

PINELLAS COUNTY LICENSE BOARD FOR CHILDREN'S CENTERS
AND FAMILY DAY CARE HOMES
Minutes for the Regular Board Meeting for
January 7, 2009

APPROVED MINUTES

The Regular Board Meeting of the Pinellas County License Board for Children's Centers and Family Day Care Homes was scheduled and properly noticed for Wednesday, January 7, 2009, at 4175 East Bay Drive, Suite 350, Clearwater, to begin at 6:30 p.m.

- Board Members Present: Lourdes Benedict, Chairman; Donna Huard; Barbra Mastrota; Elise Minkoff, Donna Rippley, Judi Vitucci
- Board Members Absent: Commissioner Bostock
- Ex Officio Member Present: Charles Minor
- Advisory Members Present: Heidi Buck, Lynn Bittner, Ann Hofmeister
- Advisory Members Absent: Sharon Carder, Terri Hajian
- County Attorney Present: Colleen Flynn
- Staff Members Present: Carla Doenges, Executive Director; Kathy Krause, Supervisor Family Day Care Homes; Suzie Lewis, Supervisor Children's Centers; Dana Stajkowski, Recording Secretary; and other Health Department staff
- Call to order: The meeting was called to order at 6:30 p.m.
- Motion: A motion was made by Barbra Mastrota and seconded to approve the minutes from November 5, 2008. Motion unanimously approved.
- Addition to Agenda: A motion was made by Judi Vitucci and seconded to approve that the Attorney Engagement Letter be signed by Chairman Benedict. Motion unanimously approved.
- Public Comments: Public Comment was taken following the budget presentation.
Anne Brooks, 2801 Dovewood St., Clearwater
Ms. Brooks asks that background checks be done on the person as well as on the address.

Sondra Harper, 3601 63rd Street North
Ms. Harper reported that the forms on the website are wrong and you have to dig to find what's there and that provider information [on SansWrite] is not accurate.

Public Comments: In response to a comment made by Ms. Harper, Kathy Krause stated that the providers should be calling the staff for forms not Sondra Harper.

Lynn Gibson, 8697 78th Avenue North, Largo
Ms. Gibson requests that staff email links and phone numbers be put back on the website; that a picture on the site was inappropriate; that meeting notices be placed on the site in a timely manner.

II. A. Budget Stephanie Judd, HD Financial Administrator, presented the Amended Budget and Resolution as detailed in the Board packet. The major changes in the budget are legal fees, a storage cost, and an in-kind contribution from the Health Department for services provided at no cost to the child care program.

Motion: A motion was made by Donna Rippley and seconded by Judi Vitucci to approve the Amended Budget and Resolution No. 08-04. Motion unanimously approved.

II. A. Special Dist. Stephanie Judd gave the following report to the Board on behalf of the Juvenile Welfare Board and Dr. Dharamraj of the Health Department. Ms. Judd reported the License Board staff filed with the Department of Community Affairs (DCA) to request the License Board (LB) be designated an Independent Special District. Ms. Judd further explained that with the information provided at the time, the DCA granted the designation to the LB. With the designation comes a series of responsibilities; a responsibility that financially impacts the budget of the child care program is the requirement of an annual independent financial audit which goes to the funders, the Chief Financial Officer of the State of Florida, the Auditor General of the State of Florida. It must follow various rules and regulations of the State.

Ms. Judd reported to the Board that the Health Department along with the Juvenile Welfare Board (JWB) tried various avenues to have the Special District designation removed, including having a county ordinance replace the Special Act. Currently, neither are viable avenues because Florida Statutes and thus the Department of Children and Families require the county fund the new entity by covering 75% of the funding; Pinellas County has never funded child care licensing.

II. A.

Ms. Judd presented the following: that the DCA take a look at the decision they made together with the new information being supplied to them; that the LB has never had a Federal Identification No. which identifies the holder as a governmental employer; that the LB does not and never has functioned as a special purpose of government; that the fees collected are not sufficient enough to provide services. Input for the letter has been received from Gay Lancaster, Executive Director of JWB; Elithia Stanfield, Assistant County Administrator; Dr. Dharamraj, Director of the Health Department. If the Independent Special District is rescinded, it will save the program approximately \$70,000.

Board Comments:

In answer to a question from Elise Minkoff regarding internal standards to prevent such staff actions without the knowledge of the funder, Carla Doenges responded that her actions are transparent; that she is part of the Health Department team and there is a chain of command at the Health Department.

Response:

Stephanie Judd offered to have a document developed and signed by all staff and managers. The Board did not respond.

In response to a question from Anne Hofmeister, Suzie Lewis responded that she sees no downside to approving the recommendation.

In response to a question from Judi Vitucci, Stephanie Judd responded that the Board was made aware of the application August 13, 2007; the application was made July 10, 2007 and there is no reference to the application prior to that.

In response to a question from Chairman Benedict, Stephanie Judd responded that rescinding the designation has no effect on the Special Act.

Public Comments:

Lynn Gibson, 8697 78th Avenue North, Largo
At a 2005 Charter Review Committee meeting, Linda Tamanini requested that the Independent Special District designation would remain.

Anne Brooks, 2801 Dovewood Street, Clearwater
Supported the recommendation.

- II. A. Abstaining: Chairman Benedict abstained from the vote.
- Call for Motion: Judi Vitucci called for a motion to approve and send the letter.
- Motion: A motion was made by Elise Minkoff and seconded by Donna Huard to approve the letter be signed and sent to the Department of Community Affairs requesting that the designation of PCLB as an Independent Special District be rescinded. Motion unanimously approved.
- III. A. 1.
Motion: A motion was made by Donna Rippley and seconded that 7 new Children's Center be approved for Regular Licenses. Motion unanimously approved.
- A. 2. (There were no new Children's Centers recommended for a Provisional License.)
- A. 3. (There were no new Children's Centers recommended for a Probationary-Provisional License.)
- A. 4.
Motion: A motion was made by Donna Huard that 12 new Family Day Care Homes be approved for Regular Licenses. Motion unanimously approved.
- A. 5.
Motion: A motion was made by Judi Vitucci and seconded that 1 new Family Day Care Home be approved for Provisional Licenses. Motion unanimously approved.
- A. 6. (There were no new Family Day Care Homes recommended for Probationary-Provisional Licenses.)
- B. 1.
Motion: A motion was made by Donna Rippley and seconded that 8 License Changes for Children's Centers be approved for Regular Licenses. Motion unanimously approved.
- B. 2. A motion was made by Judi Vitucci and seconded that 1 License Change for Children's Centers be approved for a Provisional License. Motion unanimously approved.

- III. B. 3. (There were no License Changes for Children's Centers recommended for Probationary-Provisional Licenses.)
- B.4.
Motion: A motion was made by Donna Huard and seconded that 3 License Changes for Family Day Care Homes be approved for Regular Licenses. Motion unanimously approved.
- B. 5. (There were no License Changes for Family Day Care Homes recommended for Provisional Licenses.)
- B. 6. (There were no License Changes for Family Day Care Homes recommended for Probationary-Provisional Licenses.)
- C. (There were no Children's Centers recommended as Religious Exempt Centers.)
- D. There were no attorney items presented.
- E.
Motion: Ms. Doenges presented the recommendation to amend the membership of the Bylaws to include "One (1) person qualified by experience as a community representative and advocate in the field of early care and education" and remove the Advisory Committee position of " . . . a person qualified as a member and chairman of the License Board.
- Public Comments: June Moody, 7224 118th Terrace North
June responded that her question had been answered.
- Lynn Gibson, 8697 78th Avenue North, Largo
Ms. Gibson requested that a fire fighter or a parent be considered for the position or change the current position by changing the "and" to "or"; that keeping persons qualified as a chairman would keep the history of the Board; that she disagrees with the finding of necessity.
- Response: In response to a question by Ms. Gibson, the Chairman responded that staff would be selecting the person according to the recommendation.
- Anne Brooks, 2801 Dovewood Street, Clearwater
Ms. Brooks suggests the recommendation be denied and that a committee be formed; that staff cannot recommend.

III. E.

Public Comments: In response to a question from Barbra Mastrotta, Ms. Brooks stated that her problem was with the word quality and that a committee has not been formed to make the recommendation.

Following a lengthy discussion a vote was called.

Attorney Colleen Flynn reminded the Board that any changes made to the recommendation would result in another 30 day notice prior to making a motion for approval.

Motion: A motion was made by Judi Vitucci and seconded to amend the Bylaws as recommended. There were 3 Yeas and 3 Nays. The vote failed.

Motion: A motion was made by Judi Vitucci and seconded to send the recommendation back to staff. Motion unanimously approved.

F.

Public Comments: Diane Pinta, 6070 Garmouth Way North, St. Petersburg
Ms. Pinta said she did not get the [renewal] packet in time; that she does not want to loose her license because she did not receive the packet in time.

Response: Carla Doenges responded that staff also has accountability; that providers will not receive a fine if staff is responsible.

Lynn Gibson, 8697 78th Avenue North, Largo
Ms. Gibson asked for clarification regarding fingerprint screenings that are sometimes required to be redone because they cannot be read. She further asked that staff provide renewal training for providers.

Response: Ms. Doenges reported on all the training being scheduled.

Response: Gayle Guidash reported on the progress being made regarding fingerprinting done in the main office of the Health Department. The service is very close to being marketed.

Anne Brooks, 2801 Dovewood Street, Clearwater
Ms. Brooks asked if the \$50 fine proposed by State has gone to the review committee. Ms. Brooks pointed out that if we use the State as our Finding of Necessity and the State does not pass the standard then our recommendation would fail.

F.

Public Comment: June Moody, 7224 118th Terrace North
Ms. Moody expressed concern about electronic fingerprinting regarding providers whose prints do not take electronically.

Motion: A motion was made by Barbra Mastrota to approve recommendation to increase minimum standard for Annual Renewal of License for Children's Centers. Motion unanimously approved.

X. APPLICATION, FEES, LICENSE (Children's Centers)

E. Annual renewal of license

Ch 61 S.12. 1. Any owner or operator of a children's center licensed under Licensing Regulations shall make application for renewal of his/her license on forms to be furnished by the License Board.

~~*Ch 65C-22.001(1)(e)* 2. A completed application for renewal of an annual license must be submitted to the License Board office at least 45 days prior to the expiration date of the current license to ensure that a lapse of licensure does not occur.~~

Proposed Bd. Standard a. Approximately 90 days prior to the expiration of a license, the licensing program shall provide renewal application and forms to the owner or operator addressing all licensing renewal requirements including background screening.

Ch 65C-22.001(1)(e) b. At least forty-five (45) days prior to the expiration date of the current license, the provider must submit to the licensing program a completed renewal application including all required forms and background screening information to ensure that a lapse of licensure does not occur.

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Proposed
Ch 65C-22.010(4)(2)(d) c. A fine of \$50.00 shall be imposed for failure to submit a completed renewal application at least 45 days prior to the expiration date of the current license.

Ch 61 S.12 ~~3.~~ 2. If action is pending to revoke or suspend the license of the applicant, the applicant may continue under the old license pending the outcome of the action.

Ch 402.308(4)(b) ~~4.~~ 3. Prior to the renewal of a license, the License Board shall reexamine the children's center, including in that process the examination of the premises and records of the children's center as required in Licensing Regulations to determine that minimum standards for licensing continue to be met.

III.F.

X. E. Annual renewal of license - continued

Ch 402.308(4)(c) ~~5.~~ 4. The License Board shall coordinate all inspections of children’s centers. A children’s center is not required to implement a recommendation of one agency that is in conflict with a recommendation of another agency if such conflict arises due to uncoordinated inspections. Any conflict in recommendations shall be resolved by the county commission or its representative within fifteen (15) days after written notice that such conflict exists.

Ch 402.308(4)(d) ~~6.~~ 5. The License Board shall issue a license or renew a license upon being satisfied that all standards required by Licensing Regulations have been met. A license may be issued or renewed if all the screening materials have been timely submitted; however, the License Board shall not issue or renew a license if any of the child care personnel at the applicant children’s center have failed the screening required by Licensing Regulations I.A.

Finding of Necessity: This proposed standard clarifies the existing standard and allows for a late fine to be imposed. The State will be including a late fine in the upcoming proposed regulations in Spring 2009. Promulgation of these proposals as standards will make it comparable with the State’s upcoming requirements.

Implementation Date: July 1, 2009

Motion: A motion was made by Barbra Mastrotta and seconded to approve recommendation to increase minimum standard for Annual Renewal of License for Family Day Care Homes. Motion unanimously approved

IX.APPLICATION, FEES, LICENSE (Family Day Care Homes)

E. Annual Renewal of License

Ch 65C-20.008(3) ~~1.~~ ~~Any family day care home provider licensed under this Act shall submit to the License Board a completed application for renewal of an annual license at least 45 days prior to the expiration date of the current license to ensure that a lapse of licensure does not occur. The renewal application and required forms shall be furnished by the License Board.~~

Ch 65C-20.008(3) 1. Family Day Care Homes licensed under Licensing Regulations shall make application for renewal of his/her license on forms to be furnished by the License Board.

Proposed Bd. Standard a. Approximately 90 days prior to the expiration of a license, the licensing program shall provide renewal application and forms to the provider addressing all licensing renewal requirements including background screening.

III.F.

IX. APPLICATION, FEES, LICENSE (Family Day Care Homes)

- Ch 65C-20.008(2)* b. At least forty-five (45) days prior to the expiration date of the current license, the provider must submit to the licensing program a completed renewal application including all required forms and background screening information to ensure that a lapse of licensure does not occur.
- Proposed
Ch 65C-20.012(3)(d)* c. A fine of \$50.00 shall be imposed for failure to submit a completed renewal application at least 45 days prior to the expiration date of the current license.
- Ch 65C-20.008(3)* d. All background screening clearances **must** be received by the licensing program prior to the expiration of the current license in order to issue a renewal license. If screening clearances have not been received by the expiration date of the license, a renewal license will not be issued, the home will be closed, and the provider must reapply for a family day care home license.
- Ch 61 S.12.* 2. If action is pending to revoke or suspend the license of the applicant, the applicant may continue under the old license pending the outcome of the action.
- Ch 402.308(4)(b)* 3. Prior to the renewal of a license, the License Board shall reexamine the family day care home, including in that process the examination of the premises and records of the family day care home to determine that minimum standards for licensing continue to be met.
- Ch 402.308(4)(c)* 4. The License Board shall coordinate all inspections of family day care homes. The family day care home is not required to implement a recommendation of one agency that is in conflict with a recommendation of another agency if such conflict arises due to uncoordinated inspections. Any conflict in recommendations shall be resolved by the county commission or its representative within 15 days after written notice that such conflict exists.
- Ch 402.308(4)(d)* 5. The License Board shall issue a license or renew a license upon being satisfied that all standards have been met. A license may be issued or renewed if all the screening materials have been timely submitted; however, the License Board shall not issue or renew a license if any of the family day care home personnel have failed the screening required by Licensing Regulations.

IX. APPLICATION, FEES, LICENSE (Family Day Care Homes)

Finding of Necessity: This proposed standard clarifies the existing standard and allows for a late fine to be imposed. The State will be including a late fine in the upcoming proposed regulations in Spring 2009. Promulgation of these proposals as standards will make it comparable with the State's upcoming requirements.

Implementation Date: July 1, 2009

Motion: A motion was made by Barbra Mastrotta and seconded to increase standard for Annual Renewal of License for Large Family Child Care Homes. Motion unanimously approved.

VII. APPLICATION, LICENSE, FEES (Large Family Child Care Homes)

C. Annual Renewal of License

Ch 65C-20.008(3) 1. Family Day Care Homes and Large Family Child Care Homes licensed under Licensing Regulations shall make application for renewal of his/her license on forms to be furnished by the License Board.

Proposed Bd. Standard a. Approximately 90 days prior to the expiration of a license, the licensing program shall provide renewal application and forms to the provider addressing all licensing renewal requirements including background screening.

Ch 65C-20.008(2) b. At least forty-five (45) days prior to the expiration date of the current license, the provider must submit to the licensing program a completed renewal application including all required forms and background screening information to ensure that a lapse of licensure does not occur.

Proposed
Ch 65C-20.012(3)(d) c. A fine of \$50.00 shall be imposed for failure to submit a completed renewal application at least 45 days prior to the expiration date of the current license.

Ch 65C-20.008(3) d. All background screening clearances **must** be received by the licensing program prior to the expiration of the current license in order to issue a renewal license. If screening clearances have not been received by the expiration date of the license, a renewal license will not be issued, the home will be closed, and the provider must reapply for a family day care home license.

Finding of Necessity: This proposed standard clarifies the existing standard and allows for a late fine to be imposed. The State will be including a late fine in the upcoming proposed regulations in Spring 2009. Promulgation of these proposals as standards will make it comparable with the State's upcoming requirements.

Implementation Date: July 1, 2009

III.F.

Motion: A motion was made by Barbra Mastrotta and seconded to approve February 4, 2009 as the Public Hearing Date for the proposed recommendations. Motion unanimously approved.

G. Motion: A motion was made by Barbra Mastrotta to cancel the Special Board meeting of February 19, 2009. Motion unanimously approved.

H.
Public Comment Anne Brooks, 2801 Dovewood Street, Clearwater
Ms. Brooks recommends committee look at developmentally appropriate practices for infants, toddlers and preschoolers and other improvements in training.

Motion: A motion was made by Donna Huard and seconded for staff to appoint a committee to review infant standards. Motion unanimously approved.

Motion to Adjourn: A motion was made by Judi Vitucci and seconded to adjourn at 8:15 p.m. Motion unanimously approved.

Respectfully submitted,

Judi Vitucci, Secretary

Public Comment

A. Web site problems.

1. Can the PCLB web site have the staffs phone numbers (extentions) and email addresses posted to it?
2. Web site is a mess. Many of the links lead providers to old outdated paperwork that no longer meets the current requirements
3. On the page that is linked to Child Care Homes the picture has a baby standing up in a crib that look to be out of compliance. The crib railings are very wide and look dangerous
4. The need for PCLB to post meeting information, agenda and reports, ahead of time for providers on the web site. There has been a huge problem with keep this information available to those providers who want to know it.

B. Welcome to Nancy Bostock and Thanks for taking on this challenge.

C. Recommendations to request that dept of community affairs rescind the special district designation. – Why would it have been that Linda T. would have fought so hard back in 2005 at the charter review board to keep this status? It was brought up back then.

D. Recommendation to amend advisory committee membership in bylaws.

We need to change this from a named person “JANET CHAPMAN” to a firefighter or leave it as it is. Having a person with past knowledge of the board and issues that have come up and how they dealt with them is important. You can put Terri Hajian in that place right now so I see no FINDING OF NECESSITY to do this at this time. You have Cecilia Burke and Lourdes Benedict once her time is done.

E. Recommendation to increase standard for annual renewal of license. –

The proposed ch 65c-22.010(4)(2)(d) is just that proposed. If it does not pass will it be rescinded from our rules and regulations?

Problem I had with Carol M. and having to call the FBI about fingerprints for Peggy Parker.

Public comment

Background checks

Again I am asking that PCLB request that the agencies conducting the background checks perform them using the names of the provider and other members of the household AND THE ADDRESS OF THE FAMILY DAY CARE HOME And CENTER

Special district

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II. ITEMS MOVED TO THE TOP

B. RECOMMENDATION TO GRANT PERMISSION TO REQUEST THE DEPARTMENT OF COMMUNITY AFFAIRS RESCIND SPECIAL DISTRICT DESIGNATION

The PCLB does not fit any of the criteria of an Independent Special District And therefore is not an Independent Special District I commend Carla for her efforts and recommend and urge the board to allow Carla to continue in her efforts. Others tried unsuccessfully to achieve this goal when the Charter Review Committee met. She is correct when she states Although created by a Special Act, the PCLB is not an Independent Special District.

Please approve and give **permission to the Health Department to request the Department of Community Affairs rescind the License Board's Special District Designation**

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III. ACTION ITEMS

E. RECOMMENDATION TO AMEND ADVISORY COMMITTEE MEMBERSHIP IN BYLAWS

Deny and appoint a bylaws committee. Precedent for this **denying this** recommendation was set in January 2008 with the creation and use of a By Laws committee. During these meetings the members of the committee discussed that specific named qualifications for positions caused difficulty when replacement is needed. To my knowledge this advisory position was not looked at for a recommended change at that time.

Advisory Committee:

Board Action: To approve, modify, or deny recommendation to amend the Bylaws to:

- 1. Add One (1) person qualified as a community advocate in the field of quality childcare, or**
- 2. Eliminate One (1) person qualified by experience as a member and chairman of the License Board**

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III. ACTION ITEMS

F. RECOMMENDATION TO INCREASE REGULATION FOR ANNUAL RENEWAL OF LICENSE

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Proposed Bd. Standard

- a. Approximately 90 days prior to the expiration of a license, the licensing program shall provide renewal application and forms to the owner or operator addressing all licensing renewal requirements including background screening. What monetary actions will be taken against PCLB staff for failure to provide this information and what recourse provider does the provider have in these cases

Public Comment

Sometimes this information arrives later than 90 days. FBI background checks take longer than 90 days unless Live Scan is used. The date for my renewal packet return was earlier than 45 days. My husband was working out of town for several weeks and I did miss the early deadline.

Proposed Ch 65C-22.010(4)(2)(d) c. A fine of \$50.00 shall be imposed for failure to submit a completed renewal application at least 45 days prior to the expiration date of the current license.

Should read Proposed DCF DRAFT

(d) Failure to submit a completed CF-FSP Form 5017, for renewal of an annual license at least 45 days prior to the expiration date of the current license constitutes a licensing violation and the department shall issue an administrative complaint imposing a fine of \$50.00. An assigned classification and progressive enforcement of this licensing violation does not apply.

When referencing and quoting a state law the entire law needs to be written in the report and proposal. The necessity for this procedure change is because a licensing agency is considered an extension of the government and the people reading the laws quoted by that agency are expecting and should be provided an accurate quote and representation of the law.

This is not a current law. It is in the DCF draft of proposed laws and may not become law. DCF proposed laws have to go through (JAP Cee) the Joint Administrative Procedures Committee for approval so they can be proposed to become a law. PCLB should not be voting on and applying DCF laws that are in draft form and have not been through JAPC. Ignoring this process has in the past caused confusion and discord among providers and PCLB. It is a waste of man hours and an unnecessary expense for the PCLB.

If at this time PCLB chooses to go forward with this proposal then this will be a board standard and at this time the PCLB and staff will have to prove necessity, write the standard, conduct meetings and public hearings. This research and process uses many man hours. The proposed finding of necessity below is an explanation of the existing standard not proof of necessity

If the proposed DCF regulation change is approved this will be an increase in standards and the necessity will be that it is state law and PCLB has to adopt it to remain in contractual compliance with DCF. There will be no PCLB man hours used researching, writing, rewriting, special committee meetings, public hearings and proving necessity.

If it does not become law and the PCLB thinks this is a necessity then take action. Waiting for DCF drafts to become law will save PCLB man hours and free up staff time both of which will save PCLB money.

I urge you to save voting on the proposed draft DCF regulations until they become law.

Finding of Necessity: This proposed standard clarifies the existing standard and allows for a late fine to be imposed. The State will be including a late fine in the upcoming proposed regulations in Spring 2009. Promulgation of these proposals as standards will make it comparable with the State's upcoming requirements

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H. RECOMMENDATION TO APPOINT A COMMITTEE TO REVIEW INFANT STANDARDS

Public Comment

I am asking the board deny recommendation to appoint a committee to review infant standards and instead appoint a committee to review the training of providers for becoming licensed be created. This committee could address developmentally appropriate practices for infants, toddlers and preschoolers and include child development, typical and atypical behavior for these same age groups. Then specifically caring for and safe practices for infants in mixed age groups.

Staff is concerned about the number of increased incidents involving infants in family day care homes including the death of 10 infants in recent years. Other incidents include: injury to infants from older children (2-5 years) such as biting that have required medical attention, bruising to body parts including the face and neck areas, pinching, and others forms of hurtful behaviors.

Staff is recommending a committee to include (at a minimum) Board and Advisory Committee members; infant Specialists from Coordinated Child Care and Early Learning Coalition; center and family child care providers; and staff to be appointed to review all infant standards with the goal of improving health, safety and mental development.

Board Action: To approve, modify or deny recommendation to appoint a committee to review infant standards

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Directors Report

Electronic Fingerprinting. Will electronic fingerprinting from other sources be allowed and how will this be handled. The sheriffs department is closer to me and they provide electronic fingerprinting