section 741.28, Florida Statutes, relating to acts of domestic violence.

(3) Section 782.04, Florida Statutes, relating to murder.

(4) Section 782.07, Florida Statutes, relating to manslaughter, aggravated manslaughter of an elderly person or disabled adult, or aggravated manslaughter of a child.

(5) Section 782.071, Florida Statutes, relating to vehicular homicide.

(6) Section 782.09, Florida Statutes, relating to killing of an unborn child by injury to the mother.

- (7) Section 784.11, Florida Statutes, relating to assault, if the victim of the offense was a minor.
- (8) Section 784.021, Florida Statutes, relating to aggravated assault.
- (9) Section 784.03, Florida Statutes, relating to battery, if the victim of offense was a minor.
- (10) Section 784.045, Florida Statutes, relating to aggravated battery.
- (11) Section 784.075, Florida Statutes, relating to battery on a detention or commitment facility staff.
- (12) Section 787.01, Florida Statutes, relating to kidnaping.
- (13) Section 787.02, Florida Statutes, relating to false imprisonment.
- (14) Section 787.04.04(2), Florida Statutes, relating to taking, enticing, or removing a child beyond state limits with criminal intent pending custody proceedings.
- (15) Section 787.04.04(3), Florida Statutes, relating to carrying a child beyond state limits with criminal intent to avoid producing a child at a custody hearing or delivering the child to the designated person.
- (16) Section 790.115(1), Florida Statutes, relating to exhibiting firearms or weapons within one thousand (1,000) feet of a school.
- (17) Section 790.115(2)(b), Florida Statutes, relating to possessing an electric weapon or device, destructive device, or other weapon on school property.
- (18) Section 794.011, Florida Statutes, relating to sexual battery.
- (19) Former Section 794.041, Florida Statutes, relating to prohibited acts of persons in familial or custodial authority.
- (20) Chapter 796, Florida Statutes, relating to prostitution.
- (21) Section 798.02, Florida Statutes, relating to lewd and lascivious behavior.
- (22) Chapter 800, Florida Statutes, relating to lewdness and indecent exposure.
- (23) Section 806.01, Florida Statutes, relating to arson.
- (24) Chapter 812, Florida Statutes, relating to theft, robbery, and related crimes, if the offense is a felony.
- (25) Section 817.563, Florida Statutes, fraudulent sale of controlled substances, only if the offense is a felony.
- (26) Section 825.102, Florida Statutes, relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult.
- (27) Section 825.1025, Florida Statutes, lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult.
- (28) Section 825.103, Florida Statutes, relating to exploitation of an elderly person or disabled adult, if the offense was a felony.
- (29) Section 826.04, Florida Statutes, relating to incest.
- (30) Section 827.03, Florida Statutes, relating to child abuse, aggravated child abuse, or neglect of a child.
- (31) Section 827.04, Florida Statutes, relating to contributing to the delinquency or dependency of a child.
- (32) Section 827.05, Florida Statutes, relating to negligent treatment of children.
- (33) Section 827.071, Florida Statutes, relating to sexual performance by a child.
- (34) Section 843.01, Florida Statutes, relating to resisting arrest with violence.
- (35) Section 843.025, Florida Statutes, relating to depriving a law enforcement, correctional, or correctional probation officer means of protection or communication.

- (36) Section 843.12, Florida Statutes, relating to aiding in an escape.
- (37) Section 843.13, Florida Statutes, relating to aiding in the escape of juvenile inmates in correctional institutions.
- (38) Chapter 847, Florida Statutes, relating to obscene literature.
- (39) Section 874.05(1), Florida Statutes, relating to encouraging or recruiting another to join a criminal gang.
- (40) Chapter 893, Florida Statutes, relating to drug abuse prevention and control, only if the offense was a felony or if any other person involved in the offense was a minor.
- (41) Section 944.35(3), Florida Statutes, relating to inflicting cruel or inhuman treatment on an inmate resulting in great bodily harm.
- (42) Section 944.46, Florida Statutes, relating to harboring, concealing, or aiding an escaped prisoner.
- (43) Section 944.47, Florida Statutes, relating to introduction of contraband into a correctional facility.
- (44) Section 985.4045, Florida Statutes, relating to sexual misconduct in juvenile justice programs.
- (45) Section 985.4046, Florida Statutes, relating to contraband introduction into detention facilities.
- (c) For purposes of this section, a finding of delinquency or a plea of nolo contendere (no contest) or other plea amounting to an admission of guilt to a petition alleging delinquency pursuant to Part II, Chapter 39, Florida Statutes, or similar statutes of other jurisdictions, for any of the foregoing acts, has the same effect as a finding of guilt, regardless of adjudication or disposition.
- (d) The local licensing agency may grant a person an exemption from disqualification from employment in a child care facility for the following, if the local licensing agency has clear and convincing evidence to support a reasonable belief that the person is of good moral character as to justify an exemption:
 - (1) Commission of felonies, prohibited under any of the foregoing Florida Statutes cited in this Sec. 7-4 or under similar statutes of other jurisdictions, committed more than three (3) years prior to the date of disqualification;
 - (2) Commission of misdemeanors prohibited under any of the Florida Statutes cited in this Sec. 7-4 or under similar statutes of other jurisdictions;
 - (3) Commission of offenses that were felonies when committed but are now deemed misdemeanors;
 - (4) Findings of delinquency;
- (e) In those instances where the local licensing agency may consider granting an exemption from disqualification from employment in a child care facility, the person seeking employment shall bear the burden of setting forth sufficient evidence of rehabilitation, including, but not limited to, the circumstances surrounding the incident, the time period that has elapsed since the incident, the nature of the harm occasioned to the victim, if applicable, and the history of the person since the incident, or such other circumstances that shall by the aforementioned standards indicate that the person will not present a danger to the safety or well-being of children. The decision of the local licensing agency regarding an exemption may be contested through the hearing procedures set forth in Section 435.07(3), Florida Statutes.

(f) The disqualification from employment provided in paragraph (d) above shall not be removed from, nor may an exemption be granted to, any person found guilty of, regardless of adjudication, or having entered a plea of nolo contendere (no contest) or guilty to, any felony covered in paragraph (d) above solely by reason of any pardon, executive clemency, or restoration of civil rights.

(g) In addition, no person shall be a director, owner of, nor be employed in a child care facility who:

(1) Is a habitual and excessive user of alcohol;

(2) Illegally uses narcotics or other impairing drugs; or

(3) Has falsified applicant information.

(h) Time frame for Completion of Background Screening Requirements: Child care personnel shall be background screened by the local licensing agency, including fingerprinting, and have obtained a successful background screening clearance from the local licensing agency prior to employment. Child care personnel shall have proof of identification and proper payment at the time of background screening.

(i) The local licensing agency has established a Criminal Background Screening Unit for the purpose of providing applicants for employment in the child care profession and their household members, when applicable, with technical assistance in completing the required background screening documents. Services provided include fingerprint taking, notarizing the affidavit of good moral character, processing the local criminal records check, and personal and telephone inquiry assistance.

(j) New child care personnel must attest, through a notarized affidavit on DCF Form 1649, Affidavit of Good Moral Character, that they are of good moral character. New personnel shall be considered on a probationary status pending a final determination of compliance with the minimum standards for good moral character set forth in this Ordinance.

(k) In the event that a person is currently working in a child care facility and certain crime-related information comes to the attention of the local licensing agency which may, in fact, disqualify the person from working in child care, the local licensing agency shall notify the person in writing of a hearing to be scheduled before a County-appointed hearing officer to determine the potential disqualification of the individual from employment in child care. The notice shall set forth the nature of the information obtained by the local licensing agency that could potentially disqualify the person from employment. The hearing shall be conducted in accordance with Sec. 7-11.14 through Sec. 7-11.17 of this Ordinance.

(l) Child care personnel who have been unemployed in child care for more than ninety (90) days must be re-screened as set forth in Sec. 7-4 of this Ordinance. Child care personnel are allowed up to one hundred eighty (180) days on a leave-of-absence employment status without the requirement for rescreening if the local licensing agency is notified in writing by the employee. Written verification of the leave-of-absence status with the specific dates must be completed by the owner or director of the child care facility and included in the personnel record of the employee.

(m) The following persons are not required to be fingerprinted or screened pursuant to this Ordinance in order to be employed in a child care facility:

(1) Individuals who have been fingerprinted or screened pursuant to any of the following Florida Statutes: Chapters 393, 394, 397, 402, 409; or

- (2) Teachers and non-instructional personnel who have been fingerprinted pursuant to Section 1012, Florida Statutes; if they have not been unemployed for more than ninety (90) days and who, under penalty of perjury, attest to the completion of such fingerprinting or screening and to compliance with the provisions for good moral character contained in the respective sections of the following Florida Statutes: Sections 110.1127(3), 393.0655(1), 394.4572, 397.451, 402.305 and 409.175. However, persons covered by paragraph (m)(2) above will be required to complete a teachers/non-instructional affidavit prepared by the Children's Services Administration Division and a local criminal records check.
- (n) Within three (3) days of employment at a child care facility, all child care personnel, shall have a statement on file at the child care facility that they have read DCF's pamphlet entitled, "Child Abuse and Neglect in Florida, A Guide for Professionals," DCF 175-17, guidelines on reporting and identifying child abuse and neglect, or have participated in the equivalent child abuse training course approved by DCF. The pamphlet, "Child Abuse and Neglect in Florida, A Guide for Professionals" shall be provided by the local licensing agency for this purpose.
- (o) The owner or director shall be responsible for assuring that the applicant for employment complies with the background screening requirements prior to that person beginning work. A notarized affidavit shall be submitted annually to the local licensing agency by the owner or director of the facility to verify that all child care personnel have been screened and are eligible to work in child care.
- (p) The information obtained by the local licensing agency or an employer relating to a criminal records check conducted in accordance with Sec. 7-4 of this Ordinance is exempt from public disclosure pursuant to Section 435.09, Florida Statutes. The information shall not be made available to anyone other than the person who is the subject of the criminal records check, his or her legal representative, the local licensing agency and DCF.
- (Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-4.01. Personnel education requirements.

- (a) *Director Requirements:* Pursuant to Section 402.305(2)(f), Florida Statutes, every director of a child care facility must have a director credential by January 1, 2004, which consists of the foundational level or the advanced level. Directors employed in a child care facility prior to January 1, 2004, who do not possess the director certification requirements pursuant to this Ordinance as of that date shall be granted a grace period until June 30, 2004, to come into full compliance with the requirements. If a child care facility does not have a qualified director employed within the required time frame, including any grace period granted, the local licensing agency shall seek action to revoke the facility's license. However, directors employed after January 1, 2004, shall be required to meet the requirements of this section upon hire.
- (b) As of January 1, 2004, every applicant for a license to operate a child care facility or a license for a change of ownership of a child care facility must document that the facility director has a director credential prior to issuance of the license to operate the facility. As it relates to the director credential, the following exceptions shall apply:
- (1) A credentialed director is not required for a facility which provides only nighttime child care as defined in Sec. 7-3(28) of this Ordinance.

(2) Pursuant to Section 402.305(1)(c), Florida Statutes, a credentialed director holding a foundational or advanced level Florida director credential may supervise multiple before- and after-school sites.

(c) The foundational level applicants must meet the following educational and experiential requirements:

- (1) High school diploma or GED; and
- (2) DCF's thirty (30) hour introductory child care training course (Part I); and
- (3) DCF's module "Special Needs Appropriate Practices" or at least eight (8) hours of training in serving children with disabilities that meets the statutory requirement for licensing; and
- (4) One (1) of the following staff credentials: a Child Development Associate (CDA) Credential; a state approved Florida CDA Equivalency; the approved Florida School-Age Certification; a formal education exemption qualification (including a waiver); or a documented employment history recognition exemption; and
- (5) One (1) course in the curriculum content area "Overview of Child Care Center Management," which must be met by one (1) DCF approved three (3) hour college level course, offered for credit or 4.5 Continuing Education Units (CEUs) through continuing education or one (1) DCF approved Post Secondary Adult Vocational course offered through a vocational-technical institution in Florida; and Directors who have attained another state's approved Director Credential may receive credit towards the "Overview of Child Care Management" educational component of the credential; and
- (6) One (1) year experience on-site as a child care director. For those candidates who have met the educational requirements of this level but have not completed the one (1) year experiential requirement, a temporary credential, not to exceed one (1) year, will be granted by the Florida Children's Forum.

(d) The advanced level applicants must meet the following educational and experiential requirements:

- (1) High school diploma or GED; and
- (2) DCF's thirty (30) hour introductory child care training course (Part I); and
- (3) The DCF's module "Special Needs/Appropriate Practices" or at least eight (8) hours of in-service training in serving children with disabilities that meets the statutory requirement for licensing; and
- (4) One (1) of the following staff credentials: a Child Development Associate (CDA) Credential; a state approved Florida CDA Equivalency; the approved Florida School-Age Certification; a formal education exemption qualification (including a waiver); or a documented employment history recognition exemption; and
- (5) Three (3) DCF approved courses in child care education program administration. The course work requirement must be taken for college credit and must be from the following curriculum areas; Overview of Child Care Center Management, Child Care and Education Organizational Leadership and Management, Child Care and Education Financial and Legal Issues, Child Care and Education Programming; and
- (6) Two (2) years of experience on-site as a child care director. For those candidates who have met all the educational requirements of this level but have not completed the two (2) year experiential requirement, a temporary credential, not to exceed one (1) year, will be granted by the Florida Children's Forum.

(e) All applications and documentation will be verified and credentials issued through the Florida Children's Forum. Applications may be obtained from: Administrator Credential Coordinator, Florida Children's Forum, 2807 Remington Green Circle, Tallahassee, Florida 32308.

(f) *Exceptions:* For the foundational level, directors who have attained another state's approved Director Credential shall receive credit towards the "Overview of Child Care Management" educational component of the credential. For the advanced level credential only, an educational exception will be granted to individuals who meet the requirement of Sec. 7-4.01(c)(1)--(4) and (6) of this Ordinance, and any of the following:

(1) An A.S. degree in child care center management; or

(2) An A.S., B.A., B.S., or advanced degree in early childhood education/child development, family and consumer sciences (formerly home economics/child development), school-age child care or elementary education with at least three (3) credit hours in child care administration, business administration or educational administration; or

(3) B.A., B.S., or advanced degree other than those degree areas in subparagraph (2) above, with three (3) credit hours in early childhood/child development or school-age child care and three (3) credit hours in child care administration, business administration or educational administration; or

(4) Persons with five (5) or more years of experience as an administrator or director in a licensed child care facility, or a facility that is legally exempt pursuant to Sections 402.3025 and 402.316, Florida Statutes, and with three (3) college credit hours in early childhood/child development or school-age child care and three (3) college credit hours in child care administration, business administration or educational administration. All course work for this exception must have been completed within the last ten (10) years.

(g) *Testing:* For the advanced level credential only, individuals who meet the requirements for the educational exception but do not have course work in early childhood education or administration may opt to take a competency-based test to meet the three (3) credit hour course requirement in early childhood educational/child development and/or the three (3) credit hour course requirement in administration. This process will require the candidate to complete a written test developed and approved by the DCF at a local community college with a minimum score of seventy percent (70%).

(h) *Renewal:* To maintain a valid temporary Director Credential or Director's Credential at either level, every five (5) years, the individual must complete and document 4.5 Continuing Education Units (CEUs) or one (1) three (3) hour college credit course in any one (1) of the curriculum areas listed in Sec. 7-4.01(c)(5), of this Ordinance. Course work completed to renew a State of Florida Teaching Certificate also satisfies this course work requirement for renewal of a Director Credential. An individual must also demonstrate professional contributions in the field through any one (1) of the following: Serve in a professional organization related to the field of early childhood or school age programs; make a presentation or provide training in the field of early childhood or school age programs; serve as a validator or advisor for a Florida-recognized accreditation program or as a CDA advisor or as a school-age certification representative for the Florida School-Age Certification Training Program; advocate for an issue in the field of early childhood or school age programs; publish an item related to the field of early childhood or school age program; document program improvements by

completing a Florida-recognized accreditation program; serve as a consultant or mentor to another early childhood or school age program; participate in an educational research or innovation project related to early childhood or school age programs; or participate in a creative production that relates to the field of early childhood or school age programs.

(i) *Course work recognition and approval.*

(1) The Florida Children's Forum is responsible for reviewing existing course work and developing new course work offered through vocational-technical schools, community colleges and universities, to determine if the course work meets the requirements for Florida's credentials.

(2) The Florida Children's Forum is responsible for reviewing out-of-state adopted director credentials to determine if they meet the requirements for the Director Credential set forth in Sec. 7-4.01(a--k) of this Ordinance.

(3) A list of approved courses and approved out-of-state credentials must be maintained and will be available through the Florida Children's Forum.

(j) A director credential issued prior to January 1, 2004, will have an initial renewal date of January 1, 2009, and every five (5) years thereafter. A director credential issued after January 1, 2004, will have an initial renewal date after five (5) years from the issue date and every (5) years thereafter.

(k) *Before-and after-school sites.*

(1) A director holding a foundational or advanced level Florida Director Credential may supervise multiple before-and after-school sites as follows:

a. Three (3) sites regardless of the number of children enrolled; or

b. More than three (3) sites if the combined total number of children enrolled at the site does not exceed three hundred fifty (350) children. In calculating the total number of children enrolled, the number of children in the before- and after-school program shall be calculated and viewed as separate programs.

c. The school district may participate in the multi-site supervision option because four (4) year old children are included in public before-and after-school programs.

(2) When a credentialed director is supervising multiple sites, the individual left in charge of the site during the director's absence must meet the following requirement:

a. Be at least twenty-one (21) years of age;

b. Have completed DCF's approved forty (40) clock-hour Introductory Child Care Training (Parts I and II);

c. Have completed DCF's basic training in serving children with special needs, whether as part of the Introductory Child Care Training, Part II, specialized training module, Special Needs Appropriate Practices for Children with Special Needs, or through completion of a minimum of eight (8) hours of in-service training in serving children with disabilities; or

d. Have completed DCF's School-Age Appropriate Practices specialized training module separately.

In the event that a director of a child care facility also acts in the capacity of a teacher, the director will be subject to the teacher certification requirements set forth in subparagraph (3) of this section.

(3) **Teacher Requirements:** Every licensed child care facility, if the facility operates eight (8) hours or more per week, shall have one (1) staff member for every twenty (20) children who possesses one (1) of the following qualifications:

- a. National Child Development Associate (CDA) Credential recognized throughout the United States and worldwide issued by the Council for Early Childhood Professional Recognition in Washington, DC, (1-800-424-4310); or
- b. One (1) of the following formal educational qualifications:
 1. B.A., B.S. or advanced degree in early childhood education/child development, family and consumer sciences, child development (formerly home economics/child development), or elementary education, from a regionally accredited college or university with certification to teach any age, birth through 6th grade.
 2. A.S. or A.A. degree in child development from a regionally accredited college or university. Procedures for individuals with an associate level (2 year) degree or higher seeking the credentialing requirement are outlined in DCF Form 5211, Apr. 97, Child Care Personnel Education/Employment History Verification Form, which is incorporated herein by reference.
 3. Associate degree, or higher, from a regionally accredited college or university with six (6) college credit hours in early childhood/child development, plus four hundred eighty (480) hours experience in a child care setting serving children, from birth through eight (8) years of age.
 4. A Credential Exemption (Waiver) Certificate from a participating Community/Junior College for individuals with formal educational qualifications other than those listed above. The local training coordinating agencies can provide information on participating programs; or
- c. Certification regarding completion of an approved Florida CDAE Training Program. A copy of the most current list of approved CDAE Training Programs can be obtained from local training coordinating agencies, the local licensing agency, or DCF; or
- d. Employment History Recognition Exemption. Individuals seeking to be qualified under this paragraph shall:
 1. Have been employed in child care on July 1, 1995; and
 2. Have a high school diploma or GED prior to July 1, 1995; and
 3. Have ten (10) or more years of documented experience (consecutive or non-consecutive) working with children in child care from July 1, 1980, to July 1, 1995, or ten (10) years teaching experience in early childhood education through grade three (3) in a public or private school including teachers and teachers aides from July 1, 1980, to July 1, 1995.
 - a) Employment history experience shall include a minimum of fifteen (15) hours per week per year or five hundred forty (540) hours per year working with children in a licensed, registered, or exempt child care program, as defined in Section 402.301, Florida Statutes, or teaching experience in a public or private school.
 - b) Documentation of employment history recognition shall include notarized letters indicating previous employment, or any other form of documentation, such as W-2 forms, licensing records, or income tax return forms for each place of employment.
- (4) Transition Periods:
 - a. Transition Periods shall refer to the periods of time in which children are arriving and departing from the child care facility, nap time, lunch, and free time. Notwithstanding local fire codes, during transition periods, the credentialing requirements for child care personnel set forth in Sec. 7-4.01(k)(3) of this Ordinance are suspended for a period of time not to exceed thirty (30) minutes. The child care facility may utilize other personnel

including teacher's aides during transition periods in order to comply with the applicable staff-to-children ratio requirements.

b. Child care personnel meeting the credentialing requirements in subparagraphs 3(b)(1)--(4) above, shall work at the facility during normal periods of time excluding opening, closing, nap time, lunch, and free time.

c. A staff member meeting the credentialing requirements in subparagraphs 3(b)(1)--(4) above, shall be on-site at the child care facility a minimum of twenty (20) hours per week. A credentialed staff person must be on-site on a full time basis for those facilities that operate twenty (20) hours or less per week.

d. Children who are five (5) years old and above when they are enrolled in and attending a kindergarten program or grades one (1) and above are excluded from the calculation used to determine the number of personnel necessary to meet the staff-to-children ratio requirements during transition periods.

(5) Verification of Education and Employment History:

a. Child care personnel seeking satisfaction of the staff credentialing requirements, in subparagraphs 3(b)(1)--(4) above, shall submit all documentation to the owner or director of the facility where they are presently employed. Owners or directors are responsible for completing, signing, verifying, and having notarized, DCF Form 5211, April 03, Child Care Personnel Education and Employment History Verification Form, which is incorporated herein by reference. Owners or directors seeking satisfaction of the credentialing requirement for their personnel shall submit all documentation to their local training coordinating agencies for processing.

b. Child care personnel meeting the qualifications shall obtain DCF's Form 5206, Oct. 01, Child Care Personnel Professional Development Confirmation Form, which is incorporated herein by reference, evidencing that the individual has met the credentialing requirements.

c. A copy of the Child Care Personnel Professional Development Confirmation Form (5206) shall be maintained on-site at the facility in the employee's personnel file for review by the local licensing agency. The original form is the property of the child care employee.

(6) Calculation of Number of Credentialed Personnel Required:

a. Child care facilities with nineteen (19) or less children or that operate less than (8) hours per week are not subject to the credentialed teacher requirements set forth in this Ordinance.

b. For every twenty (20) children, a child care facility shall have one (1) staff member who meets the teacher requirements. For example, based on this formula, child care facilities with twenty (20) to thirty-nine (39) children shall have one (1) staff member with teacher credentials, facilities with forty (40) to fifty-nine (59) children shall have two (2) staff members with teacher credentials, and facilities with sixty (60) to seventy-nine (79) children shall have three (3) staff members with teacher credentials.

c. Volunteers who meet the teacher requirements shall be included in calculating the staff-to-children ratio.

d. The local licensing agency will calculate the number of credentialed personnel required based on the daily attendance at the facility.

e. A child care facility that operates less than twenty (20) hours per week shall document that personnel meeting the teacher requirements work at the facility for a

minimum number of hours equal to one-half (1/2) the number of hours the facility operates per week.

f. A child care facility that operates more than twenty (20) hours per week shall document that personnel meeting the credentialed teacher requirements work at the facility for a minimum of twenty (20) hours per week.

g. Children who are five (5) years old and above when they are enrolled in and attending a kindergarten program or grades one (1) and above, are excluded from the calculation for purposes of determining the number of credentialed personnel necessary to meet the staff-to-children ratio requirement.

h. In addition to DCF Form 5206, Oct. 01, Child Care Personnel Professional Development Confirmation Form, child care facilities shall have available on-site written documentation of credentialed staff members' work schedules. Examples of written documentation include employee time sheets, personnel work schedules, and employment records.

(7) Aide Requirements: An aide shall have on file at the child care facility one (1) of the following credentials:

a. High school diploma.

b. GED.

c. Four (4) years of training or experience in a child care program, unless still attending high school.

(8) All child care personnel shall be:

a. A high school graduate or equivalent except as defined in Sec. 7-4.04(b) of this Ordinance.

b. Neat and clean in personal appearance; and

c. Cheerful, friendly, and well disposed toward children.

(9) Persons permanently assigned to caring for infants shall have a minimum of ten (10) hours of approved training from Part II of the introductory child care training course referenced in Sec. 7-4.02(b)(2)(iii) below.

(10) In the event a director meeting the requirements under this section terminates employment with a child care facility, such facility shall notify the local licensing agency within three (3) business days and such facility shall have thirty (30) days to employ a qualified replacement. Prior to the first day of being employed, the new director shall meet the screening requirements set forth in this Ordinance. In the event a teacher meeting the requirements under this section terminates employment with a child care facility, such facility shall have thirty (30) days to employ a qualified replacement. Prior to the first day of being employed, the new teacher shall meet the screening requirements set forth in this Ordinance.

(11) At all times the child care facility is open for operation, there shall be at least one (1) child care personnel on site who is able to communicate in English.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-4.02. Personnel training:

(a) All child care personnel, excluding those listed in paragraphs (e) and (f) of this section, must take a DCF approved forty (40) hour Introductory Child Care Training course provided by qualified trainers and approved by the training coordinating agencies.

(b) The forty (40) hour introductory training requirement is divided into two (2) parts.

(1) Part I is outlined in Section 402.305(2)(d), Florida Statutes--Part I of the introductory child care training is comprised of thirty (30) hours of training and is composed of the following five (5) training modules.

- (i) State and local rules and regulations which govern child care;
- (ii) Health, safety and nutrition;
- (iii) Identifying and reporting child abuse and neglect;
- (iv) Child growth and development, including typical and atypical language, cognitive, motor, social and self-help skills development; and
- (v) Behavioral Observation and Screening.

(2) Part II--Ten (10) Hour Specialized Training Requirement: Part II consists of five (5) specialized training modules identified below. Child care personnel (all permanently assigned infant care givers that must take module (iii) below) must successfully complete the forty (40) hour training requirement as evidenced by passage of competency examinations (competency examination required as of October 1, 2003) covering the following:

- (i) Pre-school Appropriate Practices;
- (ii) School-age Appropriate Practices;
- (iii) Infant and Toddler Appropriate Practices;
- (iv) Special Needs Appropriate Practices; or
- (v) Owner or Directors of Child Care Programs.

(c) *Documentation.* Training certificates are available online at myflorida.com/childcare/training after successfully passing the competency examinations:

(d) Individuals who are not required to complete DCF's approved forty (40) hour introductory child care training course include the following:

- (1) Volunteers and substitutes who work less than forty (40) hours a month;
- (2) Swimming instructors;
- (3) Music teachers;
- (4) Dance and gymnastics instructors; and
- (5) Other occasional or part-time support staff.

(e) All child care personnel hired prior to October 1, 1992, substantiated by documentation must complete Part I requirements, and the Module "Behavioral Observation and Screening," ten (10) hour course and are not required to complete Part II requirements. All child care personnel hired on or after October 1, 1992, must successfully complete Part I, and Part II, of DCF's forty (40) hour Introductory Child Care Training courses requirements. Successful completion of the forty (40) hour training requirement is evidenced by passage of competency examinations with a score of seventy percent (70%) or better. Child care personnel who also have completed the mandatory forty (40) hour Introductory Child Care Training prior to the availability of the competency examinations will not be required to complete the competency based testing. The successful completion of Part I and Part II modules will be documented on CF-FSP Form 5267, May 2003, and the DCF's child care training transcript.

(f) All child care personnel have ninety (90) days from the date of employment to begin training to meet the required forty (40) hour training course. The DCF's approved forty (40) hour introductory training course must be successfully completed within one (1) year of the date on which training began as evidenced by passage of competency

examinations. To begin training means to commence course work or complete a competency examination for one of the statutorily required child care training modules. The begin date for training is the initial date an individual commences training in the child care field. Documentation of child care personnel training initiation dates must be completed on the employee application and included in the employee's personnel record. The hiring date of the child care personnel and place of previous employment must be included in the personnel file of each employee and maintained in a location easily accessible for review. All training records are available online to view or print from [myflorida.com/childcare /training](http://myflorida.com/childcare/training). If a certificate is lost, a new certificate may be purchased from the local training coordinating agency upon receipt of a letter verifying the loss.

(g) Local training coordinating agencies will provide child care personnel with applicable exemptions through education credentials listed in DCF Form 75-58, July 1997, Training Requirements Form CF-PL175-58797, which is incorporated herein by reference, or child care personnel may be exempt from the requirement to complete Part I of the introductory training modules by successfully completing module exemption tests with a seventy percent (70%) or better score. Prior to attending the training, child care personnel have one (1) opportunity, if they choose, to be exempt from any of the forty (40) hour Introductory Child Care Training modules by successfully completing competency examinations with a score of seventy percent (70%) or better.

(h) *Annual In-Service Training.*

(1) All child care personnel, except those listed in Sec. 7-4.02(d)(1)--(5) above, must complete at least eight (8) hours of annual in-service training after completion of the Introductory Child Care Training. The eight (8) hour in-service training must be completed annually during the state's fiscal year beginning July 1 and ending June 30. Staff members permanently assigned to care for infants must take four (4) hours of this training specifically geared to infant care.

(2) Individuals who are not required to complete the eight (8) hour in-service training include those listed in Sec. 7-4.02 (d)(1)--(5) above.

(3) The annual eight (8) clock hours in-service training may be completed in any of the following areas: health and safety, including universal precautions; CPR; nutrition; child development--typical and atypical; child transportation and safety; behavior management; working with families; design and use of child-oriented space; program curriculum and activities for children; community health, and social service resources; child abuse; child care for multilingual children; working in child care with children with disabilities; owner or directors training program, playground safety, literacy; or other appropriate course areas relating to child care or child care management.

(4) Proof of the annual in-service training must be included in the child care personnel record for each employee and recorded on DCF's Form 5130, Apr. 97, Child Care In-Service Training Record Form. The training record shall be signed by the child care facility director after each training. Supporting documents regarding training, such as certificates, transcripts, diplomas, and agendas shall be attached to the form. The local licensing agency staff will review records to ensure training is being taken in appropriate training subject areas.

(i) *Required Training for Directors in Caring for Children with Disabilities.* The director of a facility shall be required to take basic training in serving children with

disabilities within five (5) years after employment, either as a part of the introductory training or the annual eight (8) hours of in-service training.

The specific training requirement shall be met in one (1) of the following ways:

- (a) Completion of DCF's ten (10) hour training module entitled "Special Needs Appropriate Practices"; or
 - (b) Completion of one (1) eight (8) hour in-service training course in caring for children with disabilities; or
 - (c) Accumulation of eight (8) hours of in-service training in caring for children with disabilities; or
 - (d) Documentation for credit course work in exceptionalities or special needs.
- (Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-4.03. Child care licensing seminar.

Prior to the initial licensing of a facility, every potential owner or director shall attend one (1) three (3) hour child care licensing seminar provided by the local licensing agency.

The seminar shall address, but not be limited to, the following matters: a review of required child care minimum standards for Broward County, record keeping, child care personnel training, classroom activities, menu planning, staff management, problematic situations and resolution, health maintenance, and other child-care-related topics.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-4.04. Minimum age requirements:

(a) *Director:* The director of a child care facility must be at least twenty-one (21) years of age. In the absence of the director, there must be designated, in writing, a person at least twenty-one (21) years of age or older who is in charge of the facility and on the premises at all times and who has full access to all records required to be maintained by this Ordinance.

(b) *Personnel:* Any person who is in direct supervision of the children must be at least eighteen (18) years of age. Any person sixteen (16) years of age or older may be employed in a child care facility; however, persons who are sixteen (16) but less than eighteen (18) must be directly supervised by appropriate child care personnel. No person under the age of eighteen (18) may be counted in the staff-to-children ratio. No person under the age of eighteen (18) may be in charge of a class or group of children.

(c) *Volunteers:* All of the minimum age requirements included in this section apply to volunteers.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-4.05. Health requirements.

(a) Tuberculosis (TB) testing is no longer routinely recommended by the State of Florida, Department of Health for: low risk populations; any students in Florida schools or universities/colleges; pregnant women; teachers; school bus drivers; child care personnel and food handlers.

It shall be the responsibility of the directors of child care facilities to contact the Broward County Health Department or their private physician to determine if the child care personnel in their facilities are in a high risk category based on geographic locations and health history, or if a symptom screening is warranted for personnel in low risk

populations. Symptom screening should be utilized for any screening effort to detect active TB upon entry or employment for low risk persons in settings where transmission would be in facilities (e.g., child care facilities). Questions to ask verbally for symptom screening as recommended by the Florida Department of Health are:

- (1) Do you have or have you recently had a productive, prolonged cough and/or hoarseness lasting longer than three (3) weeks?
- (2) Have you had a recent unplanned weight loss?
- (3) Have you experienced fever or night sweats for more than one (1) week?

If an employee answers yes to any of the above questions, the employee should be referred for evaluation. The Broward County Health Department or a licensed physician must make the determination if TB testing is necessary.

(b) Prior to the first day of being employed by a child care facility, all child care personnel, excluding temporary substitutes, shall have on file at the child care facility a signed statement from a licensed physician or authorized agent of a Florida County Health Department attesting that the employee is in good health in order to care for children. The health assessment statement shall be documented on the No. 8 Card, Physician's Statement of Good Health for Child Care Center Personnel, and updated every two (2) years. After the fifth day of working at a facility, a temporary substitute shall have forty-eight (48) hours to comply with the requirements of this paragraph in order to continue working at the facility.

(c) Any child care personnel suspected of having a communicable disease shall be removed from the facility and may not return without medical authorization, or until the signs and symptoms of the disease are no longer present. The director of the facility is required to notify the Broward County Health Department immediately upon any suspected outbreak of a communicable disease. A suspected outbreak occurs when two (2) or more employees have the onset of similar signs or symptoms as outlined below within a seventy-two (72) hour period or when a case of a serious or reportable communicable disease is diagnosed in an employee. Signs and symptoms of a suspected communicable disease include any of the following:

- (1) Severe coughing;
- (2) Difficult or rapid breathing;
- (3) Stiff neck;
- (4) Temperature of One Hundred and One Degrees (101°) Fahrenheit or higher in conjunction with any other signs of illness;
- (5) Conjunctivitis (pink eye);
- (6) Exposed, open skin lesions;
- (7) Yellowish skin or eyes;
- (8) Any other unusual sign or symptom of illness; or
- (9) Runny nose other than clear.

(d) All current health records shall be transferable from one (1) facility to another.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-4.06. Ratios of staff-to-children and direct supervision:

(a) *General.*

(1) The following staff-to-children ratio is based on primary responsibility for the direct supervision of children and applies at all times, except as described in Sec. 7-4.06(5) below. During any break time, staff-to-children ratios shall be maintained.

TABLE INSET:

Age of Children	Ratio
Under 1 year of age	1 staff member for 4 children
1 year of age or older but under 2	1 staff member for 6 children
2 years of age and older but under 3	1 staff member for 11 children
3 years of age and older but under 4	1 staff member for 15 children
4 years of age and older but under 5	1 staff member for 20 children
5 years of age and older	1 staff member for 25 children

(2) In groups of mixed-age ranges where infants are included, one (1) staff member shall not be responsible for more than four (4) children of any age group. In groups of mixed-age ranges where children are one (1) year of age but no infants are included, one (1) staff member shall not be responsible for more than six (6) children of any age group. In groups of mixed-aged ranges where neither infants or children one (1) year of age are included, the staff-to-children ratio shall be determined by the age group of the majority of children in the group. In the event a majority cannot be determined because there is an even amount of children in the age groups in question, the staff-to-children ratio shall be determined by the younger age group.

(3) If both non-disabled and children with disabilities are being cared for, the local licensing agency may require the director to make an adjustment in the staff-to-children ratio to ensure adequate and proper care of the children with disabilities.

(4) For drop-in child care facilities, the staff-to-children ratio referenced in subparagraph (a)(1) above for children ages four (4) and five (5) shall double for staff only and, accordingly, two (2) staff members shall be required for every twenty (20) or twenty-five (25) children respectively.

(5) During nap time, direct supervision means sufficient staff walking around at periodic intervals watching children sleeping or resting in the same room. Infants must have direct supervision at all times within the required staff-to-children ratio.

TABLE INSET:

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Napping Children	Ratio
Under 1 year old	1 staff member for 4 children
1 year old but under 2 years old	1 staff member for up to 12 children
2 years old but under 3 years old	1 staff member for up to 22 children
3 years old and up	1 staff member for up to 30 children

Mixed age groups during napping of children ages two (2) and up shall be determined by the age group of the majority of children napping in one (1) room. In this event, all other staff members required to meet staff-to-children ratios shall be within the same building on the same floor and be readily accessible and available to be called upon to ensure the safety of the children.

(b) *Children with disabilities.*

(1) For child care facilities caring only for children with disabilities, the following staff-to-children ratio is based on direct supervision and shall be maintained at all times in the facility.

TABLE INSET:

Age of Children	Ratio
Under 2 years of age	1 staff member for 4 children
2 years of age and older but under 3	1 staff member for 6 children
3 years of age and older but under 4	1 staff member for 8 children
4 years of age and older but under 5	1 staff member for 10 children
5 years of age and older	1 staff member for 14 children

(2) Depending on the severity of the disabling conditions of the children in care, additional child care personnel may be required by the local licensing agency to assure the safety of the children.

(3) In groups of mixed age ranges, where children under two (2) years are included, one (1) staff member shall not be responsible for more than four (4) children of any age group. In groups of mixed-age ranges where neither infants nor one (1) year olds are included, the staff-to-children ratio shall be determined by the age of the majority of the children in the group. In the event a majority cannot be determined because there is an

even amount of children in the age groups in question, the staff-to-children ratio shall be determined by the younger age group.

(c) There shall be at least one (1) staff person providing direct supervision at all times when one (1) or more children are present. At no time shall any child be left alone for any reason without direct supervision. Direct supervision means watching and directing the children's activities within close proximity within the same room inside or within a designated outdoor play area and responding to each child's needs. Child care personnel and volunteers at a facility must be assigned to provide care to a specific group of children and be present with that group of children or child at all times during the day including during meals, napping, snack time, and transportation of children.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-4.07. Child discipline.

(a) Child care facilities must ensure that age appropriate, individual, and constructive disciplinary practices are used for each child in care. Child care personnel shall adhere to the following:

- (1) Children shall not be subjected to discipline that is severe, humiliating, or frightening.
- (2) No cruel, harsh, physical, or unusual punishments shall be permitted.
- (3) No child shall be delegated or permitted to discipline another child.
- (4) No physical restraints, equipment, devices, or furniture shall be used to confine a child.
- (5) No child shall be confined in an enclosed area, such as a closet, locked room, box, or bathroom.
- (6) No child shall be subjected to profane language, threats, derogatory remarks, or other verbal abuse.
- (7) No child shall be punished for failure to eat or sleep, or for toileting accidents.
- (8) No child shall be punished by withholding food, rest, or use of the toilet.
- (9) No physical punishment shall be used, such as, but not limited to, spanking, hitting, striking, biting, or pinching.
- (10) No child shall be threatened with any punishment that is prohibited by this paragraph.

(b) All child care personnel at the facility must comply with the facility's written disciplinary practices and sign a statement that they have read and will comply with the policy.

(c) Prior to admission of a child to a child care facility, the facility shall notify the parents in writing of the disciplinary practices used by the facility. The specific types of discipline used for each age group must be included in the written material provided to parents. Notification must be verified by the signature of a parent of the enrolled child. The signature must be recorded on the No. 1 enrollment card or an equivalent form and kept on file at the facility. A copy of the facility's current written disciplinary practice must be made available to the local licensing agency for review.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-5. Physical facilities.

[Requirements for physical facilities are included in Sec. 7-5.01 et seq., below.]

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-5.01. General requirements:

(a) All child care facilities shall conform to state and local environmental health, water, sewage disposal, and building code standards. Pursuant to Section 402.305(5) Florida Statutes, school age programs operated in public school facilities, regardless of the operator, shall follow the standards set forth by the Florida Building Code State Requirements for Public Education Facilities.

(b) All child care facilities must be constructed so as to reasonably prevent entrance of insects and rodents.

(c) The indoor and outdoor play space areas where children are being cared for shall not be used for any other business, commercial, or special purpose when the children are present in these areas.

(d) A child care facility must provide the parents access, in person and by telephone, to the child care facility during the facility's normal hours of operation or during the time the children are in care.

(e) *Alcoholic beverages/controlled substances:* No alcoholic beverages or controlled substances may be kept on the premises during operational hours except as provided for in this paragraph. Child care personnel with a valid prescription from a licensed physician for medication that constitutes a controlled substance may store the medication on the premises as needed, provided that the substances are kept in a safe place out of the reach of children. During operational hours, no child care personnel shall be under the influence of alcohol or a controlled substance unless the controlled substance is prescribed by a licensed physician.

(f) *Toxic Substances:* Medicines, cleaning supplies, flammables, and other potentially poisonous supplies shall be stored and locked in a place out of a child's reach and in such a manner as to ensure the safety of the children. These items and, in addition, knives and sharp tools/instruments, shall be stored and locked in locations inaccessible to all children in care. All surfaces or items accessible to children shall be free of toxic materials, and pose no threat to the health and safety of the children or personnel. Lead-based paints are prohibited. A limited exception to storage of toxic substances is the storage of a spray bottle of sanitizing solution consisting of one (1) part sanitizing solution to sixty (60) parts water (equivalent to one-fourth (1/4) cup of household liquid chlorine bleach solution per gallon of tap water mixed fresh daily) near the diaper table so long as the solution is kept out of the reach of children when not in use.

(g) *Animals or fowl:* Animals or fowl must be properly immunized, free of disease, and create no health or safety hazard. Pets and animals shall not be allowed loose in the playground. All pets and animals must be in cages, pens, or on leashes and be protected in such a manner that they cannot be reached by the children; however, domestic pets and animals may be handled by the children under the direct supervision of an adult. Reptiles shall not be handled by children.

(h) *Lighting:* A minimum of twenty (20) foot-candles of light must be provided and maintained in all rooms utilized by children. A minimum of five (5) foot-candles of light must be provided in rooms where children are napping. Foot-candles shall be measured three (3) feet from the floor level.

Lights shall not be turned off, but may be dimmed, in the infant room while the children are sleeping so as to not inhibit supervision of the children.

(i) *Firearms*: No firearms shall be kept on the premises of the child care facility.

(j) *Smoking*: Smoking is not allowed in any building that is a part of a child care facility. Smoking is allowed outside any building that is part of a child care facility if children are not present, except playgrounds. Smoking is prohibited within a vehicle used for transporting children.

(k) *Maintenance*: All areas of the facility are to be kept clean, safe, sanitary, in good repair, and properly ventilated. Cleaning shall not take place while rooms are occupied by children except for general clean-up activities that are part of the facility's daily routine. All electrical outlets shall be covered when not in use.

(l) *Insect and vermin control*: The interior of the child care facility shall be clean, safe, sanitary, and maintained free from rodents and/or insects. Safe, effective means of eliminating insects and/or rodents shall be provided, and all extensive exterminations shall be performed by a licensed exterminator. Pest control shall not take place while rooms are occupied by children.

(m) *Drinking water*: Each child care facility with a capacity of fifty (50) or less children shall have at least two (2) drinking fountains; one (1) shall be located inside the facility and one (1) shall be located outside the facility in the play area. There shall also be provided one (1) additional drinking fountain for each additional fifty (50) children capacity, or any fraction thereof. Drinking fountains shall be slant-type protected fountains or bottled water coolers and shall be accessible and sufficient to meet the children's needs. Bottled water coolers are not permitted to be located outside of the facility. Drinking water shall be freely available to all children. If disposable cups are used, they must be discarded after each use.

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

(o) *Telephone*: There shall be at least one (1) working, unlocked, non-pay telephone in the child care facility. Emergency telephone numbers, such as ambulance, fire, police, poison control center, child abuse registry, and the Broward County Health Department, as well as directions to the facility must be posted on or near all telephones; 911 can be used as the primary emergency number for fire, police, and medical emergency. A facility must have a person responsible for answering the telephone at all times during the facility's operating hours, including periodically checking the answering machine, if available, for any messages left on the answering machine when the main phone line is busy and calls roll over to the answering machine. Staff-to-children ratios must still be complied with when the person answers the phone.

(p) *Temperature and ventilation*: Inside temperatures must never fall below sixty-five degrees (65°) Fahrenheit or exceed eighty-two (82°) degrees Fahrenheit. All rooms must be appropriately ventilated. All operable windows and doors kept open must be securely screened. The routine changing of air conditioner filters must be maintained in a log for review by the local licensing agency.

(q) *Water*: Running water from a Broward County Health Department approved source must be available within the child care facility.

- (r) *Open areas:* Open classrooms and picnic areas are permitted.
- (s) *Shoes:* Shoes must be worn at all times by child care personnel and children who walk. Shoes may be taken off during napping.
- (t) An operable flashlight must be kept in the child care facility for use in the event of a power failure.
- (u) A minimum of two (2) staff members must be on the premises of a facility at all times during the facility's hours of operation if the number of children exceeds the following staff-to-children ratios:
 - (1) A maximum of four (4) children birth to twelve (12) months of age.
 - (2) A maximum of six (6) preschool children if all are older than twelve (12) months of age.
 - (3) A maximum of ten (10) children if no more than five (5) are preschool age.
- (v) All programs, regardless of the location, providing child care exclusively for children in grades six (6) and above shall be exempt from licensure under this Ordinance.
- (w) Design and construction of a new child care facility or modifications to an existing facility must meet the minimum requirements of the applicable local governing body.
(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-5.02. Usable indoor space.

- (a) "Usable indoor space" refers to that floor space available for indoor play, classroom, work area, or napping. In indoor areas, usable indoor space is calculated by measuring at floor level from interior walls and by deleting space for stairways, toilets and bath facilities, permanent fixtures, and nonmovable furniture, unless that furniture is provided for the sole use of the children in care. Shelves or storage for toys and other materials shall be considered as usable indoor space if accessible to children. Kitchens, offices, laundry rooms, storage areas, and other areas not used in the normal day-to-day operations of the facility are not included when calculating usable indoor space.
- (b) A child care facility that held a valid license on October 1, 1992, must have a minimum of twenty (20) square feet of usable indoor space per child. A child care facility that did not hold a valid license on October 1, 1992, and seeks a license to operate a child care facility must have a minimum of thirty-five (35) square feet of usable indoor space per child.
- (c) Usable indoor space calculated at twenty (20) square feet per child will not be affected by a change in ownership due to the sale of an existing child care facility that held a valid license prior to October 1, 1992, and that remains open and operating during the change of ownership.
- (d) For a licensed urban child care facility, an additional minimum of forty-five (45) square feet of usable indoor space per child for one half (1/2) of the licensed indoor capacity shall be substituted for outdoor play space. The urban child care facility shall provide this additional usable indoor space with equipment that provides activities appropriate for the age of the children.
- (e) For an indoor recreational facility, a minimum of three thousand (3,000) square feet of usable indoor space shall be required.
- (f) *Equipment and furnishings:*
 - (1) Toys, equipment, and furnishings must be in a usable, safe, and sanitary condition.

(2) Play equipment and materials shall be provided and maintained that are appropriate to the developmental needs, individual interests, and ages of the children. There shall be a sufficient amount of play equipment and materials available relative to the licensed capacity of the facility allowing each child to be involved in activities.

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

a. In areas in which play equipment is used and the equipment has a climbing height of greater than eighteen (18) inches but does not exceed thirty-six (36) inches, there shall be a shock absorbent floor covering approved by the local licensing agency. The shock-absorbent floor covering shall extend a minimum of two (2) feet beyond all sides of the equipment.

b. In areas in which play equipment is used and the equipment has a climbing height of greater than thirty-six (36) inches, there shall be a shock absorbent mat or floor covering approved by the local licensing agency. The placing of equipment against the wall is permissible. The shock-absorbent floor covering shall extend a minimum of three (3) feet beyond all sides of the equipment.

(g) *Planned activities:* Each age group, excluding infants, or class must have a written and followed daily schedule of activities posted in a place accessible to the parents. For infants, the facility must follow the individual needs of the children. The activities shall be appropriate to the developmental age of the child. The daily schedule shall include, but not be limited to, the following:

(1) Broad blocks of time for activities in art, language development, music, block building, creative and dramatic play, science, manipulative play, active play, indoor and outdoor play periods;

(2) Time period for providing meals and snacks; and

(3) Quiet time or nap period.

(h) When infants are in care, there shall be open play space available outside of cribs and playpens. If cribs and playpens are stored out of the way during play time, the space used for play may be used interchangeably with space used for cribs and playpens. Children shall not be confined in high chairs, sassy seats, bounce seats, cribs, or playpens while awake for more than fifteen (15) minutes at a time without direct staff contact.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-5.03. Outdoor play space.

(a) There shall be a minimum of forty-five (45) square feet of usable, safe, and sanitary outdoor play space per child, one (1) year of age and older. Outdoor play space shall be calculated at the rate of forty-five (45) square feet per child in any group utilizing the play space. A minimum outdoor play space shall be provided for one-half (1/2) of the licensed indoor capacity. The minimum standard for outdoor play space shall not apply in calculating square footage for children under one (1) year of age. However, appropriate outdoor infant equipment shall be substituted for outdoor play space. The facility shall provide facilities and equipment conducive to the physical activities appropriate for the age and physical development of the child. Infants in care shall be provided opportunities for outdoor time each day that weather permits.

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

- (c) All children in the outdoor play space shall be supervised at all times in all areas.
- (d) The outdoor play space shall have and maintain a safe and adequate fence or wall at a minimum of four (4) feet in height unless a greater height is otherwise specified by the local licensing agency or the municipal/county office of code enforcement. The child care facility shall construct a fence or wall around downguys and anchors for electric facilities to a height of four (4) feet, unless a greater height is required by the utility company. Secure and adequate locks and/or latches shall be provided on all gates. Locks and/or latches provided for escape gates for exiting shall be approved by the appropriate fire authority having jurisdiction. There shall be an escape gate in the playground area enclosed by the fence/wall. Fencing, including gates, must be continuous and shall not have gaps that would allow children to exit the outdoor play area. The base of the fence must remain ground level, free from erosion or build-up, to prevent inside or outside access by children or animals.
- (e) The outdoor play space shall be clean, free of litter, nails, glass, and other obvious hazards. All stationary equipment shall be firmly anchored. All equipment and fences shall be free of sharp or jagged edges, and equipment shall be properly placed to prevent overcrowding or safety hazards in any one (1) area. Concrete, asphalt, gravel and other similar non-yielding substances are prohibited beneath any piece of permanently installed play equipment. Certain rubber padding may be permissible over hard surfaces as determined by the local licensing agency. There shall be a minimum of six (6) inches of resilient, impact resistant material such as sand, mulch, grass, etc., under all permanently installed equipment unless approved rubber padding is used. The six (6) inch resilient, impact material shall not be on top of a non-yielding surface for facilities licensed after the date this Ordinance is adopted. Non-yielding surfaces, such as concrete, gravel, rock, or paving shall not exceed one-fourth (1/4) of the required outdoor play space.
- (f) The outdoor play space shall be free and safe from any reasonably foreseeable condition that has the potential of endangering or does endanger the health, safety, and welfare of children using the outdoor play area. This includes reasonably foreseeable conditions located on-site, adjacent to the facility, or off-site of the facility; and includes, but is not limited to, the presence of hazardous materials and high-tension wires.
- (g) The outdoor play space shall provide adequate shade. Outdoor access to the sun shall be provided.
- (h) The outdoor play space must be adequately drained to prohibit standing water from collecting in the area. No children shall be permitted to play in an area where standing water has collected until the area is adequately drained. Sand, sawdust boxes, and all equipment used in the outdoor play space shall be constructed to allow for adequate drainage and maintained in a safe and sanitary condition. Sandboxes must be covered when the facility is closed for business and during nighttime hours. The cover should prevent animals and vermin from gaining access to the sand and/or sawdust.
- (i) There shall be play equipment that provides suitable activities for the children served. All equipment must be installed safely and maintained in a safe condition. Outdoor equipment shall be age appropriate to the group of children being served. Play equipment shall include toys and equipment for large muscle development, including, but not limited to, swings, balls, sports equipment, climbing apparatus, tumbling mats, and jump ropes. All play equipment shall be of substantial construction and free from rough edges, sharp corners, pinch and crush points, splinters, and exposed bolts. Ladders on slides must have

a handrail. Play equipment such as climbing apparatus, slides, and swings shall be in good repair, placed in a safe location, and anchored firmly to prevent shifting, tilting, moving or falling. The facility's maintenance log shall include routine checks at least every other month of all supports, above and below the ground, all connectors and moving parts.

(j) Outdoor play space used after dark must be adequately illuminated. Twenty (20) foot-candles of light are required from the highest piece of equipment to the ground.

(k) During outdoor play, child care personnel must situate themselves in the outdoor play space so that all children can be observed and direct supervision provided. Staff members shall be available to the children at all times for support or assistance in accordance with their age and required needs.

(l) All water hazards such as pools, swimming pools, ditches, fish ponds, etc., shall be adequately fenced in accordance with accepted safety practices.

(m) Any swimming pool or wading pool used by a child care facility must be constructed and operated in compliance with the applicable local building standards and codes in compliance with Chapter 10D-5, Florida Administrative Code, "Swimming Pools and Bathing Places."

(n) If a child care facility uses a swimming pool that exceeds three (3) feet in depth or uses beaches or lake areas for swimming activities, one of the child care personnel must possess a current Advanced Life Saving Certificate or equivalent and be present when the children are in the swimming area, unless a certified lifeguard is on duty. In addition to the staff-to-children ratio required in Sec. 7-4.06 of this Ordinance, when any swimming related activity is involved, an additional staff member must be on the premises at all times. These additional staff requirements apply to any child care facility-sponsored field trips when swimming activities are involved. In situations where the child care facility provides a person with a certified lifeguard certificate or equivalent, that person can also serve as the additional adult to meet the requirement above.

(o) The local licensing agency shall determine on a case-by-case basis if a proposed child care facility is located in an "urban area" and if licensure as an "urban child care facility" is appropriate. The local licensing agency, in its determination, will consider urban areas to be areas of a high concentration of government centers, high intensity commercial uses, high density residential uses, regional shopping centers, hospitals, major office and employment areas, higher education facilities, and professional sports and recreational complexes. Urban child care is generally a child care facility or child care arrangement provided for the convenience of parents employed in the vicinity of the facility.

If an urban child care facility has inadequate outdoor play space available to meet the requirements of this Ordinance, indoor play space may be substituted as per defined in Sec. 7-5.02(d) of this Ordinance. Outdoor play space shall be deemed adequate if the play space is located on or adjoining the parcel of land where the building or complex of buildings in which the child care facility is located and meets the minimum square footage per child requirements set forth in this Ordinance.

A person who desires to become a licensed provider of urban child care, shall provide documentation at the time of submittal of the application that the outdoor play space requirements set forth in this Ordinance cannot be met. An urban child care facility shall

not be approved for licensure if outdoor play space is found by DCF or the local licensing agency to be available.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-5.04. Napping space.

(a) Each facility must include a designated napping area where a child can sit quietly or lie down to rest or nap. Fire exits as a means of egress shall not be obstructed by napping children. Napping space and indoor usable play space may be used interchangeably. A cot, crib, bed, mat, mattress, or playpen must be provided for each child three (3) years of age or under and made available for older children who nap. A mat or mattress must be at least one inch (1") thick. Bedding must be appropriate for the child's size. No child shall be permitted to nap at a desk, table, or on the floor without an appropriate mat or mattress.

(b) No double- or multi-decked cribs, cots, or beds shall be used. All bedding must be entirely covered with an impermeable material. All bedding must be cleaned and sanitized each day if used by a different child each day. All mattresses and playpen pads must be entirely covered. All mattresses, mats, and play pens must be cleaned and sanitized weekly, or more often if necessary, if assigned to a specific child.

(c) Torn, ripped, or taped bedding shall not be used for napping. Towels shall not be used as bedding. Linens used on bedding must be individually assigned, and laundered at least once a week, more often if necessary. Children's wet or soiled bedding must be changed promptly. Used linens must be stored in a sanitary manner, not touching but separated.

(d) A minimum distance of eighteen (18) inches must be maintained around individual napping spaces. The placement of bedding against a wall is permissible.

(e) Infants less than twelve (12) months of age must be provided cribs or playpens with sides. Crib sides must be raised and secured while an infant is inside. All cribs must meet federal construction regulations, as outlined in Title 16, Parts 1508 and 1509, Code of Federal Regulations, Subchapter C-"Hazardous Substances."

(f) When napping or sleeping, any infants that are not capable of rolling over on their own should be positioned on their back and on a firm surface to reduce the risk of Sudden Infant Death Syndrome (SIDS), unless an alternate position is authorized in writing by a physician. The documentation shall be maintained in the child's record.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-5.05. Toilet and bath facilities.

(a) Each child care facility shall provide conveniently located toilet and bath facilities that are easily accessible to the children. The facilities must be maintained in a sanitary condition and supplied with toilet paper, liquid soap in a dispenser, disposable towels and trash receptacles that are easily accessible to the children. Disposable towels are recommended, but if not used, no child shall share the same towel or washcloth. Automatic hand-drying devices are permitted when installed by a licensed electrician.

(b) Toilets and sinks shall be constructed at such a level as to allow the children to use them conveniently. If toilets or sinks are not installed at this level, a platform or step stool shall be provided. Platforms or step stools must be of safe construction, nonskid, nonporous covering, and easily cleaned and sanitized.

(c) The minimum fixture requirements for child care facilities shall be:

TABLE INSET:

Facility Capacity No. of Children	Toilets	Sinks	Bathtubs, Showers, Deep Sink
5--10	1	1	1
11--15	1	2	1
16--30	2	3	1
31--50	3	4	1
Above 50	3+1 for every additional 30 children	4+1 for every additional 30 children	1

At least one (1) permanent bathtub, shower, or deep sink shall be available for bathing children at all times. Toilets and sinks shall be cleaned daily and bathtubs, showers, or deep sinks shall be cleaned after each use.

(d) In addition to the toilet facilities listed in paragraph (c) above, potty chairs or seats shall be available in child care facilities serving children under the age of three (3) years unless the toilets are specifically designed for use by children. Potty chairs, if used, shall be cleaned and sanitized after each use. Children under five (5) years of age shall be under direct supervision and care in accordance with their age and required needs while bathing and accountable for when using the toilet facilities.

(e) Child care facilities that operate less than four (4) hours in any twenty-four (24) hour period shall be exempt from bathtub or shower requirements.

(f) If only infants in diapers are cared for in the child care facility, there is only one (1) toilet plus two (2) sinks required for each thirty (30) infants.

(g) *Infant and Toddler Requirements:*

(1) When children in diapers are in care, there shall be a diaper changing surface with an impermeable surface that shall be replaced and/or cleaned with a sanitizing solution after each use. Notwithstanding Sec. 7-5.01(f) of this Ordinance relating to storage of toxic substances, it is permissible to keep a spray bottle of sanitizing bleach solution consisting of one-quarter (1/4) cup of household liquid chlorine bleach to one (1) gallon of tap water mixed fresh daily near the diaper table without the benefit of a locked cabinet if the solution is kept out of the reach of children when not in use. This is a limited exception to storage of toxic substances. If an impermeable temporary covering is used, the covering

must be removed after each use and discarded, and the underlying impermeable surface must be cleaned and sanitized after each use. If a mat with an impermeable surface is used, surfaces around and under the mat must be regularly cleaned and sanitized.

(2) Children must not be left unattended when being diapered or when changing clothes.

(3) Diaper changing shall be placed apart from the feeding or food service area.

(4) When infants and toddlers are in care, there shall be an adequate supply of clean diapers, clothing, and linens at all times. Soiled items shall be placed in a secured covered container containing a plastic garbage bag. The containers shall be emptied, cleaned, and disinfected daily and not be accessible to the children. Soiled cloth or reusable diapers and clothing shall not be rinsed or washed. They shall be emptied and placed in a plastic bag, labeled with the child's name, closed tight, kept out of the reach of children, and given to the parents at the end of the day to take home for laundering. Changes of clothing should be kept handy. A child's wet or soiled clothing and crib sheets shall be changed promptly.

(5) Disposable gloves shall be worn and changed after each individual diaper change and shall be disposed of promptly. Hands shall be washed each time after removal of disposable gloves when diapering. Soiled disposable diapers and used disposable gloves shall be disposed of in the same container in plastic bags enclosed in a secured, covered container that is not accessible to children. The container shall be emptied and sanitized daily or more often, if necessary.

(6) Handwashing facilities shall include a sink with running water under pressure, soap and disposable towels, and shall be available in the infant/toddler room or in an adjoining room that opens into the infant/toddler room. Hot running water not to exceed one hundred and fifteen degrees (115°) Fahrenheit shall be located out of the reach of the children in care. Handwashing sinks shall not be used for food service preparation or food clean up.

(7) Child care personnel shall wash their hands with soap and running water and friction dry thoroughly after using toilet facilities or personal hygiene procedures for themselves or children, and immediately after outdoor play.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-5.06. Nighttime child care.

All child care facilities that provide, or intend to provide, nighttime care of children shall, in addition to all other standards established herein, comply with the following standards:

(a) A child care facility must have approval of the local licensing agency prior to instituting the provision of nighttime care.

(b) A minimum of two (2) adults must remain awake all night if a facility is providing nighttime care and shall provide supervision for the children while they are sleeping.

Staff-to-children ratios shall be maintained during hours of nighttime care.

(c) Each child shall have a separate bed or cot with his or her own linens covering the bedding.

(d) The minimum toilet and bath requirements for facilities providing nighttime care shall be:

TABLE INSET:

Facility Capacity No. of Children	Toilets	Sinks	Bathtubs or Showers
5--8	1	1	1
9--18	2	2	2
19--30	3	3	3
31--50	4	4	3
Above 50	4+1 for every additional 30 children	4+1 for every additional 30 children	4

(e) Meals must be served to children who are in the child care facility at ordinary meal times and who have not been served an evening meal before arrival or who remain through the time when breakfast is served. The evening meal must be included in the facility's menu.

(f) There shall be a written arrangement for another adult member of the facility's staff to be readily available to substitute for the person in charge in case of an emergency.

(g) Sleeping quarters must have a minimum of twenty (20) square feet of usable indoor space per child and a minimum distance of eighteen (18) inches around each bed or cot, if the facility held a valid license on October 1, 1992; however, if the facility did not hold a valid license on October 1, 1992, sleeping quarters must have a minimum of thirty-five (35) square feet of usable indoor space per child.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-5.07. Isolation area.

Each facility must include a designated isolation area away from other children for a child who becomes ill while at the facility. Such space shall be adequately ventilated and heated and equipped with a bed, cot, mattress, crib, playpen or mat, and materials that can be sanitized easily. Linens and disposables must be changed after each use and disposables must be disposed of properly. All isolated children must be within sight and hearing of a staff person at all times. No child shall ever be left alone or unsupervised and must be observed carefully for worsening conditions. Any child showing symptoms of illness during the day shall be removed from the group to the isolation area where the child shall receive necessary attention until such time as plans can be made for the child's care elsewhere or until the child is ready to return to the group.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-5.08. Fire safety.

(a) Unless statutorily exempted, all child care facilities shall conform to the state standards adopted by the State Fire Marshal for child care facilities: Chapter 4A-36, Florida Administrative Code, Uniform Fire Standards for Life Safety and Fire Prevention in Child Care Facilities, as may be amended from time to time, and shall be inspected annually.

(b) A copy of the current and approved annual fire inspection report indicating compliance by a certified fire inspector shall be on file with the local licensing agency and must be conspicuously posted at the child care facility.

(c) If a licensed program is operated in a public school, the public school fire codes, as provided in the rules of the State of Florida, Department of Education, are acceptable for purposes of licensure as the minimum standards for fire safety.

(d) All exit areas must remain clear and unobstructed at all times in accordance with the State's Uniform Fire Safety Standards.

(e) There shall be at least one (1) operable telephone in the child care facility, not including a cell phone which is dependent on power for charging, that is neither locked nor located at a pay station and is available to all staff members during the hours of operation, even in the event of a power outage.

(f) The child care facility shall conduct fire drills on a monthly basis when children are in care. A current attendance record must accompany staff members out of the facility during a drill or actual evacuation to be used to account for all children. After the occurrence of any fire or natural disaster effecting the facility, the director must notify the licensing agency within twenty-four (24) hours, in order for the local licensing agency to ensure health standards are met for continued operation.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-6. First aid treatment, emergency procedures and communicable diseases.

[See Sec. 7-6.01 et seq., below]

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-6.01. First aid treatment and emergency procedures.

(a) *Written instructions.* The child care facility shall have written instructions from parents for child care personnel to follow in case immediate or emergency medical treatment is necessary. The instructions must include:

(1) Authorization for the child care facility to seek medical treatment.

(2) Authorization for the health facility or physician to provide medical treatment as necessary.

(3) Information regarding responsibility for payment for the provision of emergency services.

(b) *Notice to parents:* Parents shall be notified immediately of any serious illness or serious injury to the child in the facility and their specific instructions regarding action to be taken under such circumstances shall be obtained and followed. If necessary, child care personnel shall also call the appropriate emergency telephone numbers provided to the facility pursuant to Sec. 7-8.01(e) of this Ordinance. The appropriate telephone numbers must be used as necessary to protect the health, safety, and well-being of any

child. If a parent cannot be reached, the director of the child care facility shall contact those persons designated on the No. 1 card, Child Care Enrollment Information Card, or its equivalent. The director shall follow any written instructions provided by the parents on the enrollment card.

(c) *Child care personnel training:* The child care facility is required to have at least two (2) adult staff members who have first aid and Pediatric Cardiopulmonary Resuscitation (CPR) training and at least one (1) of these staff members shall be on the premises at all times that children are present in the facility. Training consists of the successful completion of a course of instruction designed to provide the fundamental principles, knowledge of, and skills in standard first aid, day care safety and pediatric CPR. Courses may be provided by the American Red Cross, National Safety Council, the American Heart Association, or other recognized programs. Certificates of course completion are valid based on the time frames established by each first aid and CPR training program, not to exceed three (3) years. On-line CPR courses are not acceptable to meet this standard. CPR training must be done by classroom instruction.

(d) *Transportation:* In addition to paragraph (c) above, a staff member certified in first aid and pediatric CPR must accompany children when transported by bus, van, or any other vehicle.

(e) *First aid supplies:* The following first aid supplies shall be on the premises of the child care facility at all times: band-aids or equivalent, disposable latex or nonpermeable gloves, cotton balls or applicator, sterile gauze squares and rolls, adhesive tape, thermometer, tweezers, non-expired Syrup of Ipecac, labeled "DO NOT INDUCE VOMITING UNLESS DIRECTED TO DO BY A PHYSICIAN OR POISON CONTROL" 1-800-222-1222, pre-moistened wipes, soap, scissors, and a current resource guide on first aid and CPR procedures. All supplies shall be kept in a designated location in a covered container and labeled "First Aid." A first aid manual shall also be accessible. A first aid kit must also accompany child care personnel when children are on field trips. First aid kits shall be accessible to the child care personnel at all times and kept out of the reach of children.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-6.02. Communicable diseases--Mildly-ill children.

(a) *Children:*

(1) Any child who is suspected of having a communicable or infectious disease as defined in the Florida Administrative Code or who develops a fever or other signs and symptoms that include, but are not limited to, any of the following:

- a. Diarrhea;
- b. Conjunctivitis (pink eye);
- c. Skin rash/infection; or
- d. Exposed, open skin lesions shall be placed in the isolation area.

The condition shall be reported to the parent, and the child shall be removed from the facility as soon as possible. Such children shall not return to the child care facility without medical authorization, or until the signs and symptoms of the disease are no longer present.

(2) A child care facility may elect to care for a child who is experiencing minor cold symptoms and who does not feel well enough to participate in activities so long as the child is not exhibiting any of the following signs or symptoms:

- a. Severe coughing that causes the child to become red or blue in the face or to make a whooping cough sound;
- b. Difficult or rapid breathing;
- c. Stiff neck;
- d. Diarrhea (more than one (1) abnormally loose stool within a twenty-four (24) hour period);
- e. Temperature of one hundred degrees (100°) Fahrenheit or higher taken by the axillary method when in combination with any other signs of illness;
- f. Conjunctivitis (pink eye);
- g. Untreated infection skin patch(es);
- h. Exposed, open skin lesions;
- i. Unusually dark urine and/or gray or white stool and yellowish skin or eyes; and
- j. Any other sign or symptom of illness.

(3) If a child care facility elects to care for a child under the circumstances set forth in paragraph (2) of this section, the following procedures shall apply:

- a. The parent is immediately notified of the child's condition.
- b. The decision of whether or not to discharge the child immediately or at some other time during the day is left up to the director of the facility.
- c. The child is provided the option of resting on bedding provided or remaining with the class as a participant or observer.
- d. The parent is notified of any changes in the child's condition.
- e. Strict hygiene must be followed with a child who has a runny nose consisting of wiping the nose, disposal of tissue, and handwashing.

(4) If a child care facility elects not to care for a child with minor cold symptoms, the parent must be notified immediately and the child moved to the isolation area.

(5) A child who has head lice shall not be permitted to return to the facility until treatment has occurred. Treatment shall include the removal of all lice, lice eggs, and egg cases.

(b) *Aids and HIV infection:* Every child care facility is required to maintain on the premises a copy of the manual furnished by the local licensing agency entitled, "A Staff Manual about Aids and HIV Infection for Child Care Centers." Child care personnel must document and maintain in their individual personnel file at the facility that they have read the document within five (5) days of employment.

(c) *Outbreaks:* Directors are required to notify the Broward County Health Department immediately of any suspected outbreak of a notifiable communicable disease or other disease condition in accordance with section 64D-3 of the Florida Administrative Code, "Communicable Disease Control." Directors shall contact the Broward County Health Department when any of the following situations occur:

- (1) One (1) case of measles or diphtheria; or
- (2) More than one (1) case of haemophilun influenza meningitis, tuberculosis, hepatitis A, mumps, salmonella, shigella, campylobacteria intestinal infection; or
- (3) A suspected outbreak occurs when two (2) or more children or employees have the onset or are diagnosed or suspected of having similar signs or symptoms, as outlined in

Sec. 7-6.02(a)(2)a.--j. within a seventy-two (72) hour period or when a case of a serious or reportable communicable disease is diagnosed.

The presence of any notifiable communicable disease or an outbreak of any other communicable disease shall permit the director of the Broward County Health Department to declare a communicable disease emergency. The declaration of said emergency shall mandate that health and immunization records of all children in attendance and all child care personnel be made available for inspection by the Broward County Health Department. The director of the Broward County Health Department shall have the authority to require appropriate action to prevent the spread of such disease. This authority includes, but is not limited to, prohibiting attendance by a child or employee, restricting new admissions, or requiring immunization. In the event of noncompliance with the actions requested, the director of the Broward County Health Department shall have the authority to quarantine the affected facility.

(d) *Child care personnel:* Anyone, including household members if the child care facility is located in a private home, who develops signs and symptoms of a communicable or infectious disease as defined in the Florida Administrative Code, which includes, but is not limited to, any of the following: diarrhea, pink eye, rash, or any other skin infection, shall be isolated from other individuals and excluded from the facility until the signs and symptoms are no longer present.

(e) *Mildly-ill children:* Any child care facility that cares for mildly-ill children in a specialized child care facility shall meet the minimum standards for care established in Article III of this Ordinance, the Florida Statutes and the Florida Administrative Code, as may be amended from time to time.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-7. Nutrition, food preparation and food service.

[Nutrition, food preparation and food service requirements are included in Sec. 7-7.01 et seq., below.]

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-7.01. Dietary standards.

All child care facilities that provide meals and snacks must serve the food in accordance with the requirements of recognized nutritional standards. The size and shape of the food served shall be appropriate for the specific age group being served. The standards accepted are the National Research Council's Recommended Dietary Allowances and United States Dietary Guidelines for Americans. The USDA Food Guide Pyramid for Young Children, March 1999, incorporated herein by reference as the "USDA Food Guide," shall be used to determine what food groups to serve at each meal or snack and the serving size of the selected foods for children one (1) year of age and older. The fats and sweets category with the USDA Food Guide can not be counted as a food group. Using the USDA Food Guide, breakfast shall consist of at least three (3) different food groups; lunch and dinner shall consist of at least four (4) different food groups; and snacks shall consist of at least two (2) different food groups. Meal patterns that meet these recognized nutritional standards shall be furnished by the local licensing agency as a guide for the director of the facility.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-7.02. Alternate nutrition plan.

If meals, formula, and/or snacks are furnished by the child's parent, there shall be a written agreement signed by the director and parent and kept on file at the facility with a copy given to the parent. An alternate nutrition plan agreement or an equivalent form shall define the responsibilities of the parent and the director for meeting the child's nutritional needs. Sharing of home-cooked meals with anyone other than a sibling is discouraged. This section is not intended to prohibit occasional departures from nutrition plans to celebrate a birthday or holiday.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-7.03. Snacks.

Child care facilities shall assure that each child is provided with a nutritional mid-morning and nutritional mid-afternoon snack in addition to meals to meet the child's nutritional needs. Mid-morning snacks may be deleted if the time span between breakfast and lunch does not exceed three (3) hours. Snacks shall be served at least two (2) hours before regularly scheduled meals. Gloves must be worn when food items are touched when served.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-7.04. Special diets.

Arrangements shall be made between the director and parent for a child's special diet when prescribed by a physician. The physician's order and a copy of the diet and sample meal plan for the special diet shall be kept on file at the facility and in the child's record. All special diets, including baby formula, must be labeled with the child's name. Special diets shall be brought from home and not prepared at the facility. Formula provided by the facility must be commercially prepared, ready-to-feed formula. The formula shall be iron fortified unless otherwise recommended by the parent or a licensed medical authority. Liquids shall not be warmed in disposable plastic liners in microwave ovens because the liner may burst. Staff members shall not hold a child in their arms while removing items from the microwave as this may result in serious burns to the child. Children shall be kept at a safe distance from the microwave oven. Special food restrictions must be shared with staff and posted in an easily accessible location.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-7.05. Other nutritional concerns.

If a child is not provided breakfast or lunch by the parent and the child care facility accepts the child for care, the facility must provide the child with a nutritious meal.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-7.06. Menus.

Menus shall be planned, written, and posted at the beginning of each week. Menus shall be dated and posted in the food service area and in areas where they are accessible to parents. Any menu substitution shall be posted or entered on a log book used for this purpose. Records of menus served shall be placed on file and kept for a minimum of

three (3) months. A variety of foods from the five (5) basic food groups shall be included in meals and snacks.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-7.07. Feeding procedures.

Infants shall be individually fed. Toddlers and preschoolers shall be supervised and offered food appropriate for their ages. Formula shall be furnished by the parent, the containers labeled, refrigerated, and handled in a sanitary manner by child care personnel. There shall be no propped bottles for infants and no mechanical devices used for feeding. The child care facility may require that all infant bottles, including bottles with formula, be prepared in advance by the parent.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-7.08. Seating.

Child care facilities shall provide a sufficient amount of age-appropriate chairs and benches for children (excluding infants) to sit on while eating at tables.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-7.09. Food protection and service.

(a) All child care facilities approved by the Environmental Section of the Broward County Health Department to prepare food on the premises must obtain and maintain a valid food permit from the Broward County Health Department.

(b) All licensed child care facilities that prepare and serve food shall meet the applicable requirements as specified in chapter 64E-11, Florida Administrative Code, Food Hygiene, and must possess and conspicuously post a satisfactory inspection report issued by the Broward County Health Department.

(c) All food and drink shall be clean, wholesome, free from spoilage, and prepared so as to be safe for human consumption. Approved food-handling practices must be followed. Ice cream and other frozen desserts shall be from approved sources. All current Florida health and sanitary standards relating to food service and all applicable Broward County Code provisions relating to food service shall apply to all child care facilities that prepare or serve food; and said standards, as may be amended from time to time, are hereby adopted and incorporated herein by reference.

(d) All milk and milk products for drinking purposes shall be pasteurized and shall be purchased and served from the original containers in which they were packaged at the milk plant.

(e) All child care facilities need a three-compartment sink or a two-compartment sink and a dishwasher with an effective automatic sanitizing cycle. Machine sanitization can be accomplished by the use of chemical solutions or hot water. After bactericidal treatment, utensils shall be air dried and properly stored. Other types of sanitizing devices may be approved by the Broward County Health Department. Hot and cold running water under pressure shall be easily accessible to all rooms where food is prepared or utensils are washed.

(f) Food or drink that is stored, prepared, transported, or served, and utensils after being washed, shall be protected from dust, flies, vermin, rodents, and other contamination.

- (g) The floors, walls, shelves, tables, utensils and equipment in these rooms shall be of such construction as to be easily cleaned and shall be kept clean and in good repair. Stored food shall be placed in such a manner as to be free from dust, dirt, and splash.
 - (h) The walls in the food preparation and service area shall be finished in a light color and shall have a smooth, washable surface up to the level reached by splash or spray.
 - (i) These rooms in the food preparation and service area shall be well lighted and ventilated and openings shall be effectively screened.
 - (j) No live animals or fowl shall be kept or allowed in the food preparation and service area.
 - (k) After food is opened that is canned, sealed or originally packaged to ensure against contamination, or if leftovers are to be kept for future use, it must be sealed and stored in such a manner as to prevent spoilage or contamination.
 - (l) All readily perishable food and drink shall be kept at or below forty-one degrees (41°) Fahrenheit or above one hundred forty degrees (140°) Fahrenheit, except when being prepared or served.
 - (m) Each refrigerator or freezer used for storage of perishable foods shall be provided with an accurate-indicating thermometer located in the warmest part, situated so that the temperature can be easily and readily observed.
 - (n) Effective restraints to keep hair from food and contact surfaces shall be used for personnel engaged in the preparation and service of food.
 - (o) No person diagnosed with a communicable disease or suspected of being a carrier of organisms that may cause a communicable disease shall be permitted to work in food preparation and service.
 - (p) Child care personnel in the food preparation and food service area shall have access to toilet and hand-washing facilities. No toilet facility shall open directly into an area where food is prepared. Hand-washing facilities must be available in the food service area and must be used as necessary. Child care personnel and children shall wash their hands with soap and running water, and friction dry thoroughly prior to preparing snacks or meals.
 - (q) In those instances where the indoor play space also serves as the dining area, a toilet facility may open directly into an area where food is served if the children are closely supervised while using the toilet and bath facilities.
 - (r) Children are permitted in the food preparation area for educational purposes if provided direct and constant supervision by child care personnel.
 - (s) All child care personnel shall wear clean garments and shall keep their hands clean at all times while engaged in preparing and serving food and drink.
- (Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-7.10. Catering service.

Catering services that provide food to child care facilities must provide food that meets the requirements of the standards recommended by the National Research Council's Recommended Dietary Allowances and United States Dietary Guideline for Americans, and must possess and, upon demand, be able to produce a satisfactory report by the appropriate county health department. Food or drink that is stored, prepared, transported, or served, and utensils after being washed, shall be protected from dust, flies, vermin, rodents and other contamination.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-7.11. Equipment and utensils.

(a) All multi-use eating and drinking utensils shall be thoroughly cleansed with hot water and a disinfectant detergent, then rinsed free of such solution, and then effectively subjected to an approved bactericidal process after each use.

(b) When disposable service items (i.e., plates, cups, utensils, etc.) are used, they shall be properly disposed of and not reused. Until properly disposed of, all litter, waste and rubbish shall be placed in suitable-covered receptacles. Until properly disposed of, garbage shall be placed in covered, leakproof, nonabsorbent containers.

(c) All knives and sharp instruments shall be stored in a locked area out of the reach of children when not in use.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-8. Admission and record keeping.

All records required pursuant to this Ordinance must be kept on the premises of the child care facility during the normal hours of operation. These records shall contain complete, accurate, and truthful information and shall be subject to verification by the local licensing agency.

The owner or director shall assure that all parents complete the "SWIM CENTRAL Drowning Prevention Questionnaire" form upon entry of their child(ren) for care. The completed form will be forwarded to the local organization known as "SWIM CENTRAL." If a parent chooses not to provide address data (so that SWIM CENTRAL can mail drowning prevention materials) the facility shall forward the form to SWIM CENTRAL without this information and provide the parent with drowning prevention materials. A record of compliance will be placed in the child's file and monitored by the staff of the local licensing agency. The local licensing agency will supply the form.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-8.01. Enrollment information.

The director shall obtain and keep on file at the child care facility on the No. 1 card, Child Care Enrollment Information Card or its equivalent, the following enrollment information from the child's parent before the child is allowed admission into the facility:

(a) The child's full legal name, birth date, current address, and preferred name(s).

(b) The child's first date of attendance at the facility.

(c) The name and address of the child's parent(s).

(d) Telephone numbers or instructions as to how the parent(s) may be reached during the hours the child is in the facility.

(e) Names, addresses, and telephone numbers of person(s) who can assume responsibility for the child if for some reason the parent(s) cannot be reached immediately in an emergency, including the permission to remove the child from the facility.

(f) Names and addresses of person(s) authorized to take the child from the child care facility other than those persons referenced above. The child must not be released to any person(s) other than the person(s) authorized by the parent or listed on the enrollment form or as described in Sec. 7-8.10 of this Ordinance.

(g) The name, address, and telephone number of a physician or health resource that can be called in case of an emergency and the parent's written permission to consult that physician or health resource if the parent cannot be reached.

(h) A list of any known allergies or other special needs of the child.

(i) For children with disabilities, there must be a written plan on file at the facility specifying the disabling condition and the special provisions that will be made to meet the needs of the child. This plan will be developed as a cooperative effort between the child's parent, the director, supervising physician, and/or other specialists.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-8.02. Health examinations and health maintenance.

(a) Within fifteen (15) days of enrollment, each child must have a written statement on file from a licensed physician or authorized agent of a county public health department attesting that:

(1) The child is in good health, or that any known medical condition or health problem is under treatment. Written proof of physical examinations must be kept on file at the facility and updated every two (2) years. The medical examination certificate, State of Florida, Department of Health ("DH") DH's Form 3040, Jan. 02, Student Health Examinations Form, is valid for two (2) years from the date of issuance, and is transferable if the child attends another facility. Certification that a health examination has been completed may be documented on DH Form 3040, or a signed statement by an authorized professional that includes the results of the components included in the health examination.

(2) Immunizations appropriate to the child's age are up-to-date or are in the process of being brought up-to-date. Immunization records must be kept current and recorded on DCF Form 680, Florida Certification of Immunization, Parts A-1, B, or C, July 01, or DH Form 681, Religious Exemption From Immunization, May 1999 and facility directors are responsible for notifying the child's parent when the child's temporary or other immunizations must be updated.

(b) No infant shall be admitted to a child care facility without first obtaining immunization appropriate to the child's age according to the State of Florida, Department of Health's standards unless a signed exemption form is on file.

(c) Children who apply for admittance to the child care facility without being fully immunized according to DCF's minimum standards as follows: (four (4) or more doses of Diphtheria, Tetanus, Pertussis [DPT], three (3) or more doses of Poliomyelitis, and one (1) dose of Rubeola, Mumps, Rubella Vaccine [MMR]), and Haemophilus influenza type B(HIB), and effective July 1, 2001, completion of the Varicella Vaccine, must present documentation of a medical (permanent or temporary) or religious exemption. The DH Form 680, Florida Certification of Immunization, Part A-1, Certificate of Immunization for K-12, excluding 7th grade requirements or Part B Temporary Medical Exemption, must be dated and certified by a licensed physician or an authorized agent of a county health department under the provisions of Chapters 458, 459 or 460, Florida Statutes. The DH Form 680, Florida Certificate of Immunization, Part C, Permanent Medical Exemption, shall be dated and signed by a physician licensed under the provisions of Chapter 458 or 459, Florida Statutes. The temporary medical exemption certificate must indicate an expiration date that shall not exceed more than fifteen (15) days from the last

scheduled immunization appointment. In some instances, children are admitted without completed immunization and will be issued a temporary immunization exemption. Out of state immunization forms received are acceptable; however, they must be documented on DH Form 680 and signed by a practicing physician in the State of Florida.

(d) Any child may be exempt from medical or physical examination, or medical or surgical treatment upon written request of the parent of such child who objects to such examination and treatment; provided, however, the laws, rules, and regulations relating to contagious or communicable diseases and sanitary matters shall not be violated. Forms prescribed by the State of Florida regarding religious or medical exemptions from compulsory immunizations must be on file in the facility.

(e) School-aged children attending public or non-public schools are not required to have student health examination and immunization records on file at the child care facility as such records are on file at the school where the child is enrolled.

(f) Medical records are the property of the parent when the parent withdraws the child from the child care facility and are transferable if the child attends another facility.

Copies of required records are acceptable for documentation.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-8.03. Personnel screening and health records.

Personnel records shall be maintained for the following individuals: (1) the owner of the facility, (2) the director, and (3) child care personnel, including volunteers who work forty (40) hours or more per month. These records shall include the following information:

(a) Name, address, and home telephone number.

(b) Reports of the required health examination and testing.

(c) Person to contact in case of an emergency.

(d) Position and date of employment.

(e) Proof of date of birth, if applicable, upon request.

(f) Appropriate documentation that the person has complied with the background screening requirements in accordance with Section 402.3055, Florida Statutes, and this Ordinance. A two (2) year employment history check is required as part of background screening.

(g) Training information credentials.

(h) Statement that the person has read, or has had read to them, and understands the contents of DCF's pamphlet, DCF PI-175 "Child Abuse and Neglect in Florida, A Guide for Professionals" and "HIV/AIDS Manual."

(i) Director/teacher educational requirements, if applicable.

(j) Documentation of health requirements as defined in Sec. 7-4.05 of this Ordinance.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-8.04. Signed statements.

The child care facility must maintain in each child's records signed statements that the child care facility has provided the following information to the child's parent:

(a) DCF's child care facility brochure DCF PI Form 175-24, Feb. 95, "Know Your Child Care Center," or the local licensing agency's equivalent brochure approved by DCF.

(b) A written description of disciplinary practices used by the child care personnel.

- (c) A written notification of the child care facility's scheduled hours of operation.
- (d) Alternate nutrition plan: Any written agreement to provide a bag lunch or the child's own special food.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-8.05. Medication records.

- (a) Child care facilities are not required to give medication; however, if they elect to do so, the following requirements shall apply.
- (b) Prescription medication provided by the parent and dispensed by the child care staff must be in the original container. The name of the child's doctor, child's name, name of medication dosage, and the directions for administration shall be written on the label. A written request signed by the parent shall be on file at the facility specifying the date, time, method and dosage amount, and the name of the medication to be given to the child. The child care facility shall record the name of the child, medication, date, time and dosage amount dispensed on the No. 5 card, Authorization for Medication, or its equivalent. The record shall be signed by the staff member who administered the medication to the child. This record shall be maintained for a minimum of four (4) months after the last day the child received the medication.
- (c) Any non-prescription medication provided by the parent must have the parent's written authorization prior to being dispensed. A written record signed by the staff member who dispenses the medication must be kept on file, recording the name of the child, medication, date, time, and amount of dosage dispensed. In case of emergency a documented telephone authorization from a parent will suffice for purposes of this section.
- (d) All medications must have child restraint caps and shall be stored and locked in a place out of a child's reach and in such a manner as to ensure the safety of the children.
- (e) Medication which has expired or is no longer being administered shall be returned to the parent.
- (f) For the purpose of dispensing non-prescription medication that is not brought in by the parent, in the event of an emergency, non-prescription medication can only be dispensed if the facility has written permission from the parent. Any medication dispensed under these conditions must be documented in the child's file and the parent must be notified on the day of occurrence. If the parent notifies the child care facility of any known allergies to medication, written documentation must be maintained in the child's file. Special restrictions to medication must be shared with staff and must be posted with stored medication.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-8.06. Records of unusual incidents and accidents.

A written record of unusual incidents affecting the program or the child care facility, as well as accidental injuries to children and child care personnel, must be kept on file on an accident or incident form approved by the local licensing agency. Documentation shall include the name of the affected party, date and time of the occurrence, description of the occurrence, actions taken and by whom, and appropriate signatures of staff members and the parent. The parent of a child or a person designated on the No. 1 card, Child Care Enrollment Information Card, or its equivalent shall be notified of the unusual incident or

accident on the date of the occurrence when the child is released from care. The completed form shall be retained by the child care facility for a period of one (1) year. The local licensing agency shall be notified as soon as possible, but no later than within one (1) work day, in the event of an illness, accident, injury, or emergency that results in the serious injury or death of a child in care.
(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-8.07. Record of fire drills.

(a) A written record must be kept of each monthly fire drill showing date, number of children in attendance, and time taken to evacuate the premises. The record must be posted and kept for a minimum of one (1) year from the date of the fire drill.

(b) In order to ensure that all children in the child care facility are accounted for, a current attendance log must accompany child care personnel during a fire drill and in the event of an emergency resulting in the evacuation of the child care facility.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-8.08. List of substitutes.

A written list of permanent substitutes to be utilized by the child care facility in the event of the absence of child care personnel must be kept on file at the facility. The list must include, at a minimum, the name, address, and telephone number of the permanent substitute(s) and an indication as to the hours the person(s) is available for work.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-8.09. Field trips.

The child's parent must be advised of any field trip or other activity that is to take place off the premises of the child care facility. Parental permission must be obtained either in the form of a signed general permission slip included in the child's record or one generated prior to each field trip or outside activity. The date, time, and location of a field trip must be posted in a conspicuous location at least one (1) day prior to the field trip. Documentation of parental permission for field trips shall be maintained for a minimum of four (4) months from the date of each field trip. An additional adult must be present on all field trips away from the child care facility for the purpose of safety to assist in providing direct supervision.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-8.10. Release of child from child care facility.

(a) No child shall be released to any person(s) other than the person(s) authorized by the parent and listed on the No. 1 card, Child Care Enrollment Information Card, or its equivalent. Any person(s) authorized to take a child from the child care facility, if unknown to the employee of the facility releasing the child, must present a picture I.D. to the employee before a child is released. A password or number identifier known only to the parent and the person in charge at the facility shall be recorded on the No. 1 card, Child Care Enrollment Information Card or its equivalent.

(b) In order to be accountable for the children in care and to facilitate the release process, the child care facility shall be responsible for implementing and following written procedures for the release of a child to assure the safety of the children in care.

Notwithstanding the provisions of this section, if a child care facility has implemented a written procedure allowing children to be released from the facility on their own, written permission from each child's parent must be maintained in the child's file.

(c) In the event of a circumstance where no person authorized by paragraph (a) of this section to remove a child from care is available to do same, the child's parent must first contact the facility and verbalize the correct password or number identifier assigned to the child and, then, authorize another individual to remove the child from the facility. The person authorized by the parent to remove the child must present a picture identification (I.D.).

(d) In the event the child care facility releases a child in violation of this section, such action shall constitute commission of a Class I Violation pursuant to Sec. 7-11.12(f)(1) of this Ordinance.

(e) In the event a child is not picked up by an authorized person within one (1) hour after the scheduled closing time of the child care facility, unless other arrangements have been made in advance or the facility elects to remain open for a late pick-up, the facility shall immediately notify the Broward County Sheriff's Abuse Investigation Unit and the local Police Department or the Broward County Sheriff's Office so that the child can be picked up and the incident documented.

(f) In order to ensure that all children are accounted for at the time they enter and depart a child care facility, a current daily attendance log must be maintained by the facility. (Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-8.11. Referenced forms, brochures, etc.

All referenced forms, brochures, and like documents referred to in this Ordinance shall be those provided or approved by the local licensing agency. These documents are subject to revision as deemed necessary by the local licensing agency.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-9. Transportation.

Minimum standards for transportation of children shall include all State, County, and Municipal requirements. Vehicles referenced in this section apply to vehicles owned/operated or regularly used by facility staff or vehicles that are provided for under contract or agreement with another transportation service or outside entity.

(a) *Private vehicles:* When private vehicles are used by staff members or volunteers for occasional transportation of children enrolled in a child care facility, the driver must be at least eighteen (18) years of age, possess a valid State of Florida driver's license and current appropriate insurance, and be screened in accordance with the requirements of this Ordinance. Proof of compliance with seat belt inspection, child restraint requirements and current appropriate insurance, under the terms and conditions set forth in Section 316.615, Florida Statutes, as well as the completed screening requirements must be available for documentation by the local licensing agency.

(b) *Child care facility vehicles:* When any motor vehicle, as defined in Section 316.615, Florida Statutes, is owned, leased, or used by a child care facility to provide transportation of children enrolled in the facility, the motor vehicle and driver shall comply with the provisions of Section 316.615, Florida Statutes ("Inspection of School Buses; Physical Requirements of Drivers"), or Section 1006.25, Florida Statutes ("School

Buses"), as applicable. A vehicle that seats twenty-four (24) or more passengers shall meet all school bus requirements as specified in Sections 316.615(1)(a) and 1006.25, Florida Statutes. Pursuant to Section 316.615, Florida Statutes, school buses are not required to have seat belts.

(c) *Child restraint devices:* All child care facilities, while transporting children in a vehicle shall, if the child is five (5) years of age or younger, provide for protection of the child by properly using a crash-tested, federally approved child restraint device. For children from birth through three (3) years, such restraint device must be a federally approved separate child restraint carrier. For children four (4) through five (5) years of age, a separate child restraint carrier is preferable but the use of seat belts is acceptable. The maximum number of individuals transported in a vehicle may not exceed the manufacturer's designated seating capacity or the total number of factory installed seat belt positions. Each child, when transported, must be in an individual factory installed seat belt or federally approved child safety restraint, unless the vehicle is excluded from this requirement under Florida law. In accordance with Section 316.614, Florida Statutes, all front-seat occupants, regardless of age, must wear seat belts.

(d) *Vehicle seating inspections:* During routine inspection of the child care facility's vehicle(s) used to transport children, the local licensing agency staff will inspect for the maximum seating capacity and the number of federally approved child restraints.

(e) When any vehicle is regularly used by a child care facility to provide transportation, all drivers shall possess a current State of Florida driver's license and have had an annual physical examination that grants medical approval to drive. Documentation of the annual physical examination must be maintained and located in the vehicle as referenced in Section 316.315(3), Florida Statutes. The physician certification, or another form containing the same elements of the physician certification, granting medical approval to operate the vehicle must also be maintained in the driver's personnel file.

(f) All vehicles used to transport children shall be inspected annually by a qualified certified mechanic to ensure proper working order. Documentation of the inspection by the mechanic shall be maintained in the vehicle and at the facility.

(g) Employees of leasing companies used to transport children in licensed child care facilities must be screened in accordance with the requirements of this Ordinance and documentation provided for review by the local licensing agency.

(h) When transporting children on field trips or activities away from the facility, there must be a cellular phone or other type of two (2) way communication device in the vehicle for use in an emergency situation.

(i) A Commercial Driver's License (CDL), Class "A," "B," or "C," issued by the State of Florida, is required for any vehicle that has the capacity for transporting sixteen (16) or more individuals (including the driver); regardless of whether title to the vehicle is in the name of the facility or an individual.

(j) A Class "D" or "E" driver's license issued by the State of Florida is required for any vehicle that has the capacity for transporting fifteen (15) individuals or less.

(k) A staff member certified in first-aid and pediatric CPR must accompany children when transported by van, bus, or any other vehicle.

(l) When transporting children, staff-to-children ratios must be maintained at all times. The driver may be included in the staff-to-children ratio. Prior to transporting children,

and upon the vehicle(s) arrival at its destination, the following shall be conducted by the driver(s) of the vehicle(s) used to transport the children:

(1) A log shall be maintained for all children being transported in the vehicle(s). The log shall include each child's name, date, time of departure and time of arrival, signature of driver, and signature of second staff member to verify driver's log and the fact that all children have left the vehicle. Such records shall be maintained for a minimum period of four (4) months.

(2) Upon arrival at the destination, the driver of the vehicle shall:

- a. Mark each child off the log as the child departs the vehicle;
- b. Conduct a physical inspection and visual sweep of the vehicle to ensure that no child is left in the vehicle; and
- c. Sign the log verifying that all children were all accounted for and that the visual sweep was conducted.

(3) Upon arrival at the destination, a second staff member shall:

- a. Conduct a physical inspection and visual sweep the vehicle to ensure that no child is left in the vehicle; and
- b. Sign the log verifying that all children were accounted for and drivers log is complete.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-10. Insurance.

At time of licensure, the owner or director of a child care facility shall have obtained a comprehensive general liability policy in the minimum amount of one hundred thousand dollars (\$100,000.00) as a continued single limit for bodily injury and property damage. The facility must provide the local licensing agency with a certificate of insurance evidencing the required coverage. The facility shall be required to give the local licensing agency thirty (30) days notice prior to the expiration or cancellation of the policy.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-11. License.

[See section 7-11.01 et seq., below.]

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-11.01. License.

(a) No person shall operate a child care facility within Broward County, Florida, unless a license for the operation thereof has been approved by the local licensing agency. The license shall be applicable only to that portion of the building/facility initially designated for licensure unless the local licensing agency approves, in writing, any additional space for operation of the facility.

(b) The local licensing agency shall issue a license or renew a license upon being satisfied that all standards required by this Ordinance and other applicable regulations and ordinances have been met. Any information obtained by the local licensing agency from DCF pursuant to Section 39.201(6), Florida Statutes, pertaining to Florida abuse history information records shall, in the best interests of the safety and well being of the children who would be in care, be reviewed and used by the local licensing agency as part of its licensure determination.

(c) Any application for a license not approved or denied by the local licensing agency within the time period established in Section 120.60, Florida Statutes, shall be deemed approved. Failure to obtain a license is subject to penalties in accordance with Section 402.312, Florida Statutes, and this Ordinance. Additionally, failure to obtain a license as required under this Ordinance may result in the imposition of a civil penalty against the owner or director of the child care facility/program pursuant to Chapter 8 1/2, Article II, Section 8 1/2-16 of the Broward County Code of Ordinances.

(d) The license for a child care facility shall be issued in the name of the owner of the facility, which may be an individual, firm, association, corporation, or partnership. It is issued for a specified address and for operation by a specific individual(s) or a designated organization. A license is not transferable to another owner or another facility location. A building/facility owned by a governmental entity may be subleased to an individual, firm, association, corporation, or partnership for the operation of a child care program. In such event, the license for the program shall be issued in the name of the individual, firm, association, corporation, or partnership operating the program.

(e) Upon issuance of a license, it shall be conspicuously displayed inside the child care facility. The license must bear the distinctive seal of the County of Broward and of DCF. The licensed capacity of the child care facility shall be designated on the face of the license.

(f) The child care facility and its programs shall not exceed the licensed capacity designated on the license at any given time, including any before- and after- school programs offered by the facility.

(g) All licenses issued under the provisions of this Ordinance are issued annually on the last day of the month of issuance and shall be renewed on or before the expiration date.

(h) Renewal applications received less than fifteen (15) days before the expiration date of the license shall be assessed a late processing fee as set forth in the Broward County Administrative Code.

(i) Renewal applications shall not be granted, in the best interests of the safety and well being of the children in care, if the local licensing agency receives Florida abuse history information records from DCF pursuant to Section 39.201(6), Florida Statutes, relative to the child care personnel at the facility, which contain verified indicators of abuse/neglect until such time as the local licensing agency has the opportunity to thoroughly review same as part of its licensure determination.

(j) Whenever a director of a child care facility changes, the local licensing agency must be notified in writing prior to or at the time of the change, and the person must have received probationary screening status by the local licensing agency.

(k) The local licensing agency shall not renew a facility's license if the facility has not paid the County any administrative fines due and owing that were imposed against the facility for a violation(s) of this Ordinance. This provision is not applicable until the administrative fine is final. "Final" shall mean the expiration of time within which to file a request for a hearing to contest the issuance of the administrative fine and/or the conclusion of any appellate proceeding resulting from said hearing and the granting of a final order by DCF.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-11.02. Exemption from licensure.

Religious-affiliated child care facilities and the child care arrangements in non-public schools that are exempt from licensure pursuant to Article I of this Ordinance may, however, be required to comply with the standards for substantial compliance set forth in Article II of this Ordinance pertaining to background screening of personnel, and health, safety, and sanitation requirements. Those child care arrangements and facilities subject to Article II of this Ordinance shall be required to register with the local licensing agency and meet the local licensing agency's minimum standards for substantial compliance in order to maintain the status as exempt from licensure. Failure to register as required under Article II of this Ordinance may result in the imposition of a civil penalty against the owner or director of the child care facility/program pursuant to Chapter 8 1/2, Article II, Section 8 1/2-16 of the Broward County Code of Ordinances.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-11.03. License fee.

- (a) All child care facilities will be assessed a licensing fee.
- (b) Fees are due annually and are based on the licensed capacity of the facility. All license fees are non-refundable.
- (c) There shall be a non-refundable application fee for any new prospective owner/director of a child care facility as set forth in the Broward County Administrative Code. The fee must accompany each new application prior to processing at any time of the year.
- (d) Funds obtained from licensing fees shall be used to further enhance the goals and objectives of the local licensing agency.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-11.04. Fee schedule.

The fee schedule applicable for child care facilities operating in Broward County shall be set forth in the Broward County Administrative Code.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-11.05. Licensing procedure.

- (a) Application for a license or renewal of a license to operate a child care facility shall be made in a manner and on the forms prescribed by the local licensing agency. Application shall be accompanied by the appropriate license fee to Broward County.
- (b) Checks, cashier checks, or money orders shall be made payable to the Broward County Board of County Commissioners.
- (c) The application for a license or renewal of a license must be completed and signed by the owner, prospective owner, or designated representative of the owner or prospective owner. A completed application for renewal of a license must be submitted to the local licensing agency at least forty-five (45) days prior to the expiration date of the current license to ensure that a lapse in licensure does not occur. The renewal application and required forms may be obtained from the local licensing agency. Within thirty (30) days after receipt of the application, the local licensing agency shall examine the application, notify the applicant of errors or omissions, and request any additional information needed to complete the application. Whenever information is required to be submitted to the local licensing agency by an applicant for a license or to renew a license

to operate a child care facility where the information concerns qualifications or characteristics personal to the applicant including age, moral character, and criminal records, the term "applicant" shall mean the individual applicant if the applicant is an individual; the term "applicant" shall mean the designated representative, if the applicant is a sole proprietor, partnership, association, or corporation.

(d) If the applicant is a partnership, the application shall contain the name and address of every partner. If the applicant is a corporation, firm, or association, the application shall contain its name and address, and the names and addresses of the members of the board of directors and the officers. If the applicant is a corporation, the corporation must be in good standing and authorized to do business in the State of Florida. Such documentation shall be attached to the application.

(e) The application and supporting documentation must be complete, truthful, and correct. Falsification of applicant information is grounds for denial of the application to operate a child care facility and subjects the applicant to penalties as stated in Section 402.319, Florida Statutes.

(f) Prior to the renewal of a license, the local licensing agency shall reexamine the child care facility including, in that process, the examination of the premises and records of the facility as required by this Ordinance.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-11.06. Transfer of ownership.

(a) Whenever a licensed child care facility is sold or the ownership is changed, the new or prospective owner or designated representative of the prospective owner shall make application to the local licensing agency for a new license at least forty-five (45) days prior to the date of the change in ownership. Every child care facility shall receive approval for a license prior to the time a new owner assumes any responsibility for the facility. Issuance of a new license shall require a complete on-site inspection to be conducted by the local licensing agency to determine compliance with this Ordinance. The local licensing agency may grant an exception to the complete on-site inspection requirement if the child care facility merely undergoes a change in its form of ownership, i.e., from individual ownership to corporate ownership or vice versa, so long as the same individuals are involved in owning the facility.

(b) The local licensing agency shall grant or deny the application for a new license within forty-five (45) days from the date upon which the child care facility submits (i) a complete application, or (ii) additional information after a timely request by the local licensing agency, or (iii) correction of errors or omissions. Any application for a new license not granted or denied within forty-five (45) days shall be deemed granted. Failure to obtain a new license is subject to penalties in accordance with Section 402.312, Florida Statutes.

(c) The current licensee will continue to be held responsible for the facility until the local licensing agency has approved and issued the new license.

(d) No license issued pursuant to this Ordinance is assignable or transferable except upon the written approval of the local licensing agency in the same manner and subject to the same application and review process as with an original application for a license.

(e) If there is a majority transfer of shares of stock of a corporation owning a child care facility or other interest of any person or operator so as to cause a change in the officers

or stockholders of the corporation of more than twenty percent (20%) of the shares of corporation, this action shall be deemed a transfer or assignment and a new license must be obtained as provided for in this Ordinance.

(f) If an owner of a facility elects to change the facility's name, the current licensee shall remain responsible for the facility whether under the new or old name. The local licensing agency shall be notified in writing in advance of any name change.

(g) Whenever the ownership of a facility changes, i.e., from an individual to a corporation, or from a corporation to another corporation, if any of the new corporation's officers are any of the same individuals who were the prior owners, the new corporation shall be responsible for any administrative fines due and owing that were imposed against the prior owner of the facility for a violation(s) of this Ordinance. This provision is not applicable unless the administrative fine is final. "Final" shall mean the expiration of time within which to file a request for a hearing to contest the issuance of the administrative fine and/or the conclusion of any appellate proceeding resulting from said hearing and the granting of a final order by DCF.

(h) Before the new owner assumes responsibility for the child care facility, the current owner or director must notify the parents of the change in ownership.

(i) In compliance with Section 402.305(18), Florida Statutes, at least one (1) week prior to the date that ownership of a child care facility is changed, and following approval of the change in ownership by the local licensing agency, one (1) of the following methods of notification to parents must be observed by the local licensing agency:

- (1) Posting a notice in a conspicuous location at the facility;
- (2) Incorporating information in any existing newsletter; or
- (3) Individual letters, or flyers.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-11.07. Advertisement.

Any person advertising a licensed child care facility by printed notice or broadcast media must include in the display ad the facility's license number to operate. This requirement includes, but is not limited to, advertisements in the yellow pages of the telephone directories, community bulletin boards, flyers, pamphlets, classified ads, signs, radio and television announcements, Internet sites, and other advertising circulations. If the child care facility's license is pending, the advertisement may so state. This requirement does not apply to classified ads for employment purposes.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-11.08. Provisional license.

(a) *Conditions:* The local licensing agency may issue a provisional license to applicants for a license or to licensees who are unable to conform to all the standards provided in this Ordinance. No provisional license may be issued unless the director makes adequate provisions for the health and safety of the children. No provisional license may be issued unless the child care facility is in compliance with the requirements for screening of child care personnel pursuant to this Ordinance.

(b) *Time limits:* The provisional license shall in no event be issued for a period in excess of six (6) months with the exception that it may be renewed one (1) time for a

period not in excess of six (6) months, for unusual circumstances beyond the control of the applicant.

(c) *Suspension procedures:* The provisional license may be suspended as follows if periodic inspection by the local licensing agency determines that insufficient progress has been made towards compliance:

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

(2) Within fifteen (15) days, a conference with the owner or director and local licensing agency will be scheduled. At that time, the parties may enter into a stipulated agreement with respect to the provisional license.

(3) If no agreement is reached and the local licensing agency determines that violations still exist, the local licensing agency shall notify the owner or director in writing that the provisional license will be suspended. If the owner or director makes no written request for a hearing to the local licensing agency within fifteen (15) days from receipt of such notice, the provisional license shall be suspended.

(4) If a request for a hearing is made to the local licensing agency, a hearing shall be set by the local licensing agency within thirty (30) days before a hearing officer in accordance with this Ordinance.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-11.09. Denial of license.

(a) When the local licensing agency has reasonable cause to believe that grounds exist for the denial of a license, it shall notify the applicant in writing, stating the grounds upon which the license is being denied. If the applicant makes no written request for a hearing to the local licensing agency within fifteen (15) days from receipt of such notice, the license shall be denied.

(b) If a request for a hearing is made to the local licensing agency, a hearing shall be set by the local licensing agency within thirty (30) days before a hearing officer in accordance with Sec. 7-11.16 of this Ordinance.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-11.10. Inspections.

(a) Child care facilities and other types of child care arrangements subject to the provisions of Article I of this Ordinance shall accord to the local licensing agency the privilege of investigation and inspection of the operation, including access to the facility, staff, and records without notice during the facility's regular business hours to assure compliance with the provisions of this Ordinance.

(b) Failure to comply with reasonable requests of the local licensing agency in connection with the investigation or inspection shall be a ground for revocation or denial of a license.

(c) Child care facilities shall display the facility's inspection report in a conspicuous place within the facility accessible to the parents. In addition to posting the license, the facility shall post each Notice of Violation issued by the local licensing agency, along with an explanation, written in simple language, of the violation(s), and a description written in simple language, of the corrective action, if any, taken by the facility for each

violation noted. If the facility has elected to contest the issuance of a Notice of Violation and has provided written notice to the local licensing agency of its request for a hearing, a copy of the written request for a hearing may also be posted. If a Notice of Violation is deemed final, the Notice of Violation, explanation, and description of corrective action, if any taken by the facility, shall remain posted for one (1) year after the date the Notice of Violation has been deemed final. "Final" shall mean the expiration of time within which to file a request for a hearing to contest the issuance of the Notice of Violation and/or the conclusion of any appellate proceeding resulting from said hearing and the granting of a final order by DCF.

(d) All licensed child care facilities shall be inspected by the local licensing agency no less than three (3) times a year.

(e) Any child care facility that, non-procedurally, closes for a period longer than three (3) consecutive weeks must notify the local licensing agency by certified mail of said closing. A satisfactory inspection by the local licensing agency is required prior to reopening. Any child care facility that is ordered closed by a governmental entity with jurisdiction over the facility for any violations related to the health, safety and welfare of the children in care shall, prior to reopening, notify the local licensing agency and obtain a satisfactory inspection by the local licensing agency.

(f) Child care facilities shall correct all violations reported to the facility by the local licensing agency within the time period specified in the Notice of Violation issued by the local licensing agency .

(g) No person shall hinder, resist, or oppose an employee or agent of the local licensing agency in the performance of his or her duties under this section. Failure to cooperate with, or harassment of, an employee or agent of the local licensing agency in connection with an investigation of a complaint or inspection of a facility shall be grounds for revocation or denial of a license.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-11.11. Violations/penalties.

(a) When the local licensing agency determines that a child care facility is not in compliance with child care standards set forth in this Ordinance, the Florida Statutes or the Florida Administrative Code, it shall make a reasonable attempt to discuss each violation with the owner or director of the facility, document the violation(s) in the inspection report and establish the time frame within which the owner or director shall complete corrective action for any violation.

(1) The violation(s) cited in the inspection report shall be in writing and include the following information:

- a. A reference to the statute, rule, or Ordinance section or paragraph upon which the violation(s) is premised;
- b. A factual description of the nature of the violation(s), fully stating the manner in which the owner or director failed to comply with the specified statute, rule, or Ordinance section or paragraph;
- c. A specific statement as to how the violation should be corrected, if deemed necessary or appropriate by the local licensing agency.

(b) When the local licensing agency determines that a child care facility has not corrected the violation(s) noted in the inspection report within the time frame established

therein for corrective action, it may issue a Notice of Violation to the facility and make a reasonable attempt to discuss the continuing violation with the owner or director of the facility.

(1) The Notice of Violation issued to the facility shall be in writing and include the following information:

- a. A reference to the statute, rule, or Ordinance section or paragraph upon which the violation(s) is premised;
- b. A factual description of the nature of the violation(s), fully stating the manner in which the owner or director failed to comply with the specified statute, rule, or Ordinance section or paragraph;
- c. A specific statement as to the failure of the facility to correct the violation(s) within the time frame established in the inspection report and/or any prior Notice of Violation(s).
- d. A date by which each violation shall be corrected.

(c) Notwithstanding paragraphs (a) or (b) above, when the local licensing agency determines that a child care facility has violated a child care standard set forth in this Ordinance classified as a Class I Violation, it shall document the violation(s) in an inspection report and, thereafter, issue a Notice of Violation to the facility. Due to the nature of Class I Violations, the fact that the violation(s) occurred is sufficient to issue an inspection report and Notice of Violation requiring immediate corrective action. The local licensing agency shall make a reasonable attempt to discuss each violation with the owner or director of the facility and explain the severity of this action.

(1) The Notice of Violation issued to the facility shall be in writing and shall include the following information:

- a. A reference to the statute, rule, or Ordinance section or paragraph upon which the violation is premised;
- b. A factual description of the nature of the violation, fully stating the manner in which the owner or director failed to comply with the specified statute, rule, or Ordinance section or paragraph;
- c. A specific statement that the Class I Violation shall be corrected immediately and an explanation as to how the violation should be corrected, if deemed necessary or appropriate.
- (d) The local licensing agency may document any action by the owner or director taken to correct any violation(s) cited.
- (e) The Notice of Violation shall be dated and signed by the local licensing agency's monitor and a staff member of the facility. The signature of the facility's staff member is only an acknowledgment of receipt of the Notice of Violation and is not an admission as to the occurrence of the violation(s).
- (f) Each day that a violation(s) is deemed to exist shall be considered a separate and distinct violation.
- (g) Upon receipt of the Notice of Violation, the facility shall correct the violation(s) noted within the time frame specified in the Notice of Violation, or make a written request to the local licensing agency within fifteen (15) days from receipt of same for a hearing to be scheduled before a county-appointed hearing officer to contest the issuance of the Notice of Violation. If the local licensing agency does not receive a written request for a hearing within the prescribed fifteen (15) day time frame, due to either the facility

electing not to contest the Notice of Violation or the request not being timely made, the violation(s) set forth in the Notice of Violation shall be deemed to have existed and the owner or director of the facility waives the right to contest the substantive issues contained in that Notice of Violation at a later date. Notwithstanding the above, if the local licensing agency elects to impose an administrative fine based on the issuance of the Notice of Violation, the facility may contest the amount of any administrative fine imposed by the local licensing agency.

(h) If a facility provides the local licensing agency with a written request for a hearing, as provided for in paragraph (g) above, contesting issuance of the Notice of Violation, the local licensing agency may elect, in its discretion, to hold a hearing solely on the issuance of the Notice of Violation or to defer scheduling the hearing until such time as the local licensing agency issues an Administrative Complaint imposing an administrative fine pursuant to Sec. 7-11.12 of this Ordinance based on the violation(s) set forth in the Notice of Violation. A facility's initial written request for a hearing provided, pursuant to paragraph (g) above, contesting the Notice of Violation shall be deemed sufficient notice to the local licensing agency of the facility's request for a hearing to contest both the issuance of the Notice of Violation and the subsequent imposition of the administrative fine at the same hearing. In this event, the local licensing agency will schedule a hearing before a county-appointed hearing officer within thirty (30) days of the facility's receipt, by certified mail or personal service, of the Administrative Complaint imposing the administrative fine. At the conclusion of the hearing held in accordance with Sec. 7-11.16 of this Ordinance, the hearing officer shall issue Findings and Recommendations as provided for in Sec. 7-11.17 of this Ordinance.

(i) All requests for hearings shall be addressed and furnished to the Broward County Child Care Licensing and Enforcement Section, 2995 North Dixie Highway, Fort Lauderdale, Florida 33334, Attention: Hearings.

(j) The local licensing agency shall place a facility on a ninety (90) day probationary status if a Notice of Violation is issued for a Class I Violation where harm has occurred to a child. The probationary status shall commence on either (i) the issuance date of the Notice of Violation if the facility elects not to contest the Notice of Violation or (ii) the date the Notice of Violation is upheld following the hearing process set forth in Sec. 7-11.16 of this Ordinance and any appellate rights. If a facility that has been placed on probation is issued a Notice of Violation(s) for a Class I Violation by the local licensing agency during the probationary period, the local licensing agency shall schedule a hearing before a county-appointed hearing officer, regardless of whether the Class I Violation resulted in harm to a child. The purpose of the hearing shall be to review the events leading to the issuance of the Class I Violation(s) and to determine if the violation adversely affects the health, safety, and well-being of the children enrolled at the facility and if the facility's license should be suspended or revoked. At the conclusion of the hearing held in accordance with Sec. 7-11.16 of this Ordinance, the hearing officer shall issue Findings and Recommendations as provided for in Sec. 7-11.17 of this Ordinance.

(k) The local licensing agency may issue a Notice of Violation to a child care facility that has received three (3) violations in any twelve (12) month period or two (2) violations of the same nature in any twelve (12) month period and, thereafter, schedule a hearing before a county-appointed hearing officer. The purpose of the hearing shall be to review the events leading to the issuance of the prior violations and to determine if the

violations reflect continuing, recurring, and unresolved problems that adversely affect or may adversely affect the health, safety, and well-being of the children enrolled at the facility. At the conclusion of the hearing held in accordance with Sec. 7-11.16 of this Ordinance, the hearing officer shall issue Findings and Recommendations as provided for in Sec. 7-11.17 of this Ordinance.

(l) A violation of Sec. 7-11.01(a) of this Ordinance may be prosecuted by the State Attorney's Office in the same manner as misdemeanors are prosecuted pursuant to Sections 775.082 and 775.083, Florida Statutes. Such a violation shall be prosecuted in the name of the State of Florida in a court having jurisdiction of misdemeanors by the prosecuting attorney thereof, and upon conviction, the violator shall be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in a county jail not to exceed sixty (60) days or by both such fine and imprisonment.

(m) Pursuant to Florida law, it is a misdemeanor of the first degree, punishable as provided in Sections 775.082 and 775.083, Florida Statutes, for any person knowingly, to:

(1) Fail, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose in any application for voluntary or paid employment or licensure regulated under Sections 402.301--402.318, Florida Statutes, all information required under those sections or a material fact used in making a determination as to such person's qualifications to be child care personnel, as defined in Section 402.302, Florida Statutes, in a child care facility, family day care home, or other child care program.

(2) Operate or attempt to operate a child care facility without having procured a license as required by this Ordinance.

(3) Operate or attempt to operate a child care facility or family day care home under a license that is suspended, revoked, or terminated.

(4) Misrepresent, by act or omission, a child care facility or family day care home to be duly licensed pursuant to this Ordinance without being so licensed.

(5) Make any other misrepresentations, by act or omission, regarding the licensure or operation of a child care facility or family day care home to a parent who has a child placed in the facility or home or is inquiring as to placing a child in the facility or home, or to a representative of the local licensing agency, or to a representative of a law enforcement agency, including, but not limited to, any misrepresentation as to:

a. The number of children at the child care facility or the family day care home;

b. The part of the child care facility or family day care home designated for the provision of child care;

c. The qualifications or credentials of child care personnel at the child care facility or home;

d. Whether a child care facility or family day care home complies with the screening requirements of Section 402.305, Florida Statutes; or

e. Whether child care personnel have the training as required by Section 402.305, Florida Statutes.

(6) If any child care personnel makes any misrepresentation in violation of this section to a parent who has placed a child in the child care facility or family day care home, and the parent relied upon the misrepresentation, and the child suffers great bodily harm, permanent disfigurement, permanent disability, or death as a result of an intentional act or negligence by the child care personnel, then the child care personnel commits a felony

of the second degree, punishable as provided in Sections 775.082, 775.083, or 775.084, Florida Statutes.

(7) It shall be a felony of the third degree, punishable as provided in Sections 775.082, 775.083, or 775.084, Florida Statutes, for any person willfully, knowingly, or intentionally to use juvenile records information for any purposes other than specified in Section 402.305, Florida Statutes, or to release such information to other persons for purposes other than those specified in Section 402.305, Florida Statutes.

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

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-11.12. Administrative fines.

Whenever the local licensing agency seeks to impose an administrative fine against the owner or director of a facility based on a Notice of Violation setting forth violation(s) of the standards/requirements of this Ordinance, it shall issue an Administrative Complaint against the owner or director of the facility.

(a) The Administrative Complaint shall advise the owner or director of the facility as to the following:

(1) A specific statement as to the amount of the fine that the local licensing agency seeks to impose for each violation alleged;

(2) The classification of the violation(s);

(3) A reference to the statute, rule, or Ordinance section or paragraph upon which the violation(s) is premised;

(4) A factual description of the nature of the violation(s), fully stating the manner in which the owner or director failed (i) to comply with the specific statute, rule, or Ordinance section or paragraph upon which the violation(s) is premised, and (ii) to take corrective action to remedy the violation(s) within the time frame specified in the Notice of Violation.

(5) With respect to an administrative fine to be imposed for a Class I Violation, a factual description of the nature of the Class I Violation(s), fully stating the manner in which the owner or director failed to comply with the specific statute, rule, or ordinance section or paragraph upon which the violation(s) is premised and that the administrative fine is being imposed regardless of whether the facility corrected the violation immediately.

(6) The owner or director's right to a hearing before a county-appointed hearing officer if the administrative fine imposed is being disputed by the facility.

(b) A facility may elect to pay the administrative fine imposed by the local licensing agency or, within fifteen (15) days of receipt of said Administrative Complaint, make a written request to the local licensing agency for a hearing to be conducted before a county-appointed hearing officer. A hearing will be held within thirty (30) days and shall be conducted in accordance with the hearing procedures set forth in this Ordinance. At the conclusion of the hearing held in accordance with Sec. 7-11.16 of this Ordinance, the hearing officer shall issue Findings and Recommendations as provided for in Sec. 7-11.17 of this Ordinance.

(c) If a facility has previously provided the local licensing agency with a timely request for a hearing on the issuance of the Notice of Violation pursuant to Sec. 7-11.11(g) of this Ordinance, the facility is not required to provide the local licensing agency with an

additional written request for a hearing if it elects to contest the imposition of the administrative fine. A facility's initial written request for a hearing contesting the Notice of Violation will be deemed sufficient notice to the local licensing agency of the facility's request to contest the imposition of an administrative fine. The local licensing agency will schedule a hearing so both issues are consolidated into one (1) hearing. In this event, the local licensing agency will schedule a hearing before a county-appointed hearing officer within thirty (30) days of the facility's receipt, by certified mail, return receipt requested or personal service, of the Administrative Complaint imposing the administrative fine. At the conclusion of the hearing with Sec. 7-11.16 of this Ordinance, the hearing officer shall issue Findings and Recommendations as provided for in Sec. 7-11.17 of this Ordinance.

(d) All requests for hearings shall be addressed and furnished to the Broward County Child Care Licensing and Enforcement Section, 2995 North Dixie Highway, Fort Lauderdale, Florida 33334, Attention: Hearings.

(e) If a child care facility has not paid an administrative fine imposed against it following the final disposition of any and all administrative action, including appellate procedures, the local licensing agency may send written notice to the facility that it has fifteen (15) days from receipt of the notice to pay the administrative fine due and owing the County. If payment of said administrative fine is not received within the specified time frame, the local licensing agency may seek revocation of the facility's license pursuant to a hearing conducted in accordance with the hearing procedures set forth in this Ordinance.

(f) Administrative fines may be recovered, if unpaid, in a civil action brought in the name of Broward County by the Broward County Attorney's Office.

(g) Classification of Violations: The local licensing agency will use the following classifications as a guideline for determining the severity of the violation(s) and the amount of the fine imposed.

(1) *Class I Violations:* This category of violations shall refer to those conditions or occurrences constituting negligence related to the operation and/or maintenance of a child care facility that the local licensing agency has determined present an immediate danger to the children in care or personnel at the facility that could or does cause serious physical or emotional harm. A Class I Violation is subject to up to a Five Hundred Dollar (\$500.00) fine per day for each violation. A fine may be imposed for a Class I Violation even if corrective action is completed immediately after the fact by the owner or director. Repeat occurrences of the same type of violations will result in an increase in the amount of the fine imposed against the child care facility up to Five Hundred Dollars (\$500.00) per day for each violation.

Class I Violations shall, at a minimum, include violations related to noncompliance with (i) the background screening requirements for child care personnel, (ii) the applicable staff-to-children ratios, (iii) the requirement for direct supervision of the children at all times, (iv) the facility's licensed capacity, (v) reporting requirements relative to any event of an illness, accident, injury, or emergency at the facility which results in the serious injury or death of a child, and (vi) the provisions relative to releasing a child from a facility.

(2) *Class II Violation:* This category of violations shall refer to those conditions or occurrences related to the operation and/or maintenance of a child care facility that the

local licensing agency has determined threatens directly or potentially the physical or emotional health, safety, or security of the children. A Class II Violation is subject to a One Hundred Dollar (\$100.00) fine per day for each violation. No fine will be imposed for a Class II Violation if corrective action is completed by the owner or director within the time frame established by the local licensing agency or if corrective action was taken immediately after the fact.

Class II Violations shall, at a minimum, include violations related to noncompliance with (i) the requirement to have on site a staff member trained in first aid/CPR, (ii) the requirement to have a first aid kit on site, (iii) the requirements related to the physical facility, and (iv) sanitation requirements. A Class II Violation noted above can be deemed a Class I Violation if such violation was serious enough to rise to the level of a Class I Violation. In such event, the local licensing agency will issue a Notice of Violation for a Class I Violation.

(3) *Class III Violation:* This category of violations shall refer to those conditions or occurrences related to the operation and/or maintenance of a child care facility that the local licensing agency has determined threatens indirectly or potentially the physical or emotional health, safety or security of children. A Class III Violation is subject to a Fifty Dollar (\$50.00) fine per day for each violation. No fine will be imposed for a Class III Violation if corrective action is completed by the owner or director within the time frame established by the local licensing agency or if corrective action was taken immediately after the fact.

Class III Violations shall, at a minimum, include violations related to noncompliance with (i) record keeping for enrollment of children and child care personnel information, (ii) record keeping on mandatory fire drills, (iii) providing proof of a current and satisfactory fire inspection, (iv) providing proof of current and proper insurance, (v) educational requirements for child care personnel, and (vi) the requirement to maintain a daily log for attendance of children in care. A Class III Violation noted above may be deemed a Class I or II Violation respectively, if such violation was serious enough to rise to the level of a Class I or Class II Violation, respectively. In such event, the local licensing agency will issue either a Notice of Violation for a Class I or Class II Violation depending on the nature and circumstances surrounding the particular violation.

(4) *Class IV Violation:* This category of violations shall refer to those conditions or occurrences related to the operation and/or maintenance of a child care facility that the local licensing agency has determined may threaten indirectly or potentially the physical or emotional health, safety, or security of children and which do not rise to the level of severity of Class I, II or III Violations. A Class IV Violation is subject to a Twenty Dollar (\$20.00) fine per day for each violation. No fine will be imposed for a Class IV Violation if corrective action is completed by the owner or director within the time frame established by the local licensing agency or if corrective action was taken immediately after the fact.

Class IV Violations shall, at a minimum, include violations related to noncompliance with (i) record keeping for field trip permission slips, (ii) providing proof of vehicle inspection, (iii) maintaining authorization form(s) for dispensing medication, (iv) maintaining a written disciplinary policy for parents' review and signature, and (v) the requirement to maintain a posted daily schedule of activities. A Class IV Violation noted above may be deemed a Class I, II, or III Violation respectively, if such violation was

serious enough to rise to the level of a Class I, II or III Violation, respectively. In such event, the local licensing agency will issue a Notice of Violation for a Class I, II or III Violation depending on the nature and circumstances surrounding the particular violation.

(5) *Other:* In addition, the local licensing agency may impose a fine or any other penalty authorized by law for each violation that cannot be specifically classified as a Class I, II, III, or IV Violation up to the maximum amount authorized by law of Five Hundred Dollars (\$500.00) per violation. No fine will be imposed for a Class II Violation if corrective action is completed by the owner or director within the time frame established by the local licensing agency or if corrective action was taken immediately after the fact.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-11.13. Disciplinary action.

In determining the appropriate disciplinary action to be taken for a violation(s), the local licensing agency shall consider, but not be limited to, the following factors:

- (a) Action(s) taken by the owner or director to correct the violation(s) or to remedy previous complaints.
- (b) The severity and nature of the violation(s) including the probability that death or serious harm to any person may result or has resulted, the severity of the actual or potential harm, and the extent to which the provisions of this Ordinance were violated.
- (c) Any previous violation(s) issued to the owner or director of the facility.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-11.14. Creation and powers of the hearing officer.

There is hereby created for the purposes of this Ordinance the position of a hearing officer. The hearing officer shall be selected by the County Administrator from a list of candidates approved by the Board of County Commissioners of Broward County, Florida. Said hearing officer shall be a member in good standing of The Florida Bar engaged in the private practice of law in Broward County with experience preferably in the areas of family and/or administrative law.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-11.15. Notice of hearing

(a) If a written request for a hearing is received by the local licensing agency pursuant to this Ordinance, the local licensing agency shall provide the director of the child care facility with no less than seven (7) days' written notice, excluding Saturdays, Sundays, and legal holidays, of the time, date, and place of the hearing. Said time period shall commence from the date of the mailing of such notice. A hearing may be held with less than seven (7) days' written notice if by mutual agreement of the local licensing agency and the affected party. In the event the local licensing agency elects to hold exemption hearings for persons seeking exemptions from disqualification from employment, the person seeking an exemption shall be provided notice of the hearing as provided for in this subsection.

(b) If, however, the local licensing agency determines that existing conditions at a child care facility pose an imminent threat to the health, safety, and welfare of the children or a substantial probability that death or serious physical or emotional harm may result

therefrom, a hearing may be held upon giving forty-eight (48) hours' written notice, including Saturdays, Sundays, and legal holidays.

(c) A notice of hearing shall be sent by certified mail, return receipt requested addressed to the appropriate person, and to the address at which the license was issued under this Ordinance. Service of the notice of hearing shall be deemed sufficient if same is personally served upon the owner, director or employee of the facility at the address at which the Notice of Violation was issued. If the local licensing agency elects to hold exemption hearings for persons seeking exemptions from disqualification from employment, service of the notice of hearing shall be deemed sufficient if it is sent by certified mail, return receipt requested, addressed to the individual seeking the exemption.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-11.16. Hearing procedures.

(a) Each party shall have the following rights:

- (1) To be represented by counsel;
- (2) To call and examine witnesses;
- (3) To introduce exhibits;
- (4) To examine opposing witnesses on any relevant matter, even though the matter was not covered under direct examination;
- (5) To impeach any witness regardless of which party first called the witness to testify.

(b) All hearings shall be conducted, insofar as is practicable, in accordance with the Florida Rules of Civil Procedure and the Florida Evidence Code. However, the general nature of the hearing shall be conducted in an informal manner.

(c) Irrelevant, immaterial, or unduly repetitious evidence may be excluded. Any part of the evidence may be received in written form, and all testimony shall be under oath. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient, in itself, to support a finding by the hearing officer unless it would be admissible over objection in a civil action.

(d) Any interested party or person may make application and, upon good cause shown, may be allowed by the hearing officer in his or her discretion to intervene and appear in a proceeding pending before the hearing officer.

(e) The hearing officer shall have the power to:

(1) Issue subpoenas for the production of documents and/or the attendance of witnesses at a hearing upon the written request of any party to the proceeding.

a. A subpoena may be served by any person authorized by law to serve process or by any person who is not a party and who is of majority age. Service shall be made by delivering a copy thereof to the person named in the subpoena. Proof of such service shall be made by affidavit of the person making service if not served by an officer authorized by law to do so.

b. A party may seek enforcement of a subpoena issued under the authority of this section by filing a petition for enforcement in county court. Failure to comply with an order of the court may result in a finding of contempt of court. However, no person shall be in contempt while a subpoena is being challenged.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-11.17. Findings and recommendations of the hearing officer:

(a) *Hearing on Notices of Violations, Imposition of Administrative Fines and Denial of Licensure.*

(1) After any hearing held pursuant to this Ordinance, the hearing officer shall issue a document entitled "Hearing Officer's Findings and Recommendations" ("Findings and Recommendations"). The Findings and Recommendations shall be based on the greater weight of the evidence presented at the hearing and shall include findings of fact and conclusions of law.

(2) If, at the conclusion of a hearing, the hearing officer finds that a violation(s) of this Ordinance has occurred, the Findings and Recommendations shall include a recommendation as to denying, suspending, or revoking the license, and/or imposing an administrative fine pursuant to this Ordinance, or recommending such other action as the hearing officer deems necessary and appropriate.

(3) If, at the conclusion of a hearing, the hearing officer finds that no violation of this Ordinance has occurred, the Findings and Recommendations shall state that no violation has occurred and include a recommendation that the Notice of Violation and/or the Administrative Complaint be dismissed.

(4) At the conclusion of a hearing contesting the local licensing agency's denial of the issuance, or renewal of, a license to operate a child care facility, the Findings and Recommendations shall include a recommendation as to whether the local licensing agency's decision should be upheld or overruled.

(5) The Findings and Recommendations shall include a statement providing that (i) either party has a right to file "Exceptions" to the findings of fact and conclusions of law contained in the Findings and Recommendations within fifteen (15) business days of the date the hearing officer entered the Findings and Recommendations and (ii) either party may file a "Response" to the other party's "Exceptions" within ten (10) business days of the date the Exceptions were served on that party. For purposes of this section, service of the Exceptions can be made by certified mail, return receipt requested, or personal service. All Exceptions and Responses to Exceptions shall be filed with the Director of the County's Department of Human Services within the required time frames. Thereafter, the Director or Director's designee shall review the hearing officer's Findings and Recommendations and any Exceptions and Response to Exceptions timely filed by either party and issue the local licensing agency's Final Agency Action. The local licensing agency's Final Agency Action shall be issued within ninety (90) days from the date of the Hearing Officer's Findings and Recommendations. The owner or director of the child care facility has the right to appeal the Final Agency Action to a representative of DCF in accordance with the hearing procedures established in Chapter 120, Florida Statutes, and as provided for in the Final Agency Action.

(6) Notwithstanding any appellate rights that an applicant for licensure or present licensee may have under Section 402.310(4), Florida Statutes, the local licensing agency's Final Agency Action may be appealed by the filing of a writ of certiorari in the Circuit Court of the Seventeenth Judicial Circuit in and for Broward County, Florida within the time period prescribed by general law.

(b) *Hearings on Requests for Exemptions from Disqualifications from Employment.*

(1) After any hearing held pursuant to this Ordinance relating to a person seeking an exemption from disqualification from employment, the hearing officer shall issue Findings and Recommendations as provided for in Sec. 7-11.17(a)(5) above.

(2) The Final Agency Action taken by the local licensing agency's regarding an exemption may be contested through the hearing procedures set forth in Section 435.07(3), Florida Statutes.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-12. Temporary suspension of a facility's license.

[See Sec. 7-12.01, below:]

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-12.01. [Temporary suspension.]

Notwithstanding anything to the contrary contained in this Ordinance, the local licensing agency may suspend a child care facility's license for a duration of time necessary, to correct violations that, in the opinion of the local licensing agency, pose an imminent danger to the health, safety, and welfare of the children in care or a substantial probability that death or serious physical or emotional harm may result therefrom. Temporary suspension may be ordered by the local licensing agency until such time as the violation(s) are corrected to the satisfaction of the local licensing agency. An owner or director of a facility who receives a notice of violation, in accordance with subsection (a) below, may make a written request to the local licensing agency requesting a hearing to contest the local licensing agency's action temporarily suspending the facility's license. Upon receipt of the written request for a hearing, the local licensing agency shall schedule a hearing before a county-appointed hearing officer as soon as possible to address this matter. If the local licensing agency determines that it is in the best interest of the children in care to seek revocation of the facility's license, a formal revocation proceeding before a county-appointed hearing officer shall be instituted by the local licensing agency. The local licensing agency may consolidate a revocation proceeding with a facility owner or director's request for a hearing to contest the temporary suspension of the license. All hearings shall be conducted in accordance with the provisions of sec. 7-11.16 and Sec. 7-11.17 of this Ordinance.

(a) When the local licensing agency has reasonable cause to believe that grounds exist for temporary suspension of a child care facility's license, the local licensing agency shall issue a Notice of Violation to the owner or director of the facility, pursuant to Sec. 7-11.11 of this Ordinance, identifying the grounds upon which the license is being temporarily suspended and informing the owner or director that he or she shall cease operation as of the close of that business day.

(b) The Notice of Violation(s) shall be sufficient if it is personally served upon the owner, director, or employee of the facility at the address at which the relevant Notice of Violation(s) was issued.

(c) The local licensing agency may also impose an administrative fine on the owner or director of the facility for the violation(s) set forth in the Notice of Violation(s). Whenever the local licensing agency seeks to impose an administrative fine(s) against the owner or director of a facility, it shall issue an Administrative Complaint in accordance with Sec. 7-11.12 of this Ordinance.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-13. Drop-in child care.

Due to the nature of care and the duration of time children spend in drop-in child care facilities, certain provisions of Article I are not required for licensure of these types of facilities. In addition to the requirements set forth in Article I for drop-in child care, some form of communication must be established and provided by the facility, such as a pocket pager, or public announcement system or beeper, enabling the facility to immediately reach the parent if the need arises. The local licensing agency shall require a daily sign-in and sign-out sheet for all children enrolled to ensure the facility's compliance with the four (4) hour maximum period of time a child may remain in a drop-in child care facility. Except as provided for in Sec. 7-13.01, all other provisions of Article I of this Ordinance shall be applicable to facilities licensed to provide drop-in child care.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-13.01. Exempted provisions.

Child care facilities that offer only drop-in child care services are not required to comply with the following provisions of this article in order to be licensed:

- (a) Sec. 7-5.03 relating to outdoor play space; however, if such play space and equipment are provided by the facility, the minimum standards for same shall apply.
- (b) Sec. 7-7.09 relating to food protection and service;
- (c) Sec. 7-8.02 relating to health examinations and health maintenance; however, a parent of a child in drop-in child care shall be required to attest to the child's health condition and the type and current status of the child's immunizations.
- (d) Sec. 7-8.4(a) relating to signed statements;
- (e) Sec. 7-9 relating to transportation; unless transportation is provided by the facility; and
- (f) Sec. 7-14 relating to before-and after-school programs.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-14. Before-and after-school programs.

[Requirements for before-and-after-school programs are included in section 7-14.01 et seq., below.]

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-14.01. Additional requirements.

Notwithstanding the exempted provisions set forth in Sec. 7-14.02, all facilities that provide only before-and after-school programs must meet all the requirements of this Article and the following additional requirements:

- (a) *Accountability:*
 - (1) Daily attendance must be taken by the program's child care personnel for all children at the time a child enters and departs a before-and after-school program.
 - (2) The program child care personnel must immediately notify a parent or other authorized contact person responsible for the child's welfare should a child be unexpectedly absent from a before-and after-school program.
- (b) *Fence requirements:*

(1) The outdoor play space shall have safe and adequate fencing or a wall at a minimum of four (4) feet in height. A fence is not required if all of the following conditions are met:

- a. The children using the outdoor play space are in five (5) year old kindergarten and grade one (1) or above.
- b. In addition to the established staff-to-children ratios, an additional staff member is present to provide direct supervision.
- c. The outdoor play space is located in an uncongested, not heavily trafficked location, away from major intersections, crowded business areas, and all water hazards including, but not limited to, pools, wading pools, ditches, and fish ponds.

(2) The local licensing agency must provide written authorization to the before-and after-school program to operate without a fence.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-14.02. Exempted provisions.

(a) A child care facility that provides only before- and after- school programs and cares for children who are enrolled in five (5) year old kindergarten in accordance with the admission criteria of Section 1003.21, Florida Statutes, and grade one (1) or above, and that is time limited to before and after a routine school day, is not required to comply with the following provisions of this Ordinance:

- (1) Sections 7-4.01(k), (3), (4), (5), (6) and (9) relating to personnel education requirements;
- (2) Sections 7-4.06 (a)(2), (4) and (5) relating to ratio of staff-to-children;
- (3) Sec. 7-5.03(b) relating to outdoor play space;
- (4) Sec. 7-5.04 relating to napping space;
- (5) Sec. 7-5.05(g) relating to toilet and bath facilities: infant and toddler requirements;
- (6) Sec. 7-5.06 relating to nighttime child care;
- (7) Sec. 7-7.07 relating to feeding procedures;
- (8) Sec. 7-7.09 relating to food protection and service;
- (9) Sec. 7-7.11 relating to equipment and utensils;
- (10) Sec. 7-8.02 relating to health examinations and health maintenance;
- (11) Sec. 7-8.04(a) relating to signed statements; and
- (12) Sec. 7-13 relating to drop-in child care.

(b) School districts which serve four (4) year old children in the before- and after-school programs are required to have a credentialed staff person pursuant to the credentialing requirement in Sec. 7-4.01(3) of this Ordinance in order to accommodate the four (4) year old children.

(c) In compliance with Section 402.3025, Florida Statutes, before- and after-school programs for children in five (5) year old kindergarten and grade one (1) or above in public and non-public schools, are not subject to licensure if the programs are operated and staffed directly by the schools. A program that meets the criteria for a religious exemption in accordance with Section 402.316, Florida Statutes, is not subject to licensure.

(d) All programs providing before- and after-school child care exclusively for children in grades six (6) and above, shall not be subject to licensure.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-15. Indoor recreational facility.

[Requirements for indoor recreational facilities are included in Sec. 7-15.01 et. seq., below.]

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-15.01. Additional requirements.

Notwithstanding the exempted provisions set forth in Section 7-15.02 below, all indoor recreational facilities must meet all the requirements of Article I of this Ordinance and the following additional requirements:

(a) *Accountability:*

(1) Daily attendance must be taken by the program's child care personnel for all children at the time a child enters and departs the indoor recreational facility.

(2) The program child care personnel must immediately notify a parent or other authorized contact person responsible for the child's welfare should a child be unexpectedly absent from the indoor recreational facility.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-15.02. Exempted provisions.

(a) An indoor recreational facility that cares for children who are enrolled in five-(5) year old kindergarten in accordance with the admission criteria of Section 1003.21, Florida Statutes, and grade one (1) or above, and that is time limited to no more than four (4) hours for a particular child in any one (1) day, is not required to comply with the following provisions of this Ordinance:

(1) Sections 7-4.01(k), (3), (4), (5), (6) and (9) relating to personnel education requirements;

(2) Sections 7-4.06(a)(2), (4) and (5) relating to ratios of staff-to-children;

(3) Sections 7-5.03(a) through (l) and (o) relating to outdoor play space;

(4) Sec. 7-5.04 relating to napping space;

(5) Sec. 7-5.05(g) relating to toilet and bath facilities: infant and toddler requirements;

(6) Sec. 7-5.6 relating to nighttime child care;

(7) Sec. 7-7.07 relating to feeding procedures;

(8) Sec. 7-7.11 relating to equipment and utensils;

(9) Sec. 7-8.02 relating to health examinations and health maintenance;

(10) Sec. 7-8.04(a) relating to signed statements; and

(11) Sec. 7-13 relating to drop-in child care.

(b) *Personnel Education Requirements:* Directors employed in an indoor recreational facility on or after the effective date of this Ordinance shall be required to meet all the requirements of Sec. 7-4.01(a)-(j).

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-16. Urban child care facility.

[Provisions relating to urban child care facilities are included in section 7-16.01 et seq., below.]

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-16.01. Requirements.

Notwithstanding the exempted provisions set forth in Sec. 7-16.02 below, all child care facilities that provide only urban child care must meet all the requirements of Article I of this Ordinance.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-16.02. Exempted provisions.

An urban child care facility is not required to comply with Sections 7-5.03(a) through (l) and (o) of this Ordinance relating to Outdoor Play Space. An urban child care facility is permitted to substitute indoor play space for outdoor play space, if outdoor play space is not available in the area.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-17. Weekend child care.

[Requirements for weekend child care are included in Sec. 7-17.01 below.]

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-17.01. Requirements.

Child care facilities that provide care between the hours of 6:00 p.m. on Friday and 6:00 a.m. on Monday must meet all requirements of Article I of this Ordinance.

(Ord. No. 2004-02, § 1, 2-10-04)

ARTICLE II. STANDARDS FOR SUBSTANTIAL COMPLIANCE

Sec. 7-18. General intent.

The Board of County Commissioners finds and declares that, although certain types of child care arrangements and facilities are not generally subject to licensure under Article I of this Ordinance, it is reasonable and necessary to adopt requirements for "substantial compliance" in order to protect children and persons attending these facilities. The term "substantial compliance" referenced in this article shall mean compliance with the minimum standards set forth for background screening of child care personnel, and health, safety, and sanitation requirements.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-18.01. Applicability.

(a) Article II is applicable to religious-affiliated child care facilities operating pursuant to Section 402.316, Florida Statutes, and non-public schools and their integral child care programs, except those arrangements requiring licensure as provided for in paragraph (3) below and Section 402.3025, Florida Statutes. Any religious-affiliated child care facility or non-public school program subject to the provisions of Article II is required to register with the local licensing agency as provided for in Sec. 7-29 of this Ordinance and meet the requirements for substantial compliance set forth in Article II of this Ordinance.

(b) *Religious-Affiliated Child Care Facilities:* A religious-affiliated child care facility is not subject to licensure under Article I if the facility is an integral part of a place of worship or religious school conducting regularly scheduled classes, courses of study, or educational programs accredited by, or by a member of, an organization that publishes and requires compliance with its standards for health, safety, and sanitation. However, the facility is required to meet the standards set forth in this article as they pertain to substantial compliance. Any religious-affiliated child care facility exempt from licensure, but desiring to be licensed in accordance with Article I of this Ordinance, may submit a written request to the local licensing agency seeking licensure. However, once licensed, a facility is not permitted to rescind its licensed status and continue operating.

(c) *Non-public schools:* Programs in non-public schools for children under three (3) years of age shall be deemed child care and are subject to the provisions of Article I of this Ordinance. Programs for children who are at least three (3) years of age but under five (5) years of age shall not be deemed child care and are not subject to licensure under Article I of this Ordinance provided (i) the programs in the schools are operated and staffed directly by public schools, and (ii) provided a majority of children enrolled in the schools are five (5) years of age or older. The programs are required to meet the minimum standards for substantial compliance set forth under Article II. A non-public school may designate certain programs as child care, in which case these programs shall be subject to licensure under Article I of this Ordinance.

(d) *Noncompliance With the Standards for Substantial Compliance:* Failure of a religious-affiliated child care facility or non-public school program subject to the provisions of Article II to comply with the requirements set forth for substantial compliance may result in the loss of the facility's or program's exemption from licensure. Failure to register as required under this Ordinance may result in the imposition of a civil penalty against the owner or director of the child care facility/program pursuant to Chapter 8 1/2, Article II, Section 8 1/2-16 of the Broward County Code of Ordinances.

(e) Article I is applicable to child care facilities that State law requires to be licensed. Many of the minimum standards for health, safety, sanitation, and background screening

requirements set forth in Article I comprise the minimum standards for substantial compliance set forth in Article II. Accordingly, for the purposes of Article II, in an effort to eliminate unnecessary duplication of verbiage, certain sections of Article I are incorporated in their entirety by reference in Article II and apply to child care arrangements subject to Article II. Where only portions of sections, subsections, or paragraphs of Article I are applicable under Article II, the applicable language is set forth in whole in Article II.

(f) For the purposes of Article II, all references to "child care facilities," "facility," or "facilities" shall include religious-affiliated child care facilities and non-public school programs that are subject to the minimum standards for substantial compliance set forth in this Article.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-19. Definitions.

For the purpose of this section, the definitions set forth in Sec. 7-3 of this Ordinance shall be applicable to child care arrangements subject to Article II insofar as practicable.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-20. Background screening.

For the purpose of this section, the minimum standards for child care personnel set forth in Sec. 7-4 of this Ordinance shall be applicable to non-public schools and religious-affiliated child care facilities subject to Article II, so long as such requirements are not in conflict with Sections 402.305 and 402.3055, Florida Statutes.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-21. Minimum standards for health, safety, and sanitation.

[Minimum standards for health, safety, and sanitation are included in Sec. 7-21.01 et seq., below.]

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-21.01. Personnel training.

(a) All child care personnel except volunteers or substitutes who work less than forty (40) hours a month, must take DCF's-approved courses covering the following topics: health, safety, and nutrition; identifying and reporting child abuse and neglect; child growth and development, including typical and atypical language, cognitive, motor, social, and self-help skills development.

(b) Training coordinating agencies may exempt child care personnel from any of the three (3) training modules listed in paragraph (1) of this section if the person has successfully completed the module pretests with an seventy percent (70%) or better score.

(c) Child care personnel with one (1) of the following approved educational credentials have the option to be educationally exempt from either the Health, Safety, and Nutrition or the Child Growth and Development and Behavioral Observation and Screening Modules without taking the pretests:

(1) Two (2) year degree or higher from a regionally accredited college or university with six (6) college credit hours in early childhood/child growth and development.

(2) Child Development Associate Credential, state approved Florida CDA Equivalency course, or CDA Exemption Waiver certificate.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-21.02. Minimum age requirements.

For the purpose of this section, the minimum age requirements set forth in Sec. 7-4.04 of this Ordinance shall be applicable to Article II.
(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-21.03. Health requirements.

For the purpose of this section, the minimum health requirements set forth in Sec. 7-4.05 of this Ordinance shall be applicable to Article II.
(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-21.04. Ratios of staff-to-children.

For the purpose of this section, the requirements relating to ratios of staff-to-children set forth in Sec. 7-4.06 of this Ordinance shall be applicable to Article II for all children under five (5) years of age .
(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-21.05. Child discipline.

(a) Child care facilities and programs must ensure that age appropriate, individual constructive disciplinary practices are used for each child in care.

(1) Children shall not be subjected to discipline that is severe, humiliating, or frightening.

(2) No cruel, harsh, physical, or unusual punishments shall be permitted.

(3) No child shall be delegated or permitted to discipline another child.

(4) No physical restraints shall be used to confine a child.

(5) No child shall be confined in an enclosed area such as a closet, locked room, box, or bathroom.

(6) No child shall be subjected to profane language, threats, derogatory remarks, or other verbal abuse.

(7) No child shall be punished for failure to eat or sleep, or for toileting accidents.

(8) No child shall be punished by the withholding of food, rest, or use of the toilet.

(9) No physical punishment shall be used, such as, but not limited to, hitting, striking, biting, or pinching.

(10) No child shall be threatened with any punishment that is prohibited by this paragraph.

(11) Spanking or any other form of physical punishment is prohibited unless such discipline is a part of the religious tenets, doctrine, or practice of the facility.

(b) All child care personnel must comply with the facility's written disciplinary practices and sign a statement indicating that they have read and will comply with the policy.

(c) Prior to admission of a child to a child care facility, the facility shall notify the parents in writing of the disciplinary practices used by the facility. The specific types of discipline used for each age group must be included in the written material provided to parents. Notification must be verified by signature of a parent of the enrolled child. The signature must be recorded on the enrollment card No. 1 card, Child Care Enrollment Information or an equivalent form and kept on file at the facility.

A copy of the facility's current written disciplinary practice must be available for inspection and review by the local licensing agency.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-22. Physical facilities.

[Requirements for physical facilities are listed in section 7-22.01 et seq., below.]
(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-22.01. General requirements.

For the purpose of this section, the general requirements relating to the physical facilities set forth in Sec. 7-5.01 of this Ordinance shall be applicable to Article II.
(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-22.02. Usable indoor space.

(a) "Usable indoor space" refers to that floor space available for indoor play, classroom, work area, or napping. In indoor areas, usable indoor space is calculated by measuring at floor level from interior walls and by deleting space for stairways, toilets and bath facilities, permanent fixtures and non-movable furniture, unless that furniture is provided for the sole use of the children in care. Shelves or storage for toys and other materials shall be considered as usable indoor space if accessible to children. Kitchens, offices, laundry rooms, storage areas, and other areas not used in normal day-to-day operations are not included when calculating usable indoor space.

(b) A child care facility subject to Article II that was in operation prior to October 1992 must have a minimum of twenty (20) square feet of usable indoor space per child.

(c) A child care facility subject to Article II that was not in operation prior to October 1992 must have a minimum of thirty-five (35) square feet of usable indoor space per child.

(d) Once a capacity for a facility has been established, the usable indoor space requirement calculated at thirty-five (35) or twenty (20) square feet per child will not be affected by a change in ownership due to the sale of the facility, if the facility remains open and operating during the change of ownership.

(e) Equipment and furnishings:

(1) Toys, equipment, and furnishings must be in a usable, safe, and sanitary condition.

(2) Play equipment and materials shall be provided that are appropriate to the developmental needs, individual interests, and ages of the children. There shall be a sufficient amount of play equipment and materials available relative to the licensed capacity of the facility allowing each child to be involved in activities.

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

a. In areas in which play equipment is used and the equipment has a climbing height of greater than eighteen (18) inches but does not exceed thirty-six (36) inches, there shall be a shock-absorbent floor covering, as approved by the local licensing agency. The shock absorbent floor covering shall extend a minimum of two (2) feet beyond all sides of the equipment.

b. In areas in which play equipment is used and the equipment has a climbing height of greater than thirty-six (36) inches, there shall be a shock-absorbent mat or floor covering, as approved by the local licensing agency. The placing of equipment against the wall is permissible. The shock-absorbent floor covering shall extend a minimum of three (3) feet beyond all sides of the equipment.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-22.03. Outdoor play space.

For the purpose of this section, the general requirements relating to the outdoor play space set forth in Sec. 7-5.03 of this Ordinance shall be applicable to Article II,

except for the requirements of Sec. 7-5.03(b), relating to the requirement for the play space to be adjoining the facility.
(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-22.04. Napping space.

For the purpose of this section, the general requirements relating to napping space set forth in Sec. 7-5.04 of this Ordinance shall be applicable to Article II.
(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-22.05. Toilet and bath facilities.

For the purpose of this section, the general requirements relating to toilet and bath facilities set forth in Sec. 7-5.05 of this Ordinance shall be applicable to Article II.
(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-22.06. Nighttime child care.

For the purpose of this section, the general requirements relating to nighttime child care set forth in Sec. 7-5.06 of this Ordinance shall be applicable to Article II.
(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-22.07. Isolation area.

For the purpose of this section, the general requirements relating to an isolation area set forth in Sec. 7-5.07 of this Ordinance shall be applicable to Article II.
(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-22.08. Fire safety.

For the purpose of this section, the general requirements relating to fire safety set forth in Sec. 7-5.08 of this Ordinance shall be applicable to Article II.
(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-23. Weekend child care.

For the purpose of this section, the general requirements relating to weekend child care set forth in Sec. 7-17 of this Ordinance shall be applicable to Article II, except as provided for in Sec. 7-23.01 below.
(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-23.01. Exempted provisions.

Child care facilities that offer weekend child care services are not required to comply with the following provisions of Article I of this Ordinance in order to be registered pursuant to Article II of this Ordinance:

- (a) Sec. 7-4.01 relating to personnel education requirements;
- (b) Sec. 7-4.02 relating to personnel training;
- (c) Sec. 7-4.03 relating to child care licensing seminar;
- (d) Sec. 7-5.03(b) relating to outdoor play space;
- (e) Sec. 7-8.03(i) relating to personnel screening and health record;
- (f) Sec. 7-11 relating to license;
- (g) Sec. 7-12 relating to temporary suspension of a facility license;
- (h) Sec. 7-13 relating to drop-in child care;
- (i) Sec. 7-14 relating to before- and after- school program;
- (j) Sec. 7-15 relating to indoor recreational facility; and

(k) Sec. 7-16 relating to urban child care facility.
(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-24. First aid treatment, emergency procedures and communicable diseases.

For the purpose of this section, the general requirements relating to first aid treatment, emergency procedures and communicable diseases set forth in Sec. 7-6 of this Ordinance shall be applicable to Article II.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-25. Nutrition, food preparation and food service.

For the purpose of this section, the requirements relating to nutrition and food preparation and food service set forth in Sec. 7-7.01 through Sec. 7-7.11 of this Ordinance, exclusive of Sec. 7-7.09 relating to food protection and service, shall be applicable to Article II.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-25.01. Food protection and service.

All registered child care facilities that prepare and serve food shall meet the requirements as specified in Chapter 64E-11, Florida Administrative Code, and must possess and conspicuously post a satisfactory inspection report issued by the Broward County Health Department.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-26. Admission and record keeping.

For the purpose of this section, the requirements relating to admission and record keeping set forth in Sec. 7-8 through Sec. 7-8.11 of this Ordinance, exclusive of Sec. 7-8.03(i) relating to personnel records of director/teacher educational requirements, and Sec. 7-8.04(a) relating to signed statements of the child care facility shall be applicable to Article II.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-27. Transportation.

For the purpose of this section, the requirements relating to transportation set forth in Sec. 7-9 of this Ordinance shall be applicable to Article II.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-28. Insurance.

For the purpose of this section, the requirements relating to insurance set forth in Sec. 7-10 of this Ordinance shall be applicable to Article II.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-29. Registration procedures.

(a) No one shall operate a substantial compliance facility within Broward County, Florida, unless all standards set forth in Article II of this Ordinance and other applicable state, county, or municipal regulations have been met.

(b) Religious-affiliated child care facilities and non-public school programs subject to Article II shall be required to register annually with the local licensing agency in a manner and on the forms prescribed by the local licensing agency.

(c) Registration forms shall be accompanied by the annual monitoring fee of One Hundred Dollars (\$100.00). Checks, cashier checks, or money orders shall be made payable to the Broward County Board of County Commissioners.

(d) The registration forms shall be completed and signed by the owner, prospective owner, or designated representative of the owner or prospective owner. Within thirty (30) days after receipt of the registration forms, the local licensing agency shall examine the forms, notify the registrant of errors or omissions, and request any additional information needed to complete the registration forms. Whenever information is required to be submitted to the local licensing agency by a registrant where the information concerns qualifications or characteristics personal to the registrant including age, moral character, and criminal records, the term "registrant" shall mean the individual registrant if the registrant is an individual; the term "registrant" shall mean the designated representative, if the registrant is a sole proprietor, partnership, association, or corporation.

(e) If the registrant is a partnership, the registration forms shall contain the name and address of every partner. If the registrant is a corporation, firm, or association, the registration forms shall contain its name and address, and the names and addresses of the members of the board of directors and the officers. If the registrant is a corporation, the corporation must be in good standing and authorized to do business in the State of Florida.

(f) The registration forms and supporting documentation shall be complete, truthful, and correct. Falsification of registration information is grounds for denial of registration and grounds for the local licensing agency to seek injunctive relief in circuit court prohibiting the facility from operating or removing the facility's status as exempt from licensure.

(g) On an annual basis, the local licensing agency shall reexamine the child care facility including, in that process, the examination of the premises and records of the facility as required by this Ordinance.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-30. Transfer of ownership.

(a) Whenever a substantial compliance child care facility is sold or the ownership is changed, the new or prospective owner or designated representative of the prospective owner shall register with the local licensing agency at least forty-five (45) days prior to the date of the change in ownership.

(b) Before the new owner assumes responsibility for the child care facility, the current owner or designated representative shall notify the parents of the change in ownership.

(c) In compliance with Section 402.305(19), Florida Statutes, at least one (1) week prior to changing ownership of a child care facility, one (1) of the following methods of notification to parents or guardians must be observed:

(1) Posting a notice in a conspicuous location at the facility.

(2) Incorporating information in any existing newsletter.

(3) Individual letters, or flyers.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-31. Advertisement.

Any person advertising a registered child care facility by printed notice or broadcast media shall include in the display advertisement the facility's registration number. This requirement includes, but is not limited to, advertisements in the yellow pages of telephone directories, community bulletin boards, flyers, pamphlets, classified ads, signs, radio and television announcements, Internet sites, and other advertising mediums. If the child care facility's registration is pending, the advertisement may so

state. This requirement does not apply to classified advertisements for employment purposes.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-32. Inspections.

(a) All child care facilities subject to the provisions of Article II shall accord to the local licensing agency the privilege of investigating and inspecting the operation during regular business hours, including access without notice to facilities, staff members and records, as required by this Ordinance, to assure compliance with the provisions of this Ordinance and protect the health, safety, and welfare of children in care.

(b) Failure to comply with reasonable requests of the local licensing agency in connection with an investigation or inspection shall be grounds for the local licensing agency to seek injunctive relief in circuit court to remove the facility's status as exempt from licensure.

(c) All child care facilities subject to Article II of this Ordinance shall be inspected by the local licensing agency no less than two (2) times a year.

(d) All child care facilities subject to Article II of this Ordinance shall comply with all the standards for substantial compliance set forth in this Article and shall correct all areas of noncompliance reported to the facility by the local licensing agency within the time frame specified in the inspection report or corrective action plan issued by the local licensing agency.

(e) No person shall hinder, resist, or oppose an employee or agent of the local licensing agency in the performance of his or her duties under this section.

(f) Any child care facility that closes for a period longer than three (3) consecutive weeks, except during summer recess, shall notify the local licensing agency by certified mail of said closing. A satisfactory inspection is required by the local licensing agency prior to the facility reopening.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-33. Enforcement of requirements for substantial compliance.

The local licensing agency shall comply with the following procedures for enforcement of the requirements for substantial compliance:

(a) Inspections: The local licensing agency shall follow the procedures set forth in Sec. 7-32 of this Ordinance with regard to the semi-annual inspections.

(b) At the time of an inspection, the monitor will provide the facility with an inspection report setting forth the specific areas of noncompliance with this Article. The inspection report shall be dated and signed by the monitor and a staff member of the facility.

(c) If deemed necessary or appropriate, the local licensing agency may issue a corrective action plan setting forth the specific areas of noncompliance and a reasonable time frame within which the areas of noncompliance shall be corrected unless the situation is one which poses an imminent threat to the health and safety of the children, in which case the matter shall be corrected within twenty-four (24) hours. The corrective action plan shall be hand delivered to the facility or sent by certified mail, return receipt requested.

(d) The local licensing agency will reinspect the facility to determine compliance with any corrective action plan issued.

(e) Failure of the facility to cooperate with the local licensing agency and make reasonable attempts to correct the areas of noncompliance or any continuing, recurring, and unresolved problems that adversely affect or may adversely affect the health, safety, and well-being of the children enrolled at the facility may result in the local licensing

agency seeking injunctive relief in circuit court to either prohibit the facility from operating until such time as the facility is in compliance or to remove the facility's exempt status and require licensure.

(Ord. No. 2004-02, § 1, 2-10-04)

ARTICLE III. SPECIALIZED CHILD CARE FACILITIES FOR THE CARE OF MILDLY-ILL CHILDREN

Sec. 7-34. General intent.

It is the intent of the Board of County Commissioners to adopt such minimum standards as necessary to protect persons in or attending specialized child care facilities for the care of mildly-ill children. The term "mildly-ill children" referenced in Article III shall mean children exhibiting illnesses or symptoms of illnesses, as defined in Sec. 7-3(8) of this Ordinance, which have caused or would cause them to be excluded from regular child care settings, and who need special attention and supervision and meet admission criteria for mildly-ill children's programs as described in Sec. 7-41.01(a) of this Ordinance, as may be amended from time to time.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-34.01 Applicability.

(a) Article I of this Ordinance is applicable to child care facilities that state law requires to be licensed. Many of the minimum standards for health, safety, sanitation, and background screening requirements set forth in Articles I and II of this Ordinance comprise the minimum standards for specialized child care facilities for the care of mildly-ill children set forth in Article III. Accordingly for the purposes of Article III, in an effort to eliminate unnecessary duplication of verbiage, certain sections and paragraphs of Articles I and II are incorporated in their entirety by reference in Article III and apply to child care arrangements subject to Article III. Where only portions of a section, subsection or paragraph of Article I or II are applicable under Article III, the applicable language is set forth in whole in this Article III.

(b) For the purpose of Article III, all references to child care facilities, "facility" or "facilities," shall include specialized child care facilities for the care of mildly-ill children that are subject to the minimum standards set forth in this Article.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-35. Definitions.

For the purpose of this section, the definitions set forth in Sec. 7-3 of this Ordinance shall be applicable to child care arrangements subject to Article III in so far as practicable.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-36. Background screening.

For the purpose of this section, the minimum standards for child care personnel set forth in Sec. 7-4 of this Ordinance shall be applicable to specialized child care facilities for the care of mildly-ill children subject to Article III, so long as such requirements are not in conflict with Sections 402.305 and 402.3055, Florida Statutes.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-37. Minimum standards for health, safety, and sanitation.

[Minimum standards for health, safety and education are set out in section 7-37.01 et seq., below.]

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-37.01. Personnel training.

For the purpose of this section, the minimum personnel training requirements set forth in Sec. 7-4.02 of this Ordinance shall be applicable to Article III.
(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-37.02. Additional requirements for personnel training.

In addition to the required training outlined in Sec. 7-4.02, all child care personnel caring for mildly-ill children shall complete eight (8) hours of annual in-service training relating to the care of sick children and the prevention of communicable diseases. Directors shall complete at least two (2) hours of training relating to the care of sick children as part of their eight (8) hours annual in-service training.
(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-37.03. Minimum age requirements.

For the purpose of this section, the minimum age requirements set forth in Sec. 7-4.04 of this Ordinance shall be applicable to Article III. In addition, no person under the age of eighteen (18) years shall be allowed to provide care for mildly-ill children.
(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-37.04. Health requirements.

For the purpose of this section, the minimum health requirements set forth in Sec. 7-4.05 of this Ordinance shall be applicable to Article III.
(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-37.05. Ratios of staff-to-children.

(a) *General:*

(1) The following staff-to-children ratio is based on primary responsibility for the direct supervision of children and applies at all times when mildly-ill children are in care. During any break time, staff-to-children ratios shall be maintained.

a. For children from birth up to one (1) year of age, there must be one (1) child care personnel for every three (3) children.

b. For children one (1) year of age up to four (4) years of age, there must be one (1) child care personnel for every four (4) children.

c. For children four (4) years of age and older, there must be one (1) child care personnel for every six (6) children.

(2) In groups of mixed age ranges, where one (1) or more children under one (1) year of age are in care, one (1) child care personnel shall be responsible for a maximum of three (3) children of any age group.

In groups of mixed age ranges, where one (1) or more children one (1) year of age and older are in care, the staff-to-children ratio shall be based on the age of the largest numbers of children within the group. When equal numbers of children in each group are in care, the most restrictive staff-to-children ratio shall apply.

(3) No operator, owner or employee of a child care facility for mildly-ill children shall be under the influence of narcotics, alcohol, or other impairing drugs, which affects their ability to provide supervision and safe child care.

(4) If both non-disabled and children with disabilities are served, the local licensing agency may require the director to make an adjustment in the staff-to-children ratio to ensure adequate and proper care of the children with disabilities.

(5) For drop-in child care facilities, the staff-to-children ratio referenced in paragraph (a) above for children ages four (4) and five (5) shall double for staff only and, accordingly, two (2) staff members shall be required for every twelve (12) children.

(b) *Children with Disabilities.*

(1) For mildly-ill child care facilities serving only children with disabilities, the staff-to-children ratio is based on direct supervision and shall be maintained at all times in the facility as outlined in Sec. 7-37.05(1) above.

(2) Depending on the severity of the disabling conditions of the children in care, additional child care personnel may be required by the local licensing agency to assure the safety of the children.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-37.06. Child discipline.

For the purpose of this section, the requirements relating to child discipline set forth in Sec. 7-4.07 of this Ordinance shall be applicable to Article III.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-38. Physical facilities.

[Provisions relating to physical facilities are set out in Sec. 7-38.01, et seq., below.]

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-38.01. General requirements.

For the purpose of this section, the general requirements relating to the physical facilities set forth in Sec. 7-5.01 of this Ordinance shall be applicable to Article III, except for the requirements of Sec. 7-5.01(g), relating to the requirements for animals or fowl properly immunized and out of children reach to be allowed into a child care facility, and Sec. 7-5.01(m) relating to the requirement for drinking fountains.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-38.02. Additional requirements.

(a) A child care facility for mildly-ill children, if located within a regular licensed child care facility, shall utilize rooms or areas which are physically separated by floor to ceiling walls from all other components of the regular licensed child care facility.

(b) The physical indoor and outdoor space, and equipment designated for use by the mildly-ill children shall not be used by children and child care staff from any other component of the regular licensed child care facility.

(c) A child care facility for mildly-ill children shall ensure that safe drinking water and other fluids consistent with the child's physical condition are available at all times to all children in care. Drinking fountains shall not be used.

(d) Child care facilities for mildly-ill children, which serve children with contagious diseases as defined in Sec. 7-39.03 of this Ordinance, shall have separate isolation areas, ventilation systems, and entrances.

(e) Child care facility programs for mildly-ill children shall make provisions to prevent the participating mildly-ill children from coming into contact with all other areas and components of the child care facility where well children are in care.

(f) No portion of a child care facility for mildly-ill children shall be operated or used for any activity which could endanger the health and safety of the children during the hours the facility is in operation.

(g) No animals shall be allowed on the premises of facilities caring for mildly-ill children.

(h) No narcotics, alcohol, or other impairing drugs shall be present or allowed on the premises, unless prescribed for any of the children in care.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-38.03. Usable indoor space.

For the purpose of this section, the general requirements relating to usable indoor space set forth in Sec. 7-5.02 of this Ordinance shall be applicable to Article III, except for the requirements of (i) Sec. 7-5.02(b) relating to the minimum square footage requirement for facilities that held a valid license on October, 1992 or after October 1, 1992; (ii) Sec. 7-5.02(c) relating to the requirements for square footage affected by a change in ownership due to the sale of an existing child care facility that held a valid license prior to October 1, 1992; and (iii) Sec. 7-5.02(g) relating to the requirement for planned activities scheduled for children in care.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-38.04. Additional requirements for usable indoor space.

(a) There shall be minimum of thirty-five (35) square feet of usable indoor floor space per child.

(b) The facility shall include a daily schedule tailored to each child's symptoms, energy level, and parent's instructions.

(c) The daily schedule shall be flexible and provide age appropriate activities without over stressing the children.

(d) All washable toys, equipment, and furniture used for one (1) group of children with a similar diagnosis shall be washed and disinfected before being used by another group of children.

(e) Non-washable toys brought from home may not be shared, and shall be sent home daily.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-38.05. Outdoor play space.

Child care facilities for mildly-ill children are not required to provide outdoor play space. If a facility elects to provide outdoor play space, it shall be physically separated from that space provided for well children, and all equipment shall meet all safety requirements as outlined in Sec. 7-5.03 of this Ordinance shall be applicable to Article III.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-38.06. Napping space.

For the purpose of this section, the general requirements relating to napping space set forth in Sec. 7-5.04 of this Ordinance shall be applicable to Article III, except for the requirements of Sec. 7-5.04(d) relating to the minimum distance maintained around individual napping spaces.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-38.07. Additional requirements.

(a) There shall be maintained a minimum of a three (3) feet separation between bedding at all times bedding is in use. Exit areas must remain clear in accordance with fire safety regulations.

(b) Linens, if provided by the facility, must be sanitized daily, pursuant to Sec. 7-3(34) of this Ordinance, and more often if soiled or dirty. Linens and blankets must be provided

when children are napping or sleeping. Pillows must be available except for infants under twenty-four (24) months of age.

(c) For the purpose of this section, sleeping refers to the normal overnight sleep cycle while napping refers to a brief period of rest during daylight or early evening hours. Playpens may not be used for care when children are sleeping. Bedding must be appropriate for the child's size.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-38.08. Toilet and bath facilities.

For the purpose of this section, the requirements relating to toilet and bath facilities set forth in Sec. 7-5.05 of this Ordinance shall be applicable to Article III, except for the requirements of Sec. 7-5.05(c) relating to the minimum fixtures; Sec. 7-5.05(d) relating to additional toilet facilities with potty chairs; and Sec. 7-5.05(f) relating to toilets if only caring for children in diapers.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-38.09. Additional requirements.

(a) The facility shall provide a minimum of one (1) toilet and one (1) wash basin for every ten (10) children.

(b) Toilet and bath facilities shall be designated for the exclusive use of the mildly-ill children in care and the facility's personnel caring for the children, and shall be accessible from within the room where care is being provided. If the facility caring for mildly-ill children is located within a regular licensed child care facility, the toilet and bath facilities used by the mildly-ill children and their caregivers shall be separate from those utilized by children and caregivers from other components of the child care facility.

(c) Toilet and bath facilities shall provide privacy to all users.

(d) Toilet facilities shall not open directly into an area where food is prepared. A toilet facility may open directly into an area used by children where food is served.

(e) At least one (1) portable or permanent bath facility shall be provided and be available for bathing children.

(f) When children require cloth diapers, only those brought from the child's home may be used, and must be returned to the parent at the end of the day.

(g) After gloves are discarded, personnel shall wash their hands and the hands of the child prior to sanitizing the diaper changing station.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-38.10. Nighttime child care.

For the purpose of this section, the general requirements relating to nighttime child care set forth in Sec. 7-5.06 of this Ordinance shall be applicable to Article III, except for the requirements of Sec. 7-5.06(d) relating to the minimum fixtures, and Sec. 7-5.06(g) relating to the minimum distance around each bed or cot.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-38.11. Additional requirements for nighttime child care.

(a) A minimum of a three (3) feet separation between bedding must be maintained at all times bedding is in use. Exit areas must remain clear in accordance with fire safety regulations.

(b) The facility shall provide a minimum of one (1) toilet and one (1) wash basin for every ten (10) children.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-38.12. Isolation area.

Each facility must include a designated room or a series of rooms for mildly-ill children, which provides separate airflow, and physical separation, from the rest of the facility. The isolation area must include a separate toilet, handwashing facility, and diaper changing area. This area shall be utilized when caring for children with contagious diseases. Such space shall be adequately equipped with a bed, cot, mattress, crib, playpen or mat, and materials that can be sanitized easily. Linens and disposables must be changed after each use and disposables must be disposed of properly. All isolated children must be within the sight and hearing of a staff member at all times. No child shall ever be left alone or unsupervised and must be observed carefully for worsening conditions.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-38.13. Fire safety.

For the purpose of this section, the general requirements relating to fire safety as set forth in Sec. 7-5.08 of this Ordinance shall be applicable to Article III, except for the requirements of Sec. 7-5.08(c) relating to accepting the public school fire code for a licensed program operating in a public school. In addition, subject to the local fire authority's approval, evacuation of the premises during a fire drill shall not be required; however, facilities shall ensure that the children are taken at least to the point of exit.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-39. First aid treatment, emergency procedures and communicable diseases.

[Regulations pertaining to first aid treatment, emergency procedures and communicable diseases are included in section 7-39.01 et seq., below]

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-39.01. First aid treatment and emergency procedures.

For the purpose of this section, the general requirements relating to first aid treatment and emergency procedures set forth in Sec. 7-6.01 of this Ordinance shall be applicable to Article III, except for the requirements of Sec. 7-6.01(b) relating to notice to parents and Sec. 7-6.01(c) relating to child care personnel training.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-39.02. Additional requirements for first aid treatment and emergency procedures.

(a) A parent shall be notified immediately in the event of any significant change in a child's illness or symptoms, or accidents or injuries sustained at the facility which are more serious than minor cuts and scratches, and the specific verbal instructions regarding action to be taken under such circumstances shall be obtained and followed. If a parent cannot be reached, the facility director shall contact the person(s) designated by the parent on the enrollment or registration form to be contacted under these circumstances and shall follow any specific written instructions provided by those persons.

(b) Child care facilities for mildly-ill children shall make arrangements with the parent for obtaining medical evaluation or treatment for a child, if necessary as determined by the licensed health caregiver and program policies.

(c) Child care facilities for mildly-ill children shall obtain emergency medical treatment without specific parental instruction when the parent cannot be reached, and the nature of the illness or symptoms or injury is such that there should be no delay in obtaining medical treatment, as determined by the licensed health caregiver or other qualified health professional.

(d) Child care facilities for mildly-ill children shall call the parent immediately when a child's illness or symptoms worsen to the degree that the child meets criteria for exclusion from the program, as outlined in Sec. 7-41.01(c) of this Ordinance.

(e) All child care personnel caring for mildly-ill children shall have current certification in child cardiopulmonary resuscitation and first aid prior to caring for the children at the facility.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-39.03. Communicable diseases/mildly-ill children.

Any child care facility that cares for mildly-ill children shall meet the minimum standards set forth below.

(a) *Aids and HIV Infection:* Every child care facility is required to maintain on the premises a copy of the manual furnished by the local licensing agency entitled "A Staff Manual about Aids and HIV Infection for Child Care Centers." Child care personnel must document and maintain in their individual personnel file at the facility that they have read the document within five (5) days of employment.

(b) *Outbreaks:* Directors are required to notify the Broward County Health Department immediately of any suspected outbreak of a notifiable communicable disease or other disease condition in accordance with Section 64D-3 of the Florida Administrative Code, Communicable Disease Control. Directors shall contact the Broward County Health Department when any of the following situations occur:

(1) A suspected outbreak occurs when two (2) or more children or employees have the onset or are diagnosed or suspected of having similar signs or symptoms, as outlined in Sec. 7-6.02(a)(2)a.-j., within a seventy-two (72) hour period or when a case of a serious or reportable communicable disease is diagnosed.

(2) The presence of any notifiable communicable disease or an outbreak of any other communicable disease shall permit the Director of the Broward County Health Department to declare a communicable disease emergency. The declaration of said emergency shall mandate that health and immunization records of all children in attendance and all child care personnel be made available for inspection by the Broward County Health Department. The Director of the Broward County Health Department shall have the authority to require appropriate action to prevent the spread of such disease. This authority includes, but is not limited to, prohibiting attendance by a child or employee, restricting new admissions, or requiring immunization. In the event of noncompliance with the actions requested, the Director of the Broward County Health Department shall have the authority to quarantine the affected facility.

(c) *Child Care Personnel:* Anyone, including household members if the child care facility is located in a private home, who develops signs and symptoms of a communicable or infectious disease as defined in the Florida Administrative Code, which includes, but is not limited to, any of the following: diarrhea, pink eye, rash, or any other skin infection shall be isolated from other individuals and excluded from the facility until the signs and symptoms are no longer present.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-40. Nutrition, food preparation and food service.

For the purpose of this section, the requirements relating to nutrition and food preparation and food service set forth in Sec. 7-7.01 through Sec. 7-7.11 of this Ordinance, except for the requirements of Sec. 7-7.03, relating to Snacks, and Sec. 7-7.09 relating to Food Protection and Service, shall be applicable to Article III.
(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-40.01. Food protection and service.

All child care facilities that prepare and serve food shall meet the requirements as specified in Chapter 64E-11, Florida Administrative Code, and must possess and conspicuously post a satisfactory inspection report issued by the Broward County Health Department.
(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-40.02. Additional requirements for food protection and service.

- (a) All meals and snacks provided by facilities caring for mildly-ill children must be single-service articles as defined in Sec. 7-3(36) of this Ordinance. Only single-service articles may be used for eating and drinking. Children may bring labeled items for their exclusive use and these items must be returned to the parent on a daily basis.
 - (b) If a child care facility for mildly-ill children chooses to supply food, it shall provide nutritious meals and snacks of a quantity and quality to meet the daily nutritional needs of the children. The USDA Food Guide Pyramid for Young Children, March 1999, incorporated herein by reference as the "USDA Food Guide," shall be used to determine what food groups to serve at each meal or snack and the serving size of the selected foods for children one (1) year of age and older, if tolerated by the medical condition. The fats and sweets category with the USDA Food Guide cannot be counted as a food group. Using the USDA Food Guide, breakfast shall consist of at least three (3) different food groups; lunch and dinner shall consist of at least four (4) different food groups; and snacks shall consist of at least two (2) different food groups.
 - (c) Child care facilities for mildly-ill children shall ensure that menus for children can be modified to meet the individual needs of each child in care.
 - (d) A kitchen area may be shared with other components of the facility; however, staff providing child care for the mildly-ill children shall not be involved in food preparation.
 - (e) There shall be no automatic feeding devices used unless medically prescribed.
- (Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-41. Admission, assessment and record keeping.

For the purpose of this section, the requirements relating to admission and record keeping set forth in Sec. 7-8 through Sec. 7-8.11 of this Ordinance, except for the requirements in Sec. 7-8.01 relating to enrollment information for children admission into the facility Sec. 7-8.02 relating to Health Examination and Health Maintenance records for children and Sec. 7-8.03 relating to personnel records of director/teacher educational and health requirements, Sec. 7-8.04 relating to signed statements, and Sec. 7-8.09 relating to field trips, shall be applicable to Article III.
(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-41.01. Additional requirements.

- (a) *Admission.*
 - (1) No child shall be permitted to attend a child care facility for mildly-ill children without the written permission of the parent. However, permission may be obtained verbally by telephone if a child in attendance at a regular child care facility becomes mildly-ill and is

admitted to that same facility's program for mildly-ill children. Where the child is in care under verbal permission, written parental permission must be obtained prior to the child's admittance to the program for mildly-ill children the following day.

(2) The program director or licensed health caregiver shall have the authority to require a written medical evaluation for a child to include diagnosis, treatment and prognosis, if such evaluation is necessary to determine the appropriateness of a child's attendance prior to admission and upon worsening of the child's symptoms.

(3) Prior to admission, child care facilities for mildly-ill children shall require a written description, signed by the parent of the child's current and recent illnesses; immunization history, habits, special diets, allergies, medication needs; symptoms requiring notification of parent or licensed health caregiver, and where and how the parent or licensed health caregiver is to be notified.

(4) An initial written physical assessment on each child shall be completed by the licensed health caregiver, as defined in Sec. 7-3(24) of this Ordinance, based on the inclusion and exclusion criteria outlined in Sections 7-41.01(b) and (c) of this Ordinance, to determine appropriateness of admission to the facility. A parent must remain on the premises until admission has been determined.

(5) The written physical assessment shall, at a minimum, include vital signs and observation of the child's general appearance, head, eyes, nose, mouth, ears, skin, abdomen, arms and legs, and breathing pattern for symptoms of illness.

(6) Once admitted, children shall be periodically monitored by the licensed health caregiver and evaluated according to policies and procedures established and approved by the facility director and the health provider consultant. Evaluations on each child's condition shall be documented, and shall include the following plus additional information that the facility director and the health provider consultant may add if they deem it is necessary to evaluate the children:

- a. Temperature;
- b. Respiration;
- c. Pulse;
- d. Amount of food or fluid intake;
- e. Color, consistency and number of stools;
- f. Color of urine and frequency of urination;
- g. Skin color and alertness;
- h. Activities such as amount of sleep, rest, and play.

(7) The condition evaluations must be maintained in each child's record and retained by the facility for a minimum of four (4) months. Copies of the daily evaluations shall be provided to parents daily.

(8) Children with communicable illnesses (e.g., chicken pox) may be accepted in a child care facility for mildly-ill children only if there is an isolation area as defined in Sec. 7-3(22) of this Ordinance, and provided the isolation area has a separate outside entrance from the rest of the child care facility.

(b) *Inclusions:* Child care facilities for mildly-ill children may consider for admission, and accept children exhibiting illnesses or symptoms for which they can be excluded from child care provided for well children, but who do not meet exclusion criteria as outlined in Sec. 7-41.01(c) of this Ordinance. Children exhibiting the following symptoms or illnesses, or disabilities, shall be deemed eligible to participate in child care facilities for mildly-ill children:

- (1) Not feeling well, unable to participate in regular child care activities, or other activity restrictions;
- (2) Recovering from prior day surgical procedure or hospital admission;

(3) Controlled fever of One Hundred and Two Degrees Fahrenheit (102°) orally; One Hundred and One Degree Fahrenheit (101°) axillary, or One Hundred and Three Degrees Fahrenheit (103°) rectally, or below. If the child's temperature is higher than the temperatures listed above, a physician must give written approval for admission; or verbal approval with written follow up for admission;

(4) Respiratory infections such as cold or flu, virus;

(5) Vomiting less than three (3) times within a twenty-four (24) hour period without dehydration;

(6) Diarrhea (more than one (1) abnormally loose stool within a twenty-four (24) hour period) without signs of dehydration, and without blood or mucus in the stool;

(7) Gastroenteritis without signs of severe dehydration;

(8) Diagnosed asthma;

(9) Urinary tract infections;

(10) Ear infections;

(11) Orthopedic injuries;

(12) Diagnosed rash;

(13) Tonsillitis; or

(14) Strep throat or conjunctivitis after twenty-four (24) hours of appropriate medication, if isolation is unavailable. Strep throat or conjunctivitis prior to twenty-four (24) hours of appropriate medication is included only if isolation area is available.

(c) *Exclusions:* Any child exhibiting the following symptoms or combination of symptoms shall be excluded from child care facilities for mildly-ill children;

(1) Unresponsive temperature of One Hundred and Four Degrees Fahrenheit (104°) orally;

(2) Undiagnosed or unidentified rash;

(3) Respiratory distress;

(4) Major change in condition requiring further care;

(5) Contagious diseases, if no isolation room is available;

a. Strep throat or conjunctivitis prior to twenty-four (24) hours of treatment;

b. Diarrhea due to diagnosed shigella, salmonella, rota virus, giardia, or campylobacteria;

c. Chicken pox, mumps, measles, rubella, pertussis, diphtheria;

d. Head lice, scabies prior to twenty-four (24) hours of treatment; or

e. Other conditions as determined by the director or health provider consultant.

(d) *Assessments:*

(1) Child care facilities for mildly-ill children shall have, at a minimum, an ongoing agreement with a Health Provider Consultant, as defined in Sec. 7-3(18) of this Ordinance, for continuing medical or nursing consultation. The Health Provider Consultant shall perform the following services:

a. Oversee the development of written policies and procedures.

b. Review, approve, and update annually, such policies and procedures.

c. Provide at least quarterly on-site monitoring of the implementation of such policies and procedures.

d. Provide ongoing consultation to the facility in its overall operation and management.

(2) Child care facilities for mildly-ill children shall have at a minimum one (1) licensed health care giver, as defined in Sec. 7-3(24) of this Ordinance. The licensed health caregiver shall be responsible for performing the written physical assessment, and periodic child evaluations, as defined in Sec. 7-41.01 of this Ordinance, provide ongoing daily oversight; make decisions as to the exclusion of any child; and be present at the facility at all times during the hours of operation.

(e) *Children's Records:*

(1) Each child's record shall contain a signed statement from the parent, attesting to the child's immunization status, either current or religiously exempt from immunization, as required by Section 64D-3, Florida Administrative Code.

(2) Enrollment/Registration Information. The facility director shall obtain enrollment information from the child's parent(s), prior to accepting a child in care. This information shall be documented on CF-FSP Form 5241 Dec. 99, Application for Enrollment in Specialized Child Care Facilities for Mildly-ill Children, which is incorporated by reference, or an equivalent form that contains all the following information required by DCF's form:

- a. Child's name, age, date of birth, sex.
- b. Parent.
- c. Employer name.
- d. Home, work and beeper telephone numbers.
- e. Person and telephone number to call in case parent cannot be reached.
- f. Child's physician and telephone number.
- g. Allergies and type of reaction and specific interventions in case of allergic reaction.
- h. Present and past prescriptions and childhood diseases.
- i. Current diet.
- j. Special areas of concern and special needs of assistance.
- k. Diapering requirements.

(3) The child shall not be released to any person other than the person(s) authorized, or in the manner authorized in writing by the parent(s).

(4) Children's files shall contain signed statements that the child care facility has provided the following information to parents:

- a. Admission policy.
- b. The program's infection control procedures.
- c. Methods for the daily care of children, including the child's progress.
- d. Procedures for the care and referral for a medical evaluation for children who exhibit worsening symptoms, including a listing of those symptoms.
- e. Policy and procedure for staff communication with parents and health care providers.
- (f) *Dispensing of Medication:*

(1) Prescription and non-prescription medication brought to the child care facility by the parent must be in the original container. Prescription medication must have a label stating the name of the physician or ARNP, child's name, name of the medication, and medication directions. All prescription and non-prescription medication shall be dispensed according to written directions on the prescription label or printed manufacturer's label.

(2) Medicines shall be stored separately and locked or placed out of a child's reach.

(3) Medication shall be returned to the parent at the end of each day.

(g) *Medication Records.*

(1) A written record documenting the child's name, the name of the medication, date, time, dosage to be given, and signature of the parent, shall be maintained at the facility. This record shall be initialed or signed by and at the time the facility personnel dispenses the medication.

(2) This record shall be maintained for a minimum of four (4) months after the last day the child received the medication.

(h) *Other Records:*

(1) All accidents and incidents which occur at a facility must be documented and shared with the parent on the day they occur.

(2) Record of accidents and incidents shall be documented daily and maintained for four (4) months. Documentation shall include the name of the affected party, date and

time of occurrence, description of occurrence, actions taken and by whom, and required signatures of facility staff and parent.

(3) The director shall maintain a written record of monthly fire drills showing the date, number of children in attendance, and time taken to evacuate or simulate evacuation of the premises. Each monthly records shall be maintained for a minimum of a one (1) year from the date of the fire drill.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-42. Transportation.

For the purpose of this section, the requirements relating to transportation set forth in Sec. 7-9 of this Ordinance shall be applicable to Article III.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-43. Insurance.

For the purpose of this section, the requirements relating to insurance set forth in Sec. 7-10 of this Ordinance shall be applicable to Article III.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-44. License.

For the purpose of this section, the requirements relating to License set forth in Sec. 7-11 through Sec. 7-11.17 of this Ordinance shall be applicable to Article III.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-44.01. Additional requirements for license.

(a) Application:

(1) Application must be made on DCF-FSP Form 5237, Dec. 99, Application for a License to Operate a Specialized Child Care Facility for Mildly-ill Children, which is incorporated herein by reference.

(2) Facilities providing both regular child care for well children and child care for mildly-ill children must procure and maintain two (2) separate licenses.

(3) Hospitals maintaining current Joint Commission for the Accreditation of Healthcare Organizations (JCAHO) accreditation, operating hospital based child care for mildly-ill children, shall be exempt from licensure under this Ordinance.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-45. Weekend child care.

For the purpose of this section, the general requirements relating to weekend child care set forth in Sec. 7-17 of this Ordinance shall be applicable to Article III, except as provided in Sec. 7-45.01 below.

(Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-45.01. Exempted provisions.

Child care facilities for mildly-ill children that offer weekend child care services are not required to comply with the following provisions of this Ordinance in order to be licensed pursuant to Article III of this Ordinance:

(a) Sec. 7-4.06 relating to ratios of staff-to-children;

(b) Sec. 7-5.01(g) - (m) relating to general requirements;

(c) Sec. 7-5.02(b),(c), and (g) relating to usable indoor space;

(d) Sec. 7-5.03 relating to outdoor play space; however, if such play space and equipment is provided by the facility, the minimum standards for same shall apply;

- (e) Sec. 7-5.04(d) relating to napping space;
 - (f) Sec. 7-5.05(c), (d), and (f) relating to toilet and bath facilities;
 - (g) Sec. 7-5.06(d) and (g) relating to nighttime care;
 - (h) Sec. 7-5.08(c) relating to fire safety;
 - (i) Sec. 7-6.01(b) and (c) relating to first aid treatment and emergency procedures;
 - (j) Sec. 7-6.02 relating to communicable diseases/mildly-ill children;
 - (k) Sec. 7-7.03 relating to snacks;
 - (l) Sec. 7-8.01 relating to enrollment information;
 - (m) Sec. 7-8.02 relating to health examinations and health maintenance;
 - (n) Sec. 7-8.03(i) and (j) relating to personnel screening and health records;
 - (o) Sec. 7-8.04(a) relating to signed statements;
 - (p) Sec. 7-8.09 relating to field trips;
 - (q) Sec. 7-13 relating to drop-in child care;
 - (r) Sec. 7-14 relating to before- and after- school program;
 - (s) Sec. 7-15 relating to indoor recreational facility; and
 - (t) Sec. 7-16 relating to urban child care facility.
- (Ord. No. 2004-02, § 1, 2-10-04)

Sec. 7-46. Adoption of Florida Statutes and Florida Administrative Code.

The Florida Statutes and any Florida Administrative Code rules and regulations referenced in this Ordinance, and all amendments or additions thereto, related to the minimum standards for child care are hereby adopted and made a part of this Ordinance. In the event a provision of this Ordinance is more strict than a rule and/or regulation set forth in the Florida Administrative Code or in a section of the Florida Statutes, the more strict chapter provision shall prevail. In the event a provision of the Florida Statutes, or the Florida Administrative Code, is amended after the effective date of this Ordinance and provides for a standard more strict than that which is provided for herein, the local licensing agency will enforce the more strict standard.

(Ord. No. 2004-02, § 1, 2-10-04)