

City of Coconut Creek InterOffice Memorandum

To: City Commission

Date: November 1, 2016

From: Eve M. Lewis, Assistant City Attorney *EML*

Subject: **Child Care Facilities Licensing Procedures**

Through: Terrill C. Pyburn, City Attorney

A. What is a Child Care Facility?

A *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. *Broward County Code of Ordinances Section 7-3(7), "Definitions;" see also, Section 402.302(2), Fla. Stat.*

B. Licensing Authority for Child Care Facilities in Broward County

The purpose of Sections 402.301 through 402.319, *Florida Statutes*, is to 1) establish statewide minimum standards for the care and protection of children in child care facilities, 2) to ensure maintenance of these standards, and 3) to approve County administration and enforcement to regulate conditions in such facilities through a program of licensing. Pursuant to Section 402.306, *Florida Statutes*, counties that meet or exceed the minimum state standards may designate a local licensing agency aside from the Department of Children and Families to manage child care facilities locally. Through the enactment of Chapter 7, known as the "Broward County Child Care Ordinance," Broward County adopted relevant laws that exceed the minimum state standards and therefore, has delegated licensing authority to its Child Care Licensing and Enforcement Section.

C. Licensing Procedure for Child Care Facilities in Broward County

Pursuant to Section 7-11.01, "License," *Broward County Ordinances*, a license shall be applicable only to that portion of the building/facility that is designated for licensure. Furthermore, when a license is issued it shall be in the name of the owner of the facility for a specified address for operation by a specific individual or entity. A license is nontransferable to another owner or to another facility location. Prior to a license being issued, an authorized Child Care Licensing and Enforcement Section representative shall examine the child care facility, specifically the premises and its records, for compliance with the Broward County Child Care Ordinance.

On October 26, 2016, Luisa Reiter, Child Care Licensing Supervisor, confirmed by telephone that the Child Care Licensing and Enforcement Section will not process an application for a child care facility in-concept. This was also confirmed by telephone on October 26, 2016 by W. Gail Custode, another Child Care Licensing Supervisor (and further illustrated by her email provided in your package dated October 17, 2016). All applications must relate to a fully built and outfitted facility that is ready for inspection.

Potential applicants are encouraged to communicate with Licensing Specialists in the Section; however, no review is conducted of pre-construction plans.

D. Conclusion

In Broward County, the Child Care Licensing and Enforcement Section will not consider a facility for purposes of child care facility licensure until and unless the facility has been independently cleared by all building, fire, zoning, and other local officials pursuant to the relevant local laws.

cc: Mary C. Blasi, City Manager
Sheila Rose, Director of Sustainable Development
Leslie Wallace May, City Clerk