

PROPOSED

RESOLUTION NO. 2019-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO CHILD CARE FACILITIES AND FAMILY CHILD CARE HOMES; AMENDING CHAPTERS 4 AND 8 OF THE BROWARD COUNTY ADMINISTRATIVE CODE ("ADMINISTRATIVE CODE"), PROVIDING FOR CHANGES TO ORGANIZATION AND FEES; RELOCATING THE CHILD CARE LICENSING AND ENFORCEMENT SECTION FROM THE COMMUNITY PARTNERSHIPS DIVISION, HUMAN SERVICES DEPARTMENT, TO THE ENVIRONMENTAL AND CONSUMER PROTECTION DIVISION, ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT DEPARTMENT; REPEALING PART II OF CHAPTER 36 OF THE ADMINISTRATIVE CODE; CREATING SECTION 40.51 RELATING TO CHILD CARE FACILITY AND FAMILY CHILD CARE HOME LICENSE AND REGISTRATION FEES; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE ADMINISTRATIVE CODE, AND AN EFFECTIVE DATE.

WHEREAS, the Broward County Board of County Commissioners (the "Board") desires to amend various sections of Chapters 4, 8, 36, and 40 of the Broward County Administrative Code ("Administrative Code") to transfer the responsibilities of the Child Care Licensing and Enforcement Section ("CCLE") from the Community Partnerships Division, Human Services Department, to the Environmental and Consumer Protection Division, Environmental Protection and Growth Management Department; and

WHEREAS, the Board desires to amend Sections 36 and 40 of the Administrative Code relating to child care facility and family child care home license and registration fees,

NOW, THEREFORE,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

1 Section 1. Section 4.35 of the Broward County Administrative Code is hereby
2 amended to read as follows:

3 **4.35. Functions; Responsibilities.**

4 The Community Partnerships Division shall:

5 a. Provide administrative and programmatic oversight for the five following four
6 (4) Sections ~~which are as follows~~:

7 ~~1.~~ ~~Child Care Licensing and Enforcement Section;~~

8 ~~2.~~ 1. Children's Services Section;

9 ~~3.~~ 2. Health Care Services Section;

10 ~~4.~~ 3. Homeless Initiative Partnerships Section; and

11 ~~5.~~ 4. Sexual Assault Treatment Section.

12 . . .

13 Section 2. Sections 4.36 and 4.37 of Chapter 4 of the Broward County
14 Administrative Code are hereby repealed in their entirety.

15 Section 3. Chapter 8, Part VIII of the Broward County Administrative Code is
16 hereby amended to read as follows:

17 **PART VIII. ENVIRONMENTAL AND CONSUMER PROTECTION DIVISION**

18 **8.23. Environmental and Consumer Protection Division; Director as Head.**

19 There is hereby established an Environmental and Consumer Protection Division
20 ("Division") in the Environmental Protection and Growth Management Department
21 ("Department"); ~~which~~ The Division shall be responsible for managing the use, storage,
22 and disposal of hazardous substances to protect the environment and health, safety,
23 and welfare of the people of Broward County; to identify and abate contaminated sites;
24 to develop and implement pollution prevention programs; to design and conduct

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1 scientific surveys and investigations; to support Department efforts in resource
2 protection, enforcement, and compliance; to provide technical and scientific support for
3 other Department functions; to administer the licensure or registration, as applicable, of
4 child care facilities and family child care homes in Broward County, and to provide for
5 monitoring and enforcement of child care regulations; and to administer the County's
6 consumer protection functions. The Division Director shall head the Division. The
7 Director shall have a four-year college degree, preferably a graduate degree, and shall
8 be qualified by education or experience, which will include at least seven (7) years of
9 experience in the fields of pollution prevention, air pollution, hazardous material
10 management, pollution remediation, environmental monitoring, and enforcement,
11 including at least four (4) years of progressively responsible supervisory experience, or
12 any equivalent combination of training and experience.

13 **8.24. Functions; Responsibilities.**

14 The functions and responsibilities of the ~~Environmental and Consumer Protection~~
15 Division (~~"Division"~~) shall include the following:

16 . . .

17 o. Issue, process, and resolve administrative and ~~environmental~~ enforcement
18 actions that require administrative or judicial hearings, including the initiation of actions to
19 collect penalties and administrative fines.

20 . . .

21 q. License or register, as applicable, and monitor child care facilities and
22 family child care homes operating in Broward County; investigate any complaints
23 relating to the operation of such child care facilities and family child care homes and
24

1 take appropriate enforcement action; and investigate any complaints and provide for
2 enforcement of unlicensed child care facilities or family child care homes.

3 r. Provide administrative and programmatic oversight for the Child Care
4 Licensing and Enforcement Section.

5 **8.25. ~~Reserved.~~ Child Care Licensing and Enforcement Section Established.**

6 There is hereby established a Child Care Licensing and Enforcement Section
7 that shall be responsible to license or register, as applicable, and routinely monitor all
8 Broward County child care facilities and family child care homes for the health, safety,
9 sanitation, and general well-being of children in care, and provide for enforcement of
10 child care regulations, as applicable, under the family child care home licensing
11 ordinance and the Broward County Child Care Ordinance.

12 **8.26. Functions; Responsibilities.**

13 The Child Care Licensing and Enforcement Section ("CCLE") shall:

14 a. Provide administrative oversight of enforcement activities including, but not
15 limited to, investigation of unlicensed or unregistered child care facilities or family child
16 care homes; the imposition of administrative fines; entering into settlement agreements;
17 and the coordination of all hearings to appeal notices of violations, administrative fines,
18 and any disciplinary actions initiated against licensed or registered child care facilities or
19 family child care homes and unlicensed child care facilities or family child care homes in
20 Broward County.

21 b. Provide administrative oversight for the licensing, inspecting, monitoring, and
22 enforcement of child care facilities, family child care homes, after school programs for
23 school-age children, and indoor recreation programs; and issue notices of violations and
24 administrative fines for noncompliance with child care regulations.

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1 c. Provide administrative oversight for the registration of religious-affiliated child
2 care and nonpublic schools and their integral child care programs.

3 d. Establish licensure and registration fees and administrative fines for violations
4 of state law, County ordinance, or resolution of the Broward County Board of County
5 Commissioners (the "Board"), relating to the provision of child care.

6 e. Apply for federal, state, and any other funding assistance to aid in funding
7 CACLE's activities.

8 f. Charge set fees and rates for services as are prescribed by law, County
9 ordinance, or resolution by the Board.

10 g. Perform the duties and functions as the local licensing agency for the State
11 of Florida, Department of Children and Families ("DCF"), relating to child care, in
12 compliance with all applicable federal and state laws, County ordinances, administrative
13 rules and regulations, and contractual obligations.

14 h. Coordinate with federal, state, and any other funding sources in providing and
15 promoting more effective child care services and coordinate with other funding sources
16 to provide services to children in Broward County.

17 i. Represent CACLE at meetings with various federal, state, and county
18 agencies, and civic organizations, and any other funding sources and, when necessary,
19 appear before public officials regarding projects and functions of CACLE.

20 j. Manage all fiscal matters related to the operations of CACLE.

21 k. Participate in legislative initiatives to promote the health and welfare of the
22 children in child care facilities or family child care homes in Broward County.

23 l. Prepare and submit data, as may be required, to DCF, and to the County's
24 Office of Management and Budget.

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1 m. Provide for efficient management and implementation of enforcement
2 activities as authorized under all applicable laws, County ordinances, and rules and
3 regulations.

4 Section 4. Chapter 8, Part IX of the Broward County Administrative Code is
5 hereby amended to read as follows:

6 **PART IX. PLANNING AND DEVELOPMENT MANAGEMENT DIVISION**

7 ~~8.26~~ 8.27. **Planning and Development Management Division Established; Director**
8 **as Head.**

9 . . .

10 ~~8.27~~ 8.28. **Functions; Responsibilities.**

11 . . .

12 Section 5. Sections 36.12 through 36.15 of the Broward County Administrative
13 Code are hereby repealed in their entirety.

14 Section 6. Section 40.51 of the Broward County Administrative Code is hereby
15 created to read as follows:

16 [Underlining Omitted]

17 **40.51. Child Care Licensing and Enforcement Section Fee Schedule.**

18 a. *General.* The Board of County Commissioners of Broward County,
19 Florida, adopts and institutes the fee schedule set forth in this section for licensure of
20 child care facilities and family child care homes, and for registration of license exempt
21 facilities, operating within Broward County.

22 b. *Child Care Facility Preliminary Application Fee.* Contemporaneously with
23 the submission of a child care facility's preliminary license application, a child care
24 facility shall be charged a preliminary application fee of \$34.81.

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1 c. *Child Care Facility Annual License Fee.* Contemporaneously with the
2 submission of a child care facility's license application, and each year thereafter, a child
3 care facility shall be charged a license fee based on the number of children permitted
4 at the child care facility, as follows:

- | | | |
|---|-----------------------------------|----------|
| 5 | 1. Center capacity 0-50 | \$ 90.48 |
| 6 | 2. Center capacity 51-150 | \$160.06 |
| 7 | 3. Center capacity over 150 | \$208.76 |

8 d. *Family Child Care Home Annual License Fee.* Contemporaneously with the
9 submission of a family child care home's license application, and each year thereafter, a
10 family child care home shall be charged a license fee of \$34.81.

11 e. *Gold Seal Quality Care Initiative License Fee Reduction.* Any child care
12 facility, family child care home, or registered license exempt facility that, at the time of
13 such license grant or renewal (1) is designated by the State of Florida, Department of
14 Children and Families ("DCF") as a Gold Seal Quality Care provider in accordance with
15 Section 402.281, Florida Statutes, and (2) has submitted to Broward County a completed
16 Broward County Gold Seal Quality Care Initiative annual survey, will receive a ten percent
17 (10%) reduction in the annual license fee. This reduction does not apply to any
18 application, modification, or late fees.

19 f. *Annual Registration Fee for License Exempt Facilities* \$139.17

20 g. *Late Fee.* License or registration renewal applications received by the
21 County less than forty-five (45) days prior to the expiration date of the then current license
22 or registration shall be charged a late fee of \$69.50.

23 h. *Modification Fee.* If a child care facility, family child care home, or license
24 exempt facility elects to change its name, the licensed capacity of the facility or home, as

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1 applicable and permissible, or add nighttime child care as a service, an additional fee of
2 \$69.50 shall be charged.

3 i. *Annual Fee Adjustment.* Effective October 1, 2019, and each October 1
4 thereafter, all fees referenced in this Section 40.51 shall be increased by the annual
5 percentage change in the Consumer Price Index ("CPI") or three percent (3%), whichever
6 is less. Each year's fee increase shall be calculated based on the fee amount from the
7 previous year. The CPI utilized shall be the most recent CPI reported by the Bureau of
8 Labor Statistics, Southeastern Regional Office (1982-84=100), urban wage earners and
9 clerical workers, for all items not seasonally adjusted as published in January. The
10 adjusted fees shall be calculated by the Environmental Protection and Growth
11 Management Department and shall be posted on its website.

12 Section 7. Severability.

13 If any portion of this Administrative Code Resolution is determined by any court to
14 be invalid, the invalid portion will be stricken, and such striking will not affect the validity
15 of the remainder of this Administrative Code Resolution. If any court determines that this
16 Administrative Code Resolution, in whole or in part, cannot be legally applied to any
17 individual, group, entity, property, or circumstance, such determination will not affect the
18 applicability of this Administrative Code Resolution to any other individual, group, entity,
19 property, or circumstance.

20 Section 8. Inclusion in the Broward County Administrative Code.

21 It is the intention of the Board of County Commissioners that the provisions of this
22 Administrative Code Resolution become part of the Broward County Administrative Code
23 as of the effective date. The sections of this Administrative Code Resolution may be
24 renumbered or relettered and the word "resolution" may be changed to "section," "article,"

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1 or such other appropriate word or phrase to the extent necessary in order to accomplish
2 such intention.

3 Section 9. Effective Date.

4 This Administrative Code Resolution is effective upon adoption.

5
6 ADOPTED this day of , 2019. **PROPOSED**

7
8 Approved as to form and legal sufficiency:
9 Andrew J. Meyers, County Attorney

10
11 By /s/ Alicia C Lobeiras 12/17/18
12 Alicia C. Lobeiras (date)
 Assistant County Attorney

13
14 By /s/ Jeffrey S. Siniawsky 12/17/18
15 Jeffrey S. Siniawsky (date)
 Assistant County Attorney

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CCLE Reorganization Resolution
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