

PINELLAS COUNTY LICENSE BOARD FOR CHILDREN'S CENTERS
AND FAMILY DAY CARE HOMES
Minutes for the Regular Board Meeting for
April 1, 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, April 1, 2009, at 4175 East Bay Drive, Suite 350, Clearwater, to begin at 1:30 p.m.

- Board Members Present: Lourdes Benedict, Chairman; Commissioner Bostock; Donna Huard; Barbra Mastrotta; Elise Minkoff (arrived at 1:40 p.m.)
- Board Members Absent: Donna Rippley, Judi Vitucci
- Ex Officio Member Present: Charles Minor
- Advisory Members Present: Sharon Carder
- Advisory Members Absent: Lynn Bittner, Heidi Buck, Terri Hajian, Ann Hofmeister
- County Attorney Present: Colleen Flynn
- Staff Members Present: Carla Recker, Executive Director; Kathy Krause, Supervisor Family Day Care Homes; Jorie Massarsky, Supervisor Children's Centers; Dana Stajkowski, Recording Secretary; and other Health Department staff
- Call to order: The meeting was called to order at 1:30 p.m.
- Motion: A motion was made by Barbra Mastrotta and seconded to approve the minutes from December 3, 2008, January 7, 2009 and February 4, 2009. Motion unanimously approved.
- Public Comment: Lynn Gibson, 8697 78th Avenue North, Largo
Ms. Gibson referenced the 1/7/09 minutes on page 8 of April 1, 2009 report regarding a statement made that "Pinellas County has never funded child care licensing" and commented that funding for the License Board comes from the citizens of Pinellas County; that although Child Care Licensing does not have a Federal Tax ID number it has called itself a governmental regulatory agency.
- II. A. Revenue & Expense: Gayle Guidash, Environmental Administrator, presented information from the Revenue and Expense Report; that expenses are on track; that input on how to meet future legal fee obligations is requested; that increased funding is not a possibility at this time.

Minutes – 4/1/09

- II. B. Ms. Guidash presented information on the response from the Department of Community Affairs; that Ms. Judd was representing the Health Department when she made a presentation to the Board; and that the response from the Department of Community Affairs states that the Independent Special District status of the Pinellas County License Board stands; that a special audit must continue to be performed; and that although there were no auditing recommendations that the current audit has been extended in order for the auditing agency to determine how this entity works.

- III. A. 1. Motion: A motion was made by Barbra Mastrota and seconded that 11 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 and seconded that 26 new Family Day Care Homes be approved for Regular Licenses. Motion unanimously approved.

- Board Recommendation: Elise Minkoff recommended for public record purposes a key on the report for changes in licensing recommendations to indicate what the asterisk means.

- A. 5. Motion: A motion was made by Donna Huard and seconded that 3 new Family Day Care Homes 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 Barbra Mastrota and seconded that 6 License Changes for Children’s Centers be approved for Regular Licenses. Motion unanimously approved.

- B. 2. Motion: A motion was made by Commissioner Bostock and seconded that 1 License Change for Children’s Centers be approved for a Provisional License. Motion unanimously approved.

- B. 3. (There were no License Changes for Children’s Centers recommended for Probationary-Provisional Licenses.)

Minutes – 4/1/09

- III. B. 4.
Motion: A motion was made by Donna Huard and seconded that 2 License Changes for Family Day Care Homes be approved for Regular Licenses. Motion unanimously approved.
- B. 5.
Motion: A motion was made by Donna Huard and seconded that 1 License Change for Family Day Care Homes be approved for a Provisional License. Motion unanimously approved.
- 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. Colleen Flynn, Board attorney, made a presentation on Ethics to Board, Advisory, staff and other present referring all to the website for the Florida Commission on Ethics, Statute 112, and to the Bylaws section on conflict of interest. Attorney Flynn included the following information in her presentation: that gifts cannot be accepted nor solicited; that unauthorized compensation cannot be taken; that favors cannot be granted nor accepted; that members cannot misuse their public positions, etc.
- E. Carla Recker presented recommendations for Advisory Committee members.
- Public Comment: Lynn Gibson, 8697 78th Avenue North, Largo
Ms. Gibson thanked the Board for hearing providers on the issue of replacing Virginia Rowell's with Terri Hajian.
- E. Motion: A motion was made by Commissioner Bostock and seconded to approve Susan Weber as the Advisory Committee member "qualified by education and experience in the field of early childhood education". Motion unanimously approved.
- Motion: A motion was made by Commissioner Bostock and seconded to approve Terri Hagian as the Advisory Committee member "qualified by experience as a member and chairman of the License Board". Motion unanimously approved.
- F. Motion: A motion was made by Barbra Mastrota and seconded to approve the following increases in standards presented at the December 3, 2009 Public Hearing. Motion unanimously approved.
- Board Comment: Barbra Mastrota expressed concern for how new standards will be presented to providers; that it needs to be easy to read.

**III. F.Final Agency Action on Recommendations from 12/3/09 Public Hearing
Children’s Centers**

IV. REPORTING CHILD ABUSE AND NEGLECT

C. Violation

2. Failure to perform the duties of a mandated reporter pursuant to s.39.201, F.S., constitutes a violation of the standards in ss.402.301-319, F.S.

Implementation Date: May 1, 2009

V. RECORDS

A. Facility Records

7. Daily Attendance Record/Center Closing Log

- a. Daily attendance of children shall be taken and recorded by the children’s center personnel, documenting the time when each child enters and departs the children’s center or program. The custodial parent or guardian may document the time when their child(ren) enter and depart the children’s center or program. However, children’s center personnel are responsible for ensuring that attendance records are complete and accurate. Staff is also responsible for recording when each child enters and/or departs a group and when the group moves from one indoor/outdoor area to another. Such records shall be maintained for a minimum of four (4) months. Attendance forms used for Voluntary PreKindergarten or School Readiness may be used if applicable.

Implementation Date: May 1, 2009

X. APPLICATION, FEES, LICENSE

H. Upon receipt of a license issued under Licensing Regulations X.C.D.E.F. the children’s center shall display such license in a conspicuous place within the children’s center.

3. The total number of children in care on site and while on field trips must never exceed the licensed capacity as reflected on the annual license.

Implementation Date: May 1, 2009

**III. F. Final Agency Action on Recommendations from 12/3/09 Public Hearing
Children’s Centers**

The following section, “Gold Seal Quality Care Program” (65C-22.009 F.A.C.) is included for the provider’s convenience. The License Board does not award Gold Seal accreditation. Contact the Department of Children and Family Services for further information.

65C-22.009 ***Gold Seal Quality Care Program***

(1) Definitions

- (a) “Active” refers to the status of a Gold Seal Quality Care Accrediting Association that has met all of the criteria of a Gold Seal Quality Care Accrediting Association for accreditation.
- (b) “Effective” refers to the beginning date of a Gold Seal Quality Care provider’s designation certificate issued by the Child Care Program Office.
- (c) “Expired” refers to the end date of a provider’s Gold Seal Quality Care designation certificate issued by the Child Care Program Office.
- (d) “Gold Seal Quality Care Accrediting Association” refers to an accrediting association that has applied for and been approved by the department as a Gold Seal Quality Care Accrediting Association.
- (e) “Inactive” refers to the status of a Gold Seal Quality Care Accrediting Association in which all criteria for accreditation are no longer being successfully met.
- (f) “Nationally Recognized” refers to an association whose accrediting body is recognized, accepted and present in at least five (5) states or which had been approved as a Gold Seal Quality Care Accrediting Association by the department prior to July 1, 2007.

(2) Provider Requirements

- (a) Gold Seal Quality Care Provider Designation Certificate
Pursuant to s. 402.281(1), F.S., a child care facility seeking to obtain a designation as a Gold Seal Quality Care provider shall provide the department with documentation of accreditation by an accrediting association that has been approved by the department. A list of approved accrediting associations may be obtained from the licensing authority or on the Department of Children and Family Services’ website at www.myflorida.com/childcare.
- (b) Gold Seal Quality Care Enforcement
 - 1. Gold Seal Quality Care providers must maintain national accreditation in order to retain their designation. A child care facility’s Gold Seal designation will be terminated upon expiration of accreditation. In order to obtain and maintain Gold Seal Quality Care provider designation, a child care facility must meet the additional criteria outlined in s. 402.281(3), F.S.
 - 2. If Gold Seal Quality Care designation is revoked by the Department, termination of the designation will be effective on the last day of the current period of licensure.

**III. F. Final Agency Action on Recommendations from 12/3/09 Public Hearing
Children's Centers**

65C-22.009 ***Gold Seal Quality Care Program***
(2) Provider Requirements

- (b). 3. If the child care facility's accreditation is revoked by the accrediting agency, the child care facility's Gold Seal Quality Care designation will be terminated effective the date of revocation.

(3) Accrediting Association Requirements

- (a) Accrediting associations seeking recognition as a Gold Seal Quality Care Accrediting Association must complete and attest to the requirements referenced on CF-FSP Form 5315, August 2007, Gold Seal Quality Care Accrediting Application, which is incorporated by reference. CF-FSP Form 5315 may be obtained on the Department of Children and Family Services' website at www.myflorida.com/childcare. Applications are accepted during the months of January and July. Denial of an application requires a minimum of a six (6) month waiting period from the date of denial before re-submission during the next scheduled acceptance month.
- (b) Active Gold Seal Quality Care Associations must re-apply every five (5) years by submitting CF-FSP Form 5315 that may be obtained on the Department of Children and Family Services' website at www.myflorida.com/childcare. Re-applications must be received a minimum of six (6) months prior to end of the five (5) year period. Failure to submit CF-FSP Form 5315 every five (5) years or denial of the application will place the accrediting association in an inactive state, during which the association is not recognized as a Gold Seal Quality Care Accrediting Association. Child care arrangements receiving accreditation certificates from an inactive association shall not be recognized as a Gold Seal Quality Care Provider.
- (c) Inactive Gold Seal Quality Care Accrediting Associations wishing to become active must be in compliance with all requirements outlined on CF-FSP Form 5315 as a new applicant before being reinstated as an active Gold Seal Quality Care Accrediting Association, pending the Department of Children and Family Services' approval

Implementation Date: May 1, 2009

**III. F. Final Agency Action on Recommendations from 12/3/09 Public Hearing
Family Day Care Homes**

The Definition of a family day care home will be modified to agree with the standard for Supervision.

A family day care home means an occupied place of residence of a family, person, or persons who regularly provide child care and training for children from at least two (2) unrelated households, with or without compensation, for no more than five (5) children at any given time under thirteen (13) years of age who are not related to such person or persons by blood, marriage, or adoption. This includes preschool household members whether present or not and children of any age who are in the operator's care and do not reside in the family day care home. Of those five (5) children, no more than three (3) of the five (5) children may be under two (2) years of age, or no more than three (3) of the five (5) children may be under 18 months of age if the provider has proof of completion of an approved training course. A family day care home shall provide child care for a period less than 24 hours per day per child.

When 3 children in care are under one year old, the provider may have no more than 6 children total including household children under 13 years old who are present.

When 2 children in care are under one year old, the provider may have no more than 10 children total including household children under 13 years old who are present.

Implementation Date: May 1, 2009

I. PERSONNEL

B. Staff Training

1. Prior to licensure and prior to caring for children, all family day care home operators and substitutes who work 40 hours or more per month on average during a 12 month period must:

Successfully complete the Department of Children and Family Services' 30 clock-hour Family Child Care Home Training, as evidenced by successful completion of a competency based examinations(s) offered by the Department of Children and Family Services or its designated representative with a weighted score of 70 or better. Family day care home operators who successfully completed the mandatory 30 clock-hour Family Child Care Home training prior to January 1, 2004 are not required to fulfill the competency examination requirement. Documentation of course completion may either be a single Family Child Care Home (30 Hr) certificate or certificates for the five (5) individual training courses which total 30 clock-hours of training: Family Child Care Home Rules and Regulations; Health, Safety and Nutrition; Identifying and Reporting Child Abuse and Neglect; Child Growth and Development; and Behavioral Observation and Screening.

2. Training completed successfully will be documented on the training transcript or on CF-FSP Form 5267, April 2006, Child Care Training Course Completion Certificate, which is incorporated by reference. CF-FSP Form 5267 may be obtained from the Department of Children and Families Services' website at www.myflorida.com/childcare by clicking on the training link.

**III. F. Final Agency Action on Recommendations from 12/3/09 Public Hearing
Family Day Care Homes**

I. PERSONNEL

B. Staff Training - continued

5. Family day care home substitutes who work less than 40 hours a month on average during a 12 month period shall complete the Department of Children and Family Services' six (6) clock-hour Family Child Care Home Rules and Regulations training, as evidenced by successful completion of a competency based examination offered by the Department of Children and Family Services or its designated training representative prior to caring for children. as Training completed successfully will be documented on the Department of Children and Family Services' CF-FSP Form 5267 or the Department of Children and Family Services' child care training transcript.

Family day care substitutes who have successfully completed the three (3) clock-hour Fundamentals of Child Care training or 30-clock-hour Family Child Care Home training are not required to complete the six (6) clock-hour Family Child Care Home Rules and Regulations course.

Implementation Date: May 1, 2009

I. PERSONNEL

C. Supervision

1. The number of children in a family day care home at any given time is limited to the maximums set forth herein. Preschool household members, whether present or not, and children of any age who are in the operator's care and do not reside in the family day care home, are counted in the license capacity.

The license capacity of a family day care home is limited to five (5) children in care. No more than three (3) of the five (5) children may be under the age of 2, or with approved training, no more than three (3) of the five (5) children may be under 18 months of age.

In order to comply with F.S. 402.302(7) all household members under 13 years old must be included in the total number of children as follows:

- a. When no more than two (2) of the five (5) children in care are under one (1) year of age, then the total of children in care and those household members under 13 years of age who are present may not exceed ten (10) children.
- b. When three (3) of the five (5) children in care are under one (1) year of age, then the total of children in care and those household members under 13 years of age who are present may not exceed six (6) children.
- c. When household school age children under 13 years of age are present, the supervision of these children must comply with section I.C.6. of Licensing Regulations.

Implementation Date: May 1, 2009

**III. F. Final Agency Action on Recommendations from 12/3/09 Public Hearing
Family Day Care Homes**

II. RECORDS

A. Facility Records

8. Medication.

- d. All medicines shall be stored separately and also locked or inaccessible and out of the reach of children and must have child resistant caps.

Implementation Date: May 1, 2009

There was a 15 minute break in the Board meeting while staff looked at state standard for medications. Staff reported that the state requires all medicines to have "child resistant caps".

Board Direction: Bring to the attention to state that not all medicines have a child resistant cap, or bring standard back to Board as an increase.

IV. PHYSICAL PLANT HOUSING FAMILY DAY CARE HOMES

C. Outdoor Play Area

- 1. All family day care homes' play activities shall be suitable to each child's age and development.
- 2. All family day care homes must have a minimum of fifty (50) square feet per child of usable outdoor play area located on the property and which is exclusively used for the children attending or residing at the family day care home.
- 4. The outdoor play area shall maintain safe and adequate fencing or walls a minimum of four (4) feet in height. Gates on the fence must be locked while children in care are in the outdoor play space. Outdoor activities conducted at the family day care home shall be conducted in the designated outdoor space.

Implementation Date: May 1, 2009

IV. PHYSICAL PLANT HOUSING FAMILY DAY CARE HOMES

D. Equipment Maintenance

- 3. Permanent or stationary playground equipment must have ground cover or other protective surface under the equipment, which provides resilience and is maintained to reduce the incidence of injuries to children in the event of falls.

Implementation Date: May 1, 2009

**III. F. Final Agency Action on Recommendations from 12/3/09 Public Hearing
Family Day Care Homes**

IV. PHYSICAL PLANT HOUSING FAMILY DAY CARE HOMES

F. Sleeping and Napping Space

3. Cribs, bassinets, or playpens with bases raised above the floor shall be provided for infants. Crib sides must be raised and secured while an infant is in the crib and bar spacings may not exceed two and three-eighths inches. Cribs and playpens must meet the construction regulations as outlined in Title 16, Parts 1508.7 and 1509.8, Code of Federal Regulations, January 1, 2004.

7. No double stacked or multi-deck cribs, cots, or beds may be used.

Implementation Date: May 1, 2009

V. TRANSPORTATION

- C. Each child, when transported, must be in an individual factory installed seat belt or federally approved properly installed child safety restraint, unless the vehicle is excluded from this requirement by Florida Statute.

- G. The maximum number of individuals transported in a vehicle shall not exceed the manufacturer's designated seating capacity or the number of factory installed seat belts.

- H. An adult must remain within sight and hearing of children being transported in a vehicle so as to respond to the needs of the children at all times.

- I. 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. The log shall be retained for a minimum of six (6) months. The log shall include each child's name, date, time of departure and time of arrival, and signature of the driver to verify the fact that all children have left the vehicle.

 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, date, and record the driver's log immediately, verifying that all children were all accounted for and that the visual sweep was conducted.

- J. Smoking is prohibited in all vehicles while being used to transport children.

- K. Emergency medical forms signed by the custodial parent or legal guardian and emergency contact numbers must accompany the children on all field trips.

Implementation Date: May 1, 2009

**III. F. Final Agency Action on Recommendations from 12/3/09 Public Hearing
Family Day Care Homes**

VII. CHILD DISCIPLINE

- E. All family day care home operators, including substitutes, shall comply with the home's written disciplinary policy.
- F. A copy of the discipline policy must be available for review by parents or legal guardian and the licensing specialist.

Implementation Date: May 1, 2009

VIII. REPORTING CHILD ABUSE AND NEGLECT

C. Violation

- 2. Failure to perform the duties of a mandatory reporter pursuant to s. 39.201 F.S. constitutes a violation of the standards in Licensing Regulations.

Implementation Date: May 1, 2009

The following section, "Gold Seal Quality Care Program" (65C-20.014 F.A.C.) is included for the provider's convenience. The License Board does not award Gold Seal accreditation. Contact the Department of Children and Family Services for further information.

65C-20.014 Gold Seal Quality Care Program

(1) Definitions.

- (a) "Active" refers to the status of a Gold Seal Quality Care Accrediting Association that has met all of the criteria of a Gold Seal Quality Care Accrediting Association for accreditation.
- (b) "Effective" refers to the beginning date of a Gold Seal Quality Care provider's designation certificate issued by the Child Care Program Office.
- (c) "Expired" refers to the end date of a provider's Gold Seal Quality Care designation certificate issued by the Child Care Program Office.
- (d) "Gold Seal Quality Care Accrediting Association" refers to an accrediting association that has applied for and been approved by the department as a Gold Seal Quality Care Accrediting Association.
- (e) "Inactive" refers to the status of a Gold Seal Quality Care Accrediting Association in which all criteria for accreditation are no longer being successfully met.
- (f) "Nationally Recognized" refers to an association whose accrediting body is recognized, accepted and present in at least five (5) states or which had been approved as a Gold Seal Quality Care Accrediting Association by the department prior to July 1, 2007.

**III. F.Final Agency Action on Recommendations from 12/3/09 Public Hearing
Family Day Care Homes**

65C-20.014 Gold Seal Quality Care Program - continued

(2) Provider Requirements.

(a) Gold Seal Quality Care Provider Designation Certificate

Pursuant to s. 402.281(1), F.S., family day care homes and large family child care homes seeking to obtain designation as a Gold Seal Quality Care provider shall provide the department with documentation of accreditation by an accrediting association that has been approved by the department. A list of approved accrediting associations may be obtained from the licensing authority or on the Department of Children and Family Services' website at www.myflorida.com/childcare.

1. Gold Seal Quality Care providers must maintain national accreditation in order to retain their designation. A family day care home's Gold Seal designation will be terminated upon expiration of accreditation. In order to obtain and maintain Gold Seal Quality Care provider designation, a family day care home must meet the additional criteria outlined in s. 402.281(3), F.S.
2. If Gold Seal Quality Care designation is revoked by the Department, termination of the designation will be effective on the last day of the current period of licensure.
3. If the family day care home's accreditation is revoked by the accrediting agency, the family day care home's Gold Seal Quality Care designation will be terminated effective the date of revocation.

(3) Accrediting Association Requirements.

- (a) Accrediting associations seeking recognition as a Gold Seal Quality Care Accrediting Association must complete and attest to the requirements referenced on CF-FSP Form 5315, August 2007, Gold Seal Quality Care Accrediting Application, -which is incorporated by reference. CF-FSP Form 5315 may be obtained on the Department of Children and Family Services' website at www.myflorida.com/childcare. Applications are accepted during the months of January and July. Denial of an application requires a minimum of a six (6) month waiting period from the date of denial before re-submission during the next scheduled acceptance month.
- (b) Active Gold Seal Quality Care Associations must re-apply every five (5) years by submitting CF-FSP Form 5315 that may be obtained on the Department of Children and Family Services' website at www.myflorida.com/childcare. Re-applications must be received a minimum of six (6) months prior to end of the five (5) year period. Failure to submit CF-FSP Form 5315 every five (5) years or denial of the application will place the accrediting association in an inactive state, during which the association is not recognized as a Gold Seal Quality Care Accrediting Association. Child care arrangements receiving accreditation certificates from an inactive association shall not be recognized as a Gold Seal Quality Care Provider.
- (c) Inactive Gold Seal Quality Care Accrediting Associations wishing to become active must be in compliance with all requirements outlined on CF-FSP Form 5315 as a new applicant before being reinstated as an active Gold Seal Quality Care Accrediting Association, pending the Department of Children and Family Services' approval.

Implementation Date: May 1, 2009

**III. F. Final Agency Action on Recommendations from 12/3/09 Public Hearing
Large Family Child Care Homes**

I. PERSONNEL

A. General Qualifications

1. . . .

For the employee and the substitute for the employee, the operator/applicant must within five (5) days of employment at the family day care home or large family child care home submit to the License Board office background screening information.

Implementation Date: May 1, 2009

I. PERSONNEL

B. Training

1. Large Family Child Care Home Operators. In addition to the training requirements identified in B. Staff Training large family child care home operators must:

Possess a CF-FSP Form 5206, April 2005, Staff Credential Verification Confirmation or one (1) of the following credentials for a minimum of one (1) year prior to Large Family Child Care Home licensure.

An active National Early Childhood Credential (NECC); an active Birth Through Five or School-Age Florida Child Care Professional Credential (FCCPC) (formerly known as the Child Development Associate Equivalency); an active Florida Department of Education Child Care Apprenticeship Certificate (CCAC), Early Childhood Professional Certificate (ECPC) or School-Age Professional Certificate (SAPC); or meet the formal educational qualification requirement outlined on CF-FSP Form 5211, January 2008, Staff Credential Application, which is incorporated by reference. An Employment History Recognition Exemption will not be accepted to meet the minimum staff credential requirements for Large Family Child Care Homes.

a. A candidate must complete CF-FSP Form 5211, January 2008, Staff Credential Application.

4. Large Family Child Care Home Substitutes. Prior to taking care of children, substitutes for the operator of large family child care homes and substitutes for the large family child care home employee who work 40 hours or more per month on average during a 12 month period must:

a. Successfully complete the Department of Children and Family Services' 30 clock-hour Family Child Care Home training, as evidenced by successful completion of a competency based examination(s) offered by the Department of Children and Family Services or its designated representative with a weighted score of 70 or better. Individuals who have successfully completed the mandatory 30 clock-hour Family Child Care Home training prior to January 1, 2004 are not required to fulfill the competency examination requirement.

**III. F. Final Agency Action on Recommendations from 12/3/09 Public Hearing
Large Family Child Care Homes**

I. PERSONNEL

B. Training - continued

- b. Training completed successfully will be documented on the training transcript or on CF-FSP Form 5267, April 2006, Child Care Training Course Completion Certificate, which is incorporated by reference. CF-FSP Form 5267 may be obtained from the Department of Children and Family Services' website at www.myflorida.com/childcare by clicking on the training link.
 - (1) A copy of the CF-FSP Form 5267 or training transcript must be included in each staff member's child care personnel record and maintained at each child care home.
 - (2) A copy of the CF-FSP Form 5267 or training transcript for the operator of a child care home must be included in the License Board's file.

- 5. Large Family Child Care Home Employees. Employees in a large family child care home shall be at least 18 years of age and must:
 - a. Within 90 days of employment in the child care industry, begin the Department of Children and Family Services' 30 clock-hour Family Child Care Home training. The training shall be successfully completed within 12 months from the date on which the training began, as evidenced by the successful completion of a competency examination offered by the Department of Children and Family Services or its designated representative with a weighted score of 70 or better, and may not exceed 15 months from the date of employment in the child care industry. All individuals who have successfully completed the mandatory 30 clock-hour Family Child Care Home training prior to January 1, 2004 are not required to fulfill the competency examination requirement.

 - b. Training completed successfully will be documented on the training transcript or on CF-FSP Form 5267, April 2006, Child Care Training Course Completion Certificate, which is incorporated by reference. CF-FSP Form 5267 may be obtained from the Department of Children and Family Services' website at www.myflorida.com/childcare by clicking on the training link.
 - (1) A copy of the CF-FSP Form 5267 or training transcript must be included in each staff member's child care personnel record and maintained at each child care home.

 - (2) A copy of the CF-FSP Form 5267 or training transcript for the operator of a child care home must be included in the License Board's file.

- 7. Substitutes for an employee at a large family child care home. Prior to caring for children, substitutes for an employee at a large family child care home who work less than 40 hours a month on average during a 12 month period shall complete the department's six (6) clock-hour Family Child Care Home Rules and Regulations training, as evidenced by successful completion of a competency based examination offered by the Department of Children and Family Services or its designated training representative prior to caring for children as documented on the Department of Children and Family Services' CF-FSP Form 5267 and the Department of Children and Family Services' training transcript. Large family child care substitutes who have successfully completed the three (3) clock-hour Fundamentals of-Child Care or the 30 clock-hour Family Child Care Home training are not required to complete the six (6) clock-hour Family Child Care Home Rules and Regulations course.

Implementation Date: May 1, 2009

**III. F. Final Agency Action on Recommendations from 12/3/09 Public Hearing
Large Family Child Care Homes**

I. PERSONNEL

C. Supervision

4. An adult must remain within sight and hearing of children being transported in a vehicle so as to be able to respond to the needs of the children at all times.

Implementation Date: May 1, 2009

V. TRANSPORTATION

- A. When any vehicle is used by a large family child care home to provide transportation, the driver shall have a valid Florida driver's license in accordance with sections 322.03(1), F.S.
- E. An adult must remain within sight and hearing of children being transported in a vehicle so as to be able to respond to the needs of the children at all times.
 - a. Conduct a physical inspection and visual sweep of the vehicle to ensure that no child is left in the vehicle.
 - b. Sign, date and record the driver's log immediately verifying that all children were accounted for and driver's log is complete.
- F. 3. Upon arrival at the destination a second adult shall:
- H. When one (1) staff takes some children on a field trip and one (1) staff remains on the premises with the remainder of the children in care, the operator or employee transporting children is totally responsible for the care and supervision of those children and shall follow the transportation guidelines for a family day care home as defined in V. TRANSPORTATION

Implementation Date: May 1, 2009

VI. CHILD DISCIPLINE

- C. All large family child care home operators and personnel including substitutes of a large family child care home must comply with the home's written disciplinary policy.
- D. A copy of the written discipline policy must be available for review by parents or legal guardian and the licensing specialist.

Implementation Date: May 1, 2009

Minutes – 4/1/09

**III. G. Approved Decreases to Standards
Family Day Care Homes**

BOARD ACTION: A MOTION WAS MADE BY COMMISSIONER BOSTOCK AND SECONDED TO APPROVE THE FOLLOWING TWO (2) DECREASES IN STANDARD REGARDING AGE. THE MOTION WAS UNANIMOUSLY APPROVED.

The Definition of a family day care home. (Decrease)

A family day care home means an occupied place of residence of a family, person, or persons who regularly provide child care and training for children from at least two (2) unrelated households, with or without compensation, for no more than five (5) children at any given time under thirteen (13) years of age who are not related to such person or persons by blood, marriage, or adoption. This includes preschool household members whether present or not. Of those five (5) children, no more than three (3) of the five (5) children may be under two (2) years of age, or no more than three (3) of the five (5) children may be under 18 months of age if the provider has proof of completion of an approved training course. A family day care home shall provide child care for a period less than 24 hours per day per child.

Implementation Date: April 1, 2009

I. PERSONNEL (Decrease)

C. Supervision

1. The number of children in a family day care home at any given time is limited to the maximums set forth herein. Preschool household members, whether present or not, and children under thirteen (13) years of age who are in the operator's care whether or not they reside in the family day care home, are counted in the license capacity.

The license capacity of a family day care home is limited to five (5) children in care. No more than three (3) of the five (5) children may be under the age of 2, or with approved training, no more than three (3) of the five (5) children may be under 18 months of age.

In order to comply with F.S. 402.302(7) all household and non-household members under 13 years old must be included in the total number of children as follows:

- a. When no more than two (2) of the five (5) children in care are under one (1) year of age, then the total of children in care and those household and non-household members under 13 years of age who are present may not exceed ten (10) children.
- b. When three (3) of the five (5) children in care are under one (1) year of age, then the total of children in care and those household and non-household members under 13 years of age who are present may not exceed six (6) children.
- c. When household and non-household school age children under 13 years of age are present, the supervision of these children must comply with section I.C.6. of Licensing Regulations.

Implementation Date: April 1, 2009

Minutes – 4/1/09

**III. G. Approved Decreases to Standards
Family Day Care Homes**

BOARD ACTION: A MOTION WAS MADE BY COMMISSIONER BOSTOCK AND SECONDED TO APPROVE THE FOLLOWING DECREASE IN STANDARD REGARDING THE USE OF THE WORD "EXCULSIVELY". THE MOTION WAS UNANIMOUSLY APPROVED.

IV. PHYSICAL PLANT HOUSING FAMILY DAY CARE HOMES (Decrease)

C. Outdoor Play Area

2. All family day care homes must have a minimum of fifty (50) square feet per child of usable outdoor play area located on the property and which is exclusively used for the children attending while in care or residing at the family day care home.

Implementation Date: April 1, 2009

Minutes – 4/1/09

**III. H. Proposed Standards Being Presented at Public Hearing – 5/14/09
Children’s Centers**

MOTION: A MOTION WAS MADE BY COMMISSIONER BOSTOCK AND SECONDED TO APPROVE FOR PUBLIC HEARING THE FOLLOWING RECOMMENDATION FOR PERSONNEL IN CHILDREN’S CENTER REGULATIONS. MOTION UNANIMOUSLY APPROVED.

I. PERSONNEL

A. General qualifications. Personnel in children’s centers:

b. Background Screening Information

(2) **Attestation of Good Moral Character** – An Attestation of Good Moral Character must be completed on the hire date and annually during the month of September for all child care personnel and may be obtained from the License Board, or by going to the Department of Children and Family Services’ website at: www.myflorida.com/childcare/training.

Finding of Necessity:

This increase will provide consistency with reporting requirements in facilities to assist the centers and those who monitor centers – Child Care Licensing and the Early Learning Coalition.

Implementation Date: October 1, 2009

Proposed Standards Classification Summary: Level 2 Fine

MOTION: A MOTION WAS MADE BY DONNA HUARD AND SECONDED TO APPROVE FOR PUBLIC HEARING THE FOLLOWING RECOMMENDATION FOR SUPERVISION IN CHILDREN’S CENTER REGULATIONS. MOTION UNANIMOUSLY APPROVED.

Recommended Increase for Children’s Centers

II. SUPERVISION

A. General Supervisory Standards

9. A staff member qualified to be in charge who is not in direct supervision of children shall be on the premises and available during the hours of operation ~~at all times when children are present.~~

Finding of Necessity:

Staff recommends this increase in standard based on an increased number of Class I fines for supervision and discipline over the past two years. For the safety and wellbeing of the children as well as the center, there must be a person in charge who is available to oversee the ongoing daily activities of the teachers and the center. Child Care Licensing will offer training on staffing, budgets, and center management.

Implementation Date: October 1, 2009

Proposed Standards Classification Summary: Level 2 Fine

Minutes – 4/1/09

**III. H. Proposed Standards Being Presented at Public Hearing – 5/14/09
Children’s Centers**

MOTION: A MOTION WAS MADE BY COMMISSIONER BOSTOCK AND SECONDED TO APPROVE FOR PUBLIC HEARING THE FOLLOWING RECOMMENDATION FOR CHILD DISCIPLINE IN CHILDREN’S CENTER REGULATIONS. MOTION UNANIMOUSLY APPROVED.

Recommended Increase for Children’s Centers

III.CHILD DISCIPLINE

- E. A copy of the children’s center current written disciplinary policy must be available to the License Board to review for compliance with Licensing Regulations III. A copy of a changed Discipline Policy shall be submitted to the Child Care Licensing Program at the time it is changed and be available for review.

Finding of Necessity:

Discipline policies including any changes made to the facilities’ policies must meet compliance with the standards.

Implementation Date: October 1, 2009

Proposed Standards Classification Summary: Level 1 Fine

MOTION: A MOTION WAS MADE BY DONNA HUARD AND SECONDED TO APPROVE FOR PUBLIC HEARING THE FOLLOWING *AMENDED* RECOMMENDATION FOR MANDATORY REPORTS IN CHILDREN’S CENTER REGULATIONS. MOTION UNANIMOUSLY APPROVED.

Recommended Increase for Children’s Centers

IV. REPORTING CHILD ABUSE AND NEGLECT

**B. Mandatory Reports of Child Abuse, Abandonment, or Neglect;
Mandatory Reports of Death; Central Abuse Hotline**

- 1. Any person who knows or has reasonable cause to suspect, that a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child’s welfare shall report such knowledge or suspicion to the Department of Children and Family Services in the manner prescribed in Licensing Regulations IV.B.2.3.

Upon initial knowledge of open child abuse investigation involving the children’s center shall be reported to the Child Care Licensing Program within twenty-four (24) hours or the next business day.

Finding of Necessity:

Staff recommends this increase in standard to promote consistency in self-reporting. Abuse, abandonment, neglect, or death of a child must be reported to the child care licensing agency in a timely manner to facilitate early investigation and resolution to protect the children in the facility.

Implementation Date: October 1, 2009

Proposed Standards Classification Summary: Level 1 Fine

Minutes – 4/1/09

**III. H. Proposed Standards Being Presented at Public Hearing – 5/14/09
Children’s Centers**

MOTION: A MOTION WAS MADE BY COMMISSIONER BOSTOCK AND SECONDED TO APPROVE FOR PUBLIC HEARING THE FOLLOWING RECOMMENDATION FOR RECORDS IN CHILDREN’S CENTER REGULATIONS. MOTION UNANIMOUSLY APPROVED.

Recommended Increase for Children’s Centers

V. RECORDS

A. Facility Records

4. Child's Enrollment Information. Enrollment form provided by the Child Care Licensing Program ~~information~~ shall be kept current and on file, and include the following:

Finding of Necessity:

Licensing specialists are spending hours doing children's records because the required information is kept by centers on different forms and in different files. The goal of our agency is to streamline and this will assist in shortening the length of time required to complete children's records inspections. This will also enhance the center's ability to maintain their records because all the required information for child enrollment will be on one form.

Implementation Date: October 1, 2009

Proposed Standards Classification Summary: Level 3 Fine

**III. H. Proposed Standards Being Presented at Public Hearing – 5/14/09
Children’s Centers**

MOTION: A MOTION WAS MADE BY BARBRA MASTROTA AND SECONDED TO APPROVE FOR PUBLIC HEARING THE FOLLOWING RECOMMENDATION FOR FACILITY RECORDS IN CHILDREN’S CENTER REGULATIONS. MOTION UNANIMOUSLY APPROVED.

V. RECORDS

A. Facility Records

7. Daily Attendance Record/Center Closing Log

a. Daily attendance of children shall be taken and recorded by the children’s center personnel, documenting when each child enters and departs the program, when each child enters and/or departs a group and when the group moves from one indoor/outdoor area to another. Such records shall be maintained for a minimum of one (1) year ~~four (4) months~~.

8. Medication.

d. The children’s center must maintain a record for each child receiving medications that documents the full name of the child, the name of medication, the date and time the medication was dispensed, the amount and dosage, and the name of the person who dispensed the medication. The record shall be maintained for a minimum of one (1) year ~~four (4) months~~ after the last day the child received the dosage.

11. Other Records

e. **Field Trips.** Parents must be advised in advance of each field trip activity. The date, time and location of the field trip must be posted in a conspicuous location at least two (2) working days prior to each field trip. Written parental permission must be obtained, in the form of a general permission slip. If special circumstances arise where notification of an event cannot be posted for two (2) working days then individual permission slips must be obtained from the custodial parent or legal guardian. Documentation of parental permission for field trips shall be maintained for a minimum of one (1) year ~~four (4) months~~ from the date of each field trip.

VI. PHYSICAL ENVIRONMENT

B. Fire Safety

4. The operator shall maintain a written record of monthly fire drills showing the date, number of children in attendance, and time taken to evacuate the premises. Each monthly record shall be maintained for a minimum of one (1) year ~~four (4) months~~ from the date of the fire drill.

Finding of Necessity:

A period of four months does not allow adequate time for inspection by licensing specialists.

Implementation Date: October 1, 2009

Proposed Standards Classification Summary: Level 3 Fine

Minutes – 4/1/09

**III. H. Proposed Standards Being Presented at Public Hearing – 5/14/09
Children’s Centers**

MOTION: A MOTION WAS MADE BY ELISE MINKOFF AND SECONDED TO APPROVE FOR PUBLIC HEARING THE FOLLOWING *AMENDED* RECOMMENDATION FOR FACILITY RECORDS IN CHILDREN’S CENTER REGULATIONS. MOTION UNANIMOUSLY APPROVED.

Recommended Increase for Children’s Centers

VII. SAFETY, HEALTH AND SANITATION

A. General Requirements

All center personnel shall have access to a printed copy of Licensing Regulations Governing Pinellas County Children’s Centers and a copy of Chapter 64E-11 Food Hygiene.

Finding of Necessity:

It is essential that all center staff have access to the licensing and food hygiene regulations in order to do their job correctly.

Implementation Date: October 1, 2009

Proposed Standards Classification Summary: Level 3 Fine

MOTION: A MOTION TO AMEND WAS MADE BY BARBRA MASTROTA AND SECONDED TO APPROVE FOR PUBLIC HEARING THE FOLLOWING *AMENDED* RECOMMENDATION FOR SAFETY, HEALTH AND SANITATION IN CHILDREN’S CENTER REGULATIONS. MOTION UNANIMOUSLY APPROVED.

Recommended Increase for Children’s Centers

VII. SAFETY, HEALTH AND SANITATION

A. General Requirements

1. a. Children shall be released from a licensed children’s center at the direction of Child Care Licensing Program staff due to a significant violation(s) that may directly effect pose an immediate threat to the health and safety of children. The children shall not return to the licensed program until an inspection by the Child Care Licensing Program staff determines the violation(s) no longer exists. This action does not take the place of nor is in lieu of action against the license such as a enforcement, revocation, suspension, or an injunction.

Finding of Necessity:

When a situation exists at a center that endangers the health and safety of children, the children must be removed and cannot return until it is safe for the children. As an example, within the past two months, rat infestation at two facilities was so severe that children could not remain in the centers – active rats’ nests and feces were found in close proximity to children. In both of these cases, the centers were given a short period of time to treat and clean up the infestations. The intention of the licensing program is to give facilities a chance to clean up health and safety conditions rather than seek an injunction or action against the license.

Implementation Date: October 1, 2009

Proposed Standards Classification Summary: Level 1 Fine

**III. H. Proposed Standards Being Presented at Public Hearing – 5/14/09
Children’s Centers**

MOTION: A MOTION WAS MADE BY BARBRA MASTROTA AND SECONDED TO APPROVE FOR PUBLIC HEARING THE FOLLOWING RECOMMENDATION FOR SAFETY, HEALTH AND SANITATION IN CHILDREN’S CENTER REGULATIONS. MOTION UNANIMOUSLY APPROVED.

Recommended Increase for Children’s Centers

VII. SAFETY, HEALTH AND SANITATION

A. General Requirements

7. All potentially harmful items including cleaning supplies, flammable products, poisonous, toxic, and hazardous materials must be labeled. These items, as well as knives and sharp tools, and other potentially dangerous hazards shall be stored in a locked container or a locked area that is inaccessible to children.
 - a. The Material Safety Data Sheet (MSDS) for cleaning supplies shall be maintained and accessible to staff.
 - b. All cleaning supplies shall have a complete Xerox copy of the original label or MSDS affixed to the container of cleaning solutions.

- SA 8.** All potentially harmful items including cleaning supplies, flammable products, poisonous, toxic, and hazardous materials must be labeled. These items, as well as knives and sharp tools and other potentially dangerous hazards, shall be stored separately and locked or out of a child’s reach.
 - a. The Material Safety Data Sheet (MSDS) for cleaning supplies shall be maintained and accessible to staff.
 - b. All cleaning supplies shall have a complete Xerox copy of the original label or MSDS affixed to the container of cleaning solutions.

Finding of Necessity:

A complete Xerox copy of the original label for cleaning supplies or MSDS will aid in protecting the health and safety of children from being given a harmful substance. Having the MSDS readily available to staff will facilitate quick and correction action by center staff in the case of ingestion of a harmful substance.

Implementation Date: October 1, 2009

Proposed Standards Classification Summary: Level 3 Fine

Minutes – 4/1/09

**III. H. Proposed Standards Being Presented at Public Hearing – 5/14/09
Children’s Centers**

MOTION: A MOTION WAS MADE BY COMMISSIONER BOSTOCT AND SECONDED TO APPROVE FOR PUBLIC HEARING THE FOLLOWING RECOMMENDATION FOR TRANSPORTATION IN CHILDREN’S CENTER REGULATIONS. MOTION UNANIMOUSLY APPROVED.

VIII. TRANSPORTATION

G. Driver’s Log.

1. A log shall be maintained for all children being transported in the vehicle. The log shall be retained for a minimum of one (1) year ~~four months~~. 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.

Finding of Necessity:

A period of four months does not allow adequate time for inspection by licensing specialists.

Implementation Date: October 1, 2009

Proposed Standards Classification Summary: Level 3 Fine

MOTION: A MOTION WAS MADE BY DONNA HUARD AND SECONDED TO APPROVE FOR PUBLIC HEARING THE FOLLOWING RECOMMENDATION FOR APPLICATION, FEES, LICENSE IN CHILDREN’S CENTER REGULATIONS. MOTION UNANIMOUSLY APPROVED.

Recommended Increase for Children’s Centers

X. APPLICATION, FEES, LICENSE

B. Fees

5. Pursuant to Florida law, restitution for dishonored checks shall be made within 7 days of receiving notice from the Pinellas County Health Department. Restitution for the dishonored check and any fees shall be made by money order, cashiers check or cash. Unless paid in full within the time specified, the license shall be deemed null and void and returned to the Child Care Licensing Program office.

The holder of such check may turn over the dishonored check and all other available information relating to the license to the States Attorney for criminal prosecution. Additionally, there may be criminal action for triple the amount of the check, but in no case less than \$50, together with the amount of the check, a service charge, court costs, reasonable attorney fees, and incurred bank fees, as provided in F.S. 68.065.

Finding of Necessity:

A fee is required to obtain a license and is not valid if the payment is dishonored; however, there wasn’t a standard to enforce the fee requirement. The language for this standard is taken directly from the return check policy of the Pinellas County Health Department.

Implementation Date: October 1, 2009

Proposed Standards Classification Summary: None

**III. I. Proposed Standards Being Presented at Public Hearing – 5/14/09
Family Day Child Care Homes**

MOTION: A MOTION WAS MADE BY COMMISSIONER BOSTOCK AND SECONDED TO APPROVE FOR PUBLIC HEARING THE FOLLOWING RECOMMENDATION FOR CHILD DISCIPLINE IN FAMILY DAY CARE HOME REGULATIONS. MOTION UNANIMOUSLY APPROVED.

Recommended Increase for Family Day Care Homes

VII. CHILD DISCIPLINE

- F. A copy of the discipline policy must be available for review by the licensing specialist. A copy of a changed Discipline Policy shall be submitted to the Child Care Licensing Program at the time it is changed and be available for review.

Finding of Necessity:

Discipline policies including any changes made to the home's policies must meet compliance with the standards.

Implementation Date: October 1, 2009

Proposed Standards Classification Summary: Level 1 Fine

MOTION: A MOTION WAS MADE BY COMMISSIONER BOSTOCK AND SECONDED TO APPROVE FOR PUBLIC HEARING THE FOLLOWING *AMENDED* RECOMMENDATION FOR MANDATORY REPORTS IN FAMILY DAY CARE HOME REGULATIONS. MOTION UNANIMOUSLY APPROVED.

Recommended Increase for Family Day Care Homes

VIII. REPORTING CHILD ABUSE AND NEGLECT

**B. Mandatory Reports of Child Abuse, Abandonment, or Neglect;
Mandatory Reports Of Death; Central Abuse Hotline**

- b. Social worker, day care center worker, or other professional child care, foster care, residential, or institutional worker, . . .who knows, or has reasonable cause to suspect, that a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child's welfare shall report such knowledge or suspicion to the Department of Children and Family Services in the manner prescribed in subsection 2.

Upon initial knowledge of open child abuse investigations involving the family day care home shall be reported to the Child Care Licensing Program within twenty-four (24) hours or the next business day.

Finding of Necessity:

Staff recommends this increase in standard to promote consistency in self-reporting. Abuse, abandonment, neglect, or death of a child must be reported to the child care licensing agency in a timely manner to facilitate early investigation and resolution to protect the children in the home.

Implementation Date: October 1, 2009

Proposed Standards Classification Summary: Level 1 Fine

**III. I. Proposed Standards Being Presented at Public Hearing – 5/14/09
Family Day Child Care Homes**

MOTION: A MOTION WAS MADE BY COMMISSIONER BOSTOCK AND SECONDED TO APPROVE FOR PUBLIC HEARING THE FOLLOWING RECOMMENDATION FOR APPLICATION, FEES, LICENSE IN FAMILY DAY CARE HOME AND LARGE FAMILY CHILD CARE HOME REGULATIONS. MOTION UNANIMOUSLY APPROVED.

Recommended Increase for Family Day Care Homes and Large Family Child Care Homes

IX. APPLICATION, FEES, LICENSE – Family Day Care Home

VII. APPLICATION, FEES, LICENSE – Large Family Child Care Home

B. Fees

4. Pursuant to Florida law, restitution for dishonored checks shall be made within 7 days of receiving notice from the Pinellas County Health Department. Restitution for the dishonored check and any fees shall be made by money order, cashiers check or cash. Unless paid in full within the time specified, the license shall be deemed null and void and immediately returned to the Child Care Licensing Program office.

The holder of such check may turn over the dishonored check and all other available information relating to the dishonored check to the States Attorney for criminal prosecution. Additionally, there may be criminal action for triple the amount of the check, but in no case less than \$50, together with the amount of the check, a service charge, court costs, reasonable attorney fees, and incurred bank fees, as provided in F.S. 68.065.

Finding of Necessity:

A fee is required to obtain a license and is not valid if the payment is dishonored; however, there wasn't a standard to enforce the fee requirement. The language for this standard is taken directly from the return check policy of the Pinellas County Health Department.

Implementation Date: October 1, 2009

Proposed Standards Classification Summary: None

Minutes – 4/1/09

III. J. Motion to Approve State Standards - Enforcement

MOTION: A MOTION WAS MADE BY COMMISSIONER BOSTOCK AND SECONDED BY DONNA HUARD TO APPROVE NEWLY PROMULGATED AND REVISED RULES FOR ENFORCEMENT IN CHAPTERS 65C-22 F.A.C. FOR CHILDREN'S CENTERS AND 65C-20 F.A.C. FOR FAMILY DAY CARE HOMES AND LARGE FAMILY CHILD CARE HOMES EFFECTIVE JULY 2009 FOR IMPLEMENTATION OCTOBER 1, 2009. MOTION UNANIMOUSLY APPROVED.

Board Direction: Bring back to the next Board meeting the plan for education and outreach for Enforcement including measurable outcomes if possible.

Board Direction: Commission Bostock requested mandatory training be included in regulations in appropriate section.

There was a break for approximately 5 minutes.

Minutes – 4/1/09

III. J. Proposed Increases in State Enforcement Standards Being Presented at Public Hearing – 5/14/09

Following are the newly revised state rules for Enforcement that will be implemented October 1, 2009. Staff recommends the following underlined increases to exceed state regulations.

Words/numbers that are underlined represent an increase in these rules that will be presented at a Public Hearing on May 14, 2009; underlined and **highlighted** words were Board changes April 1, 2009.

Final Agency Action by the Board will be on August 20, 2009; implementation of the entire Enforcement plan will be implemented October 1, 2009.

MOTION: A MOTION WAS MADE BY BARBRA MASTROTA AND SECONDED BY ELISE MINKOFF TO APPROVE FOR PUBLIC HEARING THE FOLLOWING AMENDED RECOMMENDATIONS TO INCREASE FINE AMOUNTS AND ADD VERBIAGE TO SECTION 3 OF DISCIPLINARY SANCTIONS. MOTION UNANIMOUSLY APPROVED.

XV. Enforcement DEFINITIONS

Day: means a weekday, excluding weekends and holidays. (centers)

Day: means evening, overnight, or less than 24 hours of care seven days a week. (homes)

Probation: is a licensing status wherein the Child Care Licensing Program issues a disciplinary action imposing a deadline for a facility [or family day care home or large family child care home] to remedy a violation or violations, which are within the control of the facility, to become compliant with licensing standards.

Standards: are requirements that must be met for licensure as a child care facility [or family day care home or large family child care home] and that are identified on the Standards Classification Summary attached.

Violation: means a finding of noncompliance by the Child Care Licensing Program with a licensing standard.

Class I-III Violation: is an incidence of noncompliance with a Class I-III standard.

Class I	Class I violations are the most serious in nature, pose an imminent threat to a child including abuse or neglect and which could or does result in death or serious harm to the health, safety or well-being of a child.
Class II	Class II violations are less serious in nature than Class I violations and could be anticipated to pose a threat to the health, safety or well-being of a child , although the threat is not imminent
Class III	Class III violations are less serious in nature than either Class I or Class II violations and pose a low potential for harm to children.
Technical Support	The first or second occurrence of noncompliance of an individual Class III standard or the first occurrence of noncompliance of an individual Class II standard.

III. J. Proposed Increases in State Enforcement Standards Being Presented at Public Hearing – 5/14/09

XV. A. Inspection of Children's Centers [Family Day Care Home or Large Family Child Care Home]

1. A licensed children's center [or family day care home or large family child care home] shall accord to the Child Care Licensing Program the privilege of inspection, including access to children's centers and personnel [or family day care home or large family child care home] and to those records required in Licensing Regulations, at reasonable times during regular business hours, to ensure compliance with the provisions of Licensing Regulations.

The right of entry and inspection shall also extend to any premises which the Child Care Licensing Program has reason to believe are being operated or maintained as a children's center [or family day care home or large family child care home] without a license, but no such entry or inspection of any premises shall be made without the permission of the person in charge thereof unless a warrant is first obtained from the circuit court authorizing same.

Any application for a license or renewal made pursuant to this act or the advertisement to the public for the provision of child care as defined in DEFINITIONS shall constitute permission for any entry or inspection of the premises for which the license is sought in order to facilitate verification of the information submitted on or in connection with the application.

In the event a licensed children's center [or family day care home or large family child care home] refuses permission for entry or inspection to the Child Care Licensing Program, a warrant shall be obtained from the circuit court authorizing same, prior to such entry or inspection. The Child Care Licensing Program may institute disciplinary proceedings pursuant to disciplinary actions in Licensing Regulations XV.H. for such refusal.

2. Inspection shall be at least once annually.

B. Corrective Action

1. When the Child Care Licensing Program determines that a children's center [or family day care home or large family child care home] is not in compliance with the Licensing Regulations, the Child Care Licensing Program shall make a reasonable attempt to discuss each violation with the owner or operator of the children's center [or provider of a family day care home or large family child care home] and the time which the Child Care Licensing Program will establish for the owner or operator [provider] to complete corrective action for any violation.
2. The violations cited shall be in writing and shall include the following information:
 - a. A reference to the regulation 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 operator [provider] failed to comply with a specified regulation;
 - c. A specific statement as to how the violation should be corrected, if deemed necessary or appropriate;
 - d. A date by which each violation shall be corrected unless the violation is of an imminent threat to the health and safety of the children, in which case the violation shall be corrected within twenty-four (24) hours.

III. J. Proposed Increases in State Enforcement Standards Being Presented at Public Hearing – 5/14/09

XV. Enforcement

B. Corrective Action –continued

3. The Child Care Licensing Program may document any action by the owner or operator [provider] taken to correct any violation cited.

C. Disciplinary Sanctions

1. Enforcement of disciplinary sanctions shall be applied progressively for each standard violation. In addition, providers will be offered technical assistance in conjunction with any disciplinary sanction. The Child Care Licensing Program shall take into consideration the actions taken by the facility [or family day care home or large family child care home] to correct the violation when determining the appropriate disciplinary sanction.
2. Each standard violation has an assigned classification based on the nature or severity of the violation(s) as identified within the Standards Classification Summary attached.
3. A violation of a Class II standard that results in death, or serious harm, or imminent threat of serious harm to a child shall escalate to a Class I violation.
4. Disciplinary sanctions for licensing violations that occur within a two (2) year period shall be progressively enforced as follows:

a. Class I Violations

- (1). For the first Class I violation, the Child Care Licensing Program shall issue an administrative complaint imposing a fine of \$500 per day for each violation and may impose other disciplinary sanctions in addition to the fine.

XV. C. 4. a. Class I Violations

- (2). For the second Class I violation, the Child Care Licensing Program shall issue an administrative complaint imposing a fine of \$750 per day for each violation and may impose other disciplinary sanctions in addition to the fine.
- (3). For the third and subsequent Class I violations, the Child Care Licensing Program shall issue an administrative complaint to suspend, deny or revoke the license for state mandated Class 1 Violations as identified by "1s" in the Standards Classification Summary attached. The Child Care Licensing Program shall issue an administrative complaint imposing a fine of \$1,000 per day for each violation in addition to any other disciplinary sanction.

If a center receives **three (3) Class I fines** from the list below in two (2) consecutive years, then the Child Care Licensing Program has no other course of action based on State mandate, but to suspend, deny, or revoke the center's license.

**III. J. Proposed Increases in State Enforcement Standards Being Presented at Public Hearing – 5/14/09
Children’s Centers**

Class I Fines Determined by the State of Florida	
Class Is	A child was unknowingly left behind on a field trip.
Class Is	A child was not adequately supervised and left the facility premises without the knowledge or awareness of staff.
Class Is	The operator or substitute, identified on the Supplemental , was observed supervising children while under the influence of narcotics, alcohol or other drugs that impair the individual’s ability to provide safe child care.
Class Is	The facility provided a water activity using a swimming pool that exceeds three (3) feet in depth or a beach or lake area and did not have a person with a certified lifeguard certification or equivalent present.
Class Is	An unscreened individual was left alone to supervise children in care.
Class Is	The vehicle had seat belts and/or safety restraints for [] children and [] children were transported at one time
Class Is	The facility’s use of seat belts was not age appropriate for children being transported who required safety restraints.
Class Is	The number of children transported exceeded the manufacturer’s designated seating capacity.
Class Is	The driver of the vehicle failed to drop the child off at the appropriate location resulting in serious harm to the health, safety or well-being of a child.
Class Is	A method of discipline was used at the facility that was severe, humiliating or frightening to children in that [].
Class Is	A firearm or weapon was observed on the premises.
Class Is	The facility’s fencing, walls or gate area had gaps that could allow children to exit the outdoor play area.
Class Is	Written instructions for dispensing a medication, [], were not followed in that [].
Class Is	The personnel record for the an individual listed on the attached Supplemental indicated the person had been found guilty of an offense noted in Section 435.04, Florida Statute, which disqualifies the person from employment and the owner/operator failed to take appropriate action.
Class Is	The owner, operator, employee or substitute, while caring for children, committed an act or omission that meets the definition of child abuse or neglect provided in Chapter 39, Florida Statutes.
Class Is	As a mandated reporter, the owner, operator, employee or substitute failed to report suspected child abuse or neglect as required in section 39.201, Florida Statutes.

Minutes – 4/1/09

III. J. Proposed Increases in State Enforcement Standards Being Presented at Public Hearing – 5/14/09

Family Day Care Homes (State minimums for FDCH were not in the board report)

1s	An unscreened individual was left alone to supervise children in care.
1s	A child was not adequately supervised and left the family day care home premises without the knowledge or awareness of the operator.
1s	A child was unknowingly left behind on a field trip.
1s	Firearms and/or weapons were not stored in a locked container, locked area, or with a secure trigger lock or in a location inaccessible to children.
1s	Written instructions for dispensing a medication were not followed in that [].
1s	A child was given the wrong medication in that [].
1s	The operator was not cooperative in allowing the Department's authorized licensing staff access to all parts of the home and premises to inspect for compliance and a court order was required to gain access to the home.
1s	The operator was over the licensed capacity by more than two (2) children
1s	A method of discipline practiced in the home was severe, humiliating and/or frightening in that [].
1s	A form of discipline used by staff was associated with food, rest, or toileting.
1s	The operator exceeded the maximum number of individuals transported in a vehicle as the number exceeded the manufacturer's designated seating capacity or the number of factory installed seat belts.
1s	The operator transported children in a vehicle that were not in an individual factory installed seat belt or federally approved child safety restraint.
1s	The use of seat belts was not age-appropriate for the child(ren) being transported who required the use of a safety restraint.
1s	A child was left unattended in the vehicle without staff awareness upon returning from a field trip.
1s	Supervision of children being transported was inadequate resulting in death or serious harm to the health, safety or well-being of a child.
1s	The driver of the vehicle failed to drop the child off at the appropriate location resulting in serious harm to the health, safety or well-being of a child.
1s	The operator or substitute, while caring for children, committed an act or omission that meets the definition of child abuse or neglect provided in Chapter 39, Florida Statutes.
1s	As a mandated reporter, the operator or substitute failed to report suspected child abuse or neglect as required in section 39.201, Florida Statutes.

Minutes – 4/1/09

III. J. Proposed Increases in State Enforcement Standards Being Presented at Public Hearing – 5/14/09

Large Family Child Care Homes (State minimums for LFCCH were not in the board report)

1s	An unscreened individual was left alone to supervise children in care.
1s	An unscreened individual was left alone to supervise children in care.
1s	A child was not adequately supervised and left the family day care home premises without the knowledge or awareness of the operator.
1s	A child was unknowingly left behind on a field trip.
1s	The operator, substitute or employee, identified on the Supplemental, was observed supervising children while under the influence of narcotics, alcohol or other drugs that impair the individual's ability to provide safe child care.
1s	Firearms and/or weapons were not stored in a locked container, locked area, or with a secure trigger lock or in a location inaccessible to children.
1s	The large family child care home's swimming pool exceeded 3 feet in depth and no one who had completed a basic water safety course was present when children had access to the swimming area.
1s	Children were taken from the home for a swimming activity and a person with lifeguard certification/equivalent was not present.
1s	Children in care had access to a water hazard or swimming pool, in that ().
1s	Written instructions for dispensing a medication were not followed in that [].
1s	A child was given the wrong medication in that [].
1s	The operator was not cooperative in allowing the Department's authorized licensing staff access to all parts of the home and premises to inspect for compliance and a court order was required to gain access to the home.
1s	The operator was over the licensed capacity by more than two (2) children.
1s	A swimming pool that exceeded 3 feet in depth was used and no person with a certified lifeguard certification or equivalent was present.
1s	A water area, such as a beach or lake, was used for a water activity and no person with a certified lifeguard certification or equivalent was present or on duty.
1s	The operator transported children in a vehicle that were not in an individual factory installed seat belt or federally approved child safety restraint.
1s	The use of seat belts was not age-appropriate for the child(ren) being transported who required the use of a safety restraint.
1s	The operator exceeded the maximum number of individuals transported in a vehicle as the number exceeded the manufacturer's designated seating capacity or the number of factory installed seat belts.
1s	Supervision of children being transported was inadequate, resulting in death or serious harm to the health, safety or well-being of a child.
1s	The driver of the vehicle failed to drop the child off at the appropriate location resulting in serious harm to the health, safety or well-being of a child.
1s	A child was left unattended in the vehicle without staff awareness upon returning from a field trip.
1s	A method of discipline practiced in the home was severe, humiliating and/or frightening in that [].
1s	A form of discipline used by staff was associated with food, rest, or toileting.
1s	The operator, employee or substitute, while caring for children, committed an act or omission that meets the definition of child abuse or neglect provided in Chapter 39, Florida Statutes.
1s	As a mandated reporter, the operator, employee or substitute failed to report suspected child abuse or neglect as required in section 39.201, Florida Statutes.

III. J. Proposed Increases in State Enforcement Standards Being Presented at Public Hearing – 5/14/09

XV. C. 4. b. Class II Violations - continued

- (1). For the first Class II violation, the department shall issue a formal warning letter stating the department's intent to take administrative action if further violations of the standard occur. The violation will be classified as "Technical Support."
- (2). For the second Class II violation, the department shall issue an administrative complaint imposing a fine of \$50 for each violation. This violation, and subsequent violations, of the same standard within a two (2) year period will be classified as "Class II."
- (3). For the third Class II violation, the department shall issue an administrative complaint imposing a fine of \$75 per day for each violation.
- (4). For the fourth Class II violation, the department shall issue an administrative complaint placing the provider's license on probation status for a period not to exceed six (6) months, and the department shall also issue an administrative complaint imposing an additional fine of \$100 per day for each violation.
- (5). For the fifth and subsequent Class II violations, the department shall issue an administrative complaint to suspend, deny, or revoke the license, and the department shall also issue an administrative complaint imposing an additional fine of \$125 per day for each violation.

c. Class III Violations

- (1). For the first Class III violation, technical assistance shall be provided. The violation will be classified as "Technical Support."
- (2). For the second Class III violation, the department shall issue a formal warning letter stating the department's intent to take administrative action if further violations of the standard are found. The violation will be classified as "Technical Support."
- (3). For the third Class III violation, the department shall issue an administrative complaint imposing a fine of \$25 for each violation. This violation and subsequent violations of the same standard within a two (2) year period will be classified as "Class III."
- (4). For the fourth Class III violation, the department shall issue an administrative complaint imposing a fine of \$50 per day for each violation.
- (5). For the fifth Class III violation, the department shall issue an administrative complaint placing the provider's license on probation status for a period not to exceed six (6) months, and the department shall also issue an administrative complaint imposing a fine of \$75 per day for each violation.

III. J. Proposed Increases in State Enforcement Standards Being Presented at Public Hearing – 5/14/09

XV. Enforcement

C. Disciplinary Sanctions

4. c. Class III Violations – continued

- (6). For the sixth and subsequent Class III violations, the department shall issue an administrative complaint to suspend, deny, or revoke the license, and the department shall also issue an administrative complaint imposing a fine of \$100 per day for each violation.

d. Children's Health/Immunization Records Disciplinary Sanctions

- (1). For the first Class III Children's Health and or Immunization violation, technical assistance shall be provided. The violation will be classified as "Technical Support."
- (2). For the second Class III Children's Health and or Immunization violation, the department shall issue a formal warning letter stating the department's intent to take administrative action if further violations of the standard are found. The violation will be classified as "Technical Support."
- (3). For the third Class III Children's Health and or Immunization violation, the department shall issue an administrative complaint imposing a fine in the amount of \$25 for each violation. This violation, and subsequent violations of the same standard within a two (2) year period will be classified as "Class III."
- (4). For the fourth Class III violation, the department shall issue an administrative complaint imposing a fine in the amount of \$50 for each violation.
- (5). For the fifth Class III Children's Health and or Immunization violation, the department shall issue an administrative complaint imposing a fine in the amount of \$75 per day for each violation.
- (6). For the sixth and subsequent Class III Children's Health and or Immunization violations, the department shall issue an administrative complaint placing the provider's license or registration on probation status for a period not to exceed six (6) months, and the department shall also issue an administrative complaint imposing an additional fine of \$100 per day for each violation.

III. J. Proposed Increases in State Enforcement Standards Being Presented at Public Hearing – 5/14/09

**XV. Enforcement
C. Disciplinary Sanctions**

Fine Matrix (Proposed Fine Amounts)

Violation	Class I	Class II	Class III	Health/Immunization
1st	\$500	TS	TS	TS
2nd	\$750	\$50	TS with WL	TS with WL
3rd	\$1,000	\$75	\$25*	\$25*
4th	\$1,000	\$100	\$50	\$50
5th	\$1,000	\$125	\$75	\$75
6th	\$1,000	\$125	\$100	\$100

* This violation, and subsequent violations of the same standard within a two (2) year period will be classified as "Class III."

Finding of Necessity:

The necessity for an increase in fines is based solely on the amount being used as a deterrent to eliminate Class I–III fines. Fines assessed at lower amounts have no impact on corrective actions or compliance issues.

Implementation Date: October 1, 2009

Public Comment: Lynn Gibson, 8697 78th Avenue North, Largo

Suggested additional training in lieu of increased fines; commented that Finding of Necessity does not address necessity; fines will financially hurt homes more than centers

Staff Response: Both Kathy Krause and Carla Recker responded that staff is already offering training, but that providers need to attend for the training to effect any change. Ms. Recker commented that regulating is the main responsibility of the staff; that training is required when the situation dictates specific training.

III. J. Deleted Enforcement Standards

G. Administrative Fines

- ~~Board Policy 9/3/97~~ 1. In determining the amount of fine to be levied for a violation of any of the provisions of Licensing Regulations, the License Board will consider these factors:
- ~~Board Policy 9/3/97~~ a. Any previous violations of the licensee.
- ~~Board Policy 9/3/97~~ b. Actions taken by the licensee to correct the violations or to remedy complaints.
- ~~Board Policy 9/3/97~~ c. The severity of the violation including the probability that death or serious harm to the health or safety of any person will result or has resulted, the severity of the actual or potential harm, and the extent to which the provisions of this part were violated.
- ~~Board Policy 9/3/97~~ 2. A violation is noncompliance with any provision of Licensing Regulations. The
- 11/07/07 License Board may levy a fine in addition to or in lieu of any other disciplinary action. The License Board will use the following classifications as a guideline for determining the severity of the violation and the amount of the fine:
- ~~Board Policy 9/3/97~~ a. **Class I Violations:** Are the most serious in nature and could result or do result in death or serious harm to the health, safety, and well-being of a child and include, but are not limited to, overt abuse and negligence related to the operation and maintenance of a children's center. Class I violations shall be penalized by a fine not less than \$100 nor more than \$500 per day for each violation. A fine shall be imposed for a Class I violation for every day that the violation occurred whether or not corrective action is completed by the owner or operator within the time established by the License Board. The amount of the fine will be based on the nature and severity of the violation, and repetition of the violation.
- ~~Board Policy 9/3/97~~ b. **Class II Violations:** Are serious in nature but do not pose an immediate threat to the health, safety, and well-being of a child but could reasonably be expected to cause harm within ninety (90) days (for example, a leaking roof that could collapse) and include those conditions or occurrences related to the operation and maintenance of a children's center, other than Class I violations. Class II violations shall be penalized by a fine not less than \$50 nor more than \$100 per day for each violation. The fine will be levied for every day that the violation occurred, if uncorrected within the time frame specified by the License Board or for repeated occurrences of this violation. The amount of the fine will be based on the nature and severity of the violation, repetition of the violation, and actions of the children's center to correct the violation.

III. J. Deleted Enforcement Standards

~~Board Policy 9/3/97~~ c. **Class III Violations:** Are the least serious in nature and pose no threat to the health, safety, and well-being of a child and include those conditions or occurrences related to the operation and maintenance of the children's center other than Class I or Class II violations. Class III violations shall be penalized by a fine not less than \$25 nor more than \$50 per day for each violation. The fine will be up to \$50 per day per violation. The fine will be levied for every day that the violation occurred, if uncorrected within the time frame specified by the License Board or for repeated occurrences of this violation. The amount of the fine will be based on the nature of the violation, repetition of the violation, and actions of the children's center to correct the violation.

~~Board Policy 9/3/97~~ d. **Other:** In addition, the License Board shall set and levy a fine or impose any other penalty authorized by law for each violation which cannot be classified as a Class I, II, or III violation up to the maximum authorized by law. No fines shall be imposed for a violation in this category which the owner or operator corrects within the time established by the License Board.

~~Board Policy 9/3/97~~ 3. Whenever the License Board seeks to impose an administrative fine against the owner or operator of a children's center, or deny, suspend, or revoke a license it shall issue a warning letter or letter of intent followed by an administrative complaint, when corrective action has not taken place. Both letters and administrative complaint shall advise the owner or operator of the proposed action against the license, amount of the fine which the License Board seeks to impose for each violation alleged, the classification of the violation, the factual basis for the violation, the regulation violated, any required corrective action with time frames, and the owner or operator's right to an administrative hearing, including time frames within which to request a hearing, if he or she disputes the imposition of the penalty.

Colleen Flynn:

Will review and write an appeal procedure.

Minutes – 4/1/09

III. J. Proposed Increases in State Enforcement Standards Being Presented at Public Hearing – 5/14/09
Children’s Centers

MOTION: A MOTION WAS MADE BY COMMISSIONER BOSTOCT AND SECONDED BY ELISE MINKOFF TO APPROVE THE FOLLOWING RECOMMENDATIONS FOR INCREASES IN CLASSIFICATIONS PENDING PARALLEL CHANGES IN REGULATION MADE IN THE PREVIOUS SECTION. MOTION UNANIMOUSLY APPROVED.

STANDARDS CLASSIFICATION SUMMARY – Children’s Centers

Florida Statue and Administrative Code Reference

Specific Child Care Licensing Standard

Class Violation Level	Description of the Licensing Standard Violation
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General Requirements 65C-22.001

1. License Displayed/Citation Posted 402.3125

<u>2</u>	The facility did not have proof of a current approved annual health food/facility inspection.
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5. Supervision 65C-22.001(5)(a)-(d), 65C-22.001(6)(f), & 65C-22.007 (2)

<u>2 1</u>	Direct supervision of children in the [] group was inadequate in that [].
<u>2 1</u>	Staff were not within sight and hearing of all the children during nap time.
<u>2 1</u>	In addition to the staff required to meet staff-to-child ratios, an additional adult was not present during a field trip.
<u>2 1</u>	The individual(s) responsible for children on a field trip did not have a telephone or other means of instant communication available.
<u>2 1</u>	During evening child care hours, staff did not stay awake at all times.
<u>2</u>	Staff did not supervise, control, or guide children’s behavior in that children were able to [].
<u>2</u>	Infants under two years of age were combined with other age children over two years.
<u>2</u>	A staff member in charge was not available during hours of operation.
<u>1</u>	A staff member released a child to a person not authorized by the parent or legal guardian.

6. Driver's License, Physician Certification & First Aid/CPR Training 65C22.001(6)(a)

<u>3 2</u>	The personnel record did not include a copy of the driver's physician certification which grants medical approval to operate a vehicle.
<u>2</u>	A copy of the driver’s physician certification which grants medical approval to operate a vehicle was not posted in the vehicle.

7. Vehicle Insurance and Inspection 65C-22.001(6)(b)(c) & 402.305(10)

<u>2</u>	The facility did not have verification of an annual vehicle inspection as required in s. 316.615, Florida Statute, for a vehicle used to transport children in care.
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9. Transportation 65C-22.001(6)(f)

<u>2 1</u>	The driver of the vehicle failed to drop the child off at the appropriate location.
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**III. J. Proposed Increases in State Enforcement Standards Being Presented at Public Hearing – 5/14/09
Children’s Centers**

11. Field Trip Permission 65C-22.001(7)(b)	
3 2	The facility did not secure written permission either in the form of a general permission or an individual permission slip prior to each field trip activity from the custodial parent or legal guardian.
3	The facility failed to retain documentation of parental field trip permission for a minimum of four months <u>one year</u> from the date of each field trip.

12. Child Discipline 65C-22.001(8)(a)(b)	
2 1	The facility's discipline practices included the use of spanking or other form of physical punishment. <u>A copy of a changed Discipline Policy shall be submitted to the Child Care Licensing Program at the time it is changed and be available for review.</u>

Physical Environment 65C-22.002

14. Facility Environment 65C-22.002(1)(a)(c)	
(3) 2	<u>Evidence of rodent or vermin infestation was observed.</u>
(3) 2	The facility operator did not have current immunization records for the pet observed. Immunizations are available for this type of animal.

15. Toxic Substances and Hazardous Materials 65C-22.002(1)(b)(e)(g)	
3 2	There was evidence that smoking occurred in the facility/outdoor play area while children were in care.
3	<u>The Material Safety Data Sheets (MSDS) for cleaning supplies were not maintained and/or accessible for the staff.</u>
3	<u>All cleaning supplies did not have a complete Xerox copy of the original label or MSDS affixed to the container of cleaning solution. Ex. Bleach Water.</u>

16. Supplies Labeled/Stored 65C-22.002(1)(d)	
3 2	The facility's storage of harmful items including cleaning supplies, flammable products, poisonous, toxic and hazardous materials allowed access by children in care.
3 2	The storage knives and/or sharp tools allowed access by children in care.

17. Lighting 65C-22.002(2)(a)	
3 2	Lighting was insufficient to visually observe and supervise children, including during nap time.

21. Outdoor Play Area 65C-22.002(4)(c)(g)	
3 2	The outdoor play area was not clean, free from litter, nails, glass or other hazards.

**III. J. Proposed Increases in State Enforcement Standards Being Presented at Public Hearing – 5/14/09
Children’s Centers**

22. Fencing 65C-22.002(4)(d)(e)	
<u>2</u> <u>1</u>	The facility's outdoor play area was not fenced in accordance with accepted safety practices to prevent children's access to a water hazard.
<u>2</u> <u>1</u>	The facility's fencing, walls or gate area had gaps that could allow children to exit the outdoor play area.
<u>3</u> <u>1</u>	The base of the fence in the outdoor play area was not at ground level and could allow access by children or animals or allow children to exit the play area.
<u>3</u> <u>1</u>	The fence in the outdoor play area had a dirt buildup at the base, causing the fence to be less than the minimum 4 feet in height and could allow children to exit the play area.
<u>1</u>	The gate to the outdoor play area accessible to water was unlocked.
<u>2</u>	Children under the age of three years were allowed access to the center pool as evidence by [].

23. Individual Bedding 65C-22.002(5)(a)(b) & 65C-22.008((3)(g)	
<u>3</u>	Minimum spacing between cots or cribs used by children was not at least two feet.

24. Bedding and Linens 65C-22.002(5)(c)(d)	
<u>3</u> <u>2</u>	Linens, if used by more than one child, were not laundered between usage.
<u>3</u>	Linens or sheets used for individual cots or cribs were not secure or fitting.

26. Exit Area Clear 65C-22.002(5)(e)	
<u>3</u> <u>2</u>	Exit areas were not clear in accordance with fire safety regulations.
<u>2</u> <u>1</u>	Exit areas were blocked off and inaccessible in an emergency.

27. Crib Requirements 65C-22.002(5)(f)(g)	
<u>3</u> <u>2</u>	The facility did not have an adequate number of cribs, portacribs or playpens with sides for the number of children up to one year old in care.

31. Bathroom Supplies and Equipment 65C-22.002(6)(f)	
<u>3</u>	Running water was not available to the children for hand washing area after toileting.

35. Proper Handwashing 65C-22.002(8)(a)2 & 4,(b)1	
<u>2</u>	Center staff did not wash their hands after toileting.
<u>2</u>	Staff and/or children did not immediately wash their hands after wiping a nose.
<u>2</u>	Staff and/or children did not immediately wash their hands before food prep.

**III. J. Proposed Increases in State Enforcement Standards Being Presented at Public Hearing – 5/14/09
Children’s Centers**

37. Sanitary Diapering 65C-22.002(8)(b)1-4	
3 <u>2</u>	The diaper changing surface was not cleaned with a sanitizing solution after each use.
2 <u>1</u>	Children were left unattended while being diapered or when changing clothes.

40. Outdoor Equipment 65C-22.002(9)(b)	
3 <u>2</u>	The equipment used in the outdoor play area was not constructed to allow for water drainage.

Training 65C-22.003

43. Credentialed Staff 65C-22.003(7) & 65C-22.003(8)	
<u>3</u>	Director Credential was not posted in a conspicuous place within the facility.
<u>3</u>	Director Credential has expired and requires a plan for renewal.

Health Requirements 65C-22.004

44. Communicable Disease Control 65C-22.004(1)	
2 <u>1</u>	A child placed in the isolation area was not within sight and hearing of a staff person.
<u>2</u>	The facility failed to notify the Pinellas County Health Department immediately when an outbreak of communicable disease was suspected.

45. First Aid Requirements 65C-22.004(2)(a)-(c)	
3 <u>2</u>	A first aid kit did not accompany child care staff on a field trip.
3 <u>2</u>	The facility's first aid kit was stored in an area inaccessible to child care staff.
<u>3</u>	Supplies in the first aid kit were dirty.
<u>3</u>	The first kit supplies were not in a covered container.

48. Accident/ Incident Notification and Documentation 65C-22.004(2)(d)2-4	
3 <u>2</u>	The facility failed to notify the licensing agency within 24 hours following a fire or natural disaster.

49. Medication 65C-22.004(3)	
3 <u>2</u>	A prescription or non-prescription medication, [], brought to the center for administration, was not in its original container.
3 <u>2</u>	The label on the prescription medication did not have the required information in that [].
3 <u>2</u>	The facility was notified of allergies to medication and there was no written documentation in the child's file.
3 <u>2</u>	The facility did not maintain a complete record for each child who received medication while in care.
<u>2</u>	The facility failed to document accurately in the child's file after dispensing a nonprescription/prescription medication.

Minutes – 4/1/09

III. J. Proposed Increases in State Enforcement Standards Being Presented at Public Hearing – 5/14/09
Children’s Centers

Food and Nutrition 65C-22.005

53. Bottles Sanitary and Labeled 65C-22.005(3)(c)(d)

<u>3</u> <u>2</u>	An infant was observed with a propped bottle.
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Record Keeping 65C-22.006

58. Enrollment Information on File/Current 65C-22.006(3)

3	The facility did not have an enrollment form provided by the child care licensing program (CF FSP Form 5219) or equivalent, form completed for the child(ren) in care listed on the attached Supplemental.
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59. Personnel Records 65C-22.006(4)(5) & 402.3055(1)(b)

<u>3</u>	Staff not having a high school diploma or GED.
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60. Background Screening Documents 65C-22.006(4), 435.04(1) & 435.05(1)(a)(c)

<u>2</u>	An Attestation of Good Moral Character was not completed <u>at hire date and annually during the month of September</u> for all child care personnel.
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61. Daily Attendance 65C-22.001(10) & 65C-22.006(5)

<u>3</u>	Staff did not record complete and accurate daily attendance to include child’s first and last name, time in and out, and date.
<u>2</u>	Attendance was not taken on a field trip.
<u>1</u>	Attendance record was not with staff member during an emergency.
<u>2</u>	Closing log was incomplete.

62. Infants

<u>3</u>	Infant room capacity was exceeded by [] # of infants based on 50 square per child as required for initial licensure after January 1993.
<u>3</u>	The open play space for infants was insufficient for their developmental needs as evidence by [].
<u>3</u>	The infant room was not provided a separate classroom with floor to ceiling walls.
<u>3</u>	Staff in the [] infant room failed to keep a door closed that lead to a [].
<u>2</u>	[] infant room did not include a diapering area with a hand washing facility.
<u>3</u>	Facility did not have medical authorization on file to use an automatic feeding device.
<u>3</u>	Left or formula/milk in bottles and sippy cups was not discarded.
<u>3</u>	The facility provided formula that was not a commercially prepared, ready-to-feed formula.
<u>3</u>	Opened cans of ready-to-feed formula were observed in the refrigerator undated/uncovered.
<u>3</u>	The facility provided a commercially prepared, ready-to-feed formula that was no iron-fortified.

**III. J. Proposed Increases in State Enforcement Standards Being Presented at Public Hearing – 5/14/09
Children’s Centers**

63. Other	
<u>2</u>	Narcotics, alcohol, or other impairing drugs, [], was/were found on the premises.
<u>1</u>	Personnel in the children’s center shall not exercise any influence detrimental to the progress or developmental of children.
<u>3</u>	All center personnel did not have access to a printed copy of Licensing Regulations Governing Pinellas County Children’s Centers.
<u>3</u>	All center personnel did not have access to a printed copy of Chapter 64E-11 Food Hygiene.

64. Emergency Plan/Posted 65C-22.004(2)(d)5 & 65C-22.006(5)(i)	
<u>3</u>	Staff were unaware of emergency plan.

Enforcement 65C-22.001(11)

65. Child Abuse or Neglect 65C-22.001(11)	
<u>1</u>	Upon initial knowledge of an open child abuse investigation involving the children’s center shall be reported to the Child Care Licensing Program within twenty-four (24) hours or the next business day.

66. Animal Immunizations 65C-20.010(1)(a)	
3 <u>2</u>	The operator did not have documentation of current immunization records for the pet observed. Immunizations are available for this type of animal.
3 <u>2</u>	The operator did not have documentation that custodial parents or guardian are given written notification of animals on the premises.
<u>1</u>	An animal has bitten a human more than once/has exhibited aggressive behavior/has been declared dangerous was on the property of the family day care home.

**III. J. Proposed Increases in State Enforcement Standards Being Presented at Public Hearing – 5/14/09
Family Day Care Homes**

**FAMILY DAY CARE HOME
STANDARDS CLASSIFICATION SUMMARY**

Florida Statue and Administrative Code Reference

Specific Child Care Licensing Standard

Class Violation Level	Description of the Licensing Standard Violation
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Staffing Requirements 65C-20.009, F.A.C.

1. Operator 65C-20.009(2)(a)

3 <u>1</u>	The operator worked outside of the home during the operating hours of the family day care home.
-2 <u>1</u>	The operator, in whose name the license was issued, was no longer a resident at the address on the license.

3. Background Screening Requirements 402.313(2) 402.305, 402.3055, 402.302(13)& 65C-20.008(3), F.S.

2 <u>1</u>	The personnel record for the individual listed on the attached Supplemental indicated the person had been found guilty of an offense noted in Section 435.04, Florida Statute, which disqualifies the person from employment.
<u>1</u>	A person disqualified from being in the home was present.
<u>2</u>	The Central Abuse Hotline Record Search form and fee was not submitted for a household member who turned 12 years of age within the last 2 months.
<u>2</u>	The 5 year Central Abuse Hotline Record Search form and required fees were not submitted to the License Board office for the substitute.

5 . Renewal Application

<u>3</u>	A completed application for renewal of an annual license was not submitted at least 45 days prior to the expiration date of a current license.
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6. Indoors and Outdoors Supervision 65C-20.009(2)(c)&(5)

2 <u>1</u>	Children were not being adequately supervised in that [].
2 <u>1</u>	A child observed in isolation due to illness was not within sight and hearing of the operator.
2 <u>1</u>	A child was not adequately supervised while being diapered or having clothes changed.
<u>1</u>	The provider released a child to a person that was not authorized by the custodial parent or legal guardian.
<u>2</u>	The substitute worked in the provider's home more than 40 hours per month on average during a 12 month period.
<u>3</u>	The provider did not have on file a statement attesting to the number of hours the substitute works in the provider's home.

**III. J. Proposed Increases in State Enforcement Standards Being Presented at Public Hearing – 5/14/09
Family Day Care Homes**

7. Animal Immunizations 65C-20.010(1)(a)	
3 <u>2</u>	The operator did not have documentation of current immunization records for the pet observed. Immunizations are available for this type of animal.
3 <u>2</u>	The operator did not have documentation that custodial parents or guardian are given written notification of animals on the premises.
<u>1</u>	An animal has bitten a human more than once/has exhibited aggressive behavior/has been declared dangerous was on the property of the family day care home.

8. Toxic Substances, Hazardous Materials and Hazardous Items 65C-20.010(1)(b)	
3 <u>2</u>	Unsafe storage of materials dangerous to children was observed in that [].
3 <u>2</u>	The storage of knives and/or sharp tools allowed access by children in care.
<u>1</u>	A toxic material/substance, [], was observed open/in a child's hand.
<u>3</u>	Pet food was observed within reach of the child(ren).
<u>2</u>	Used ashtrays were observed within the reach of children.
<u>2</u>	Cigarettes, butts, and matches were observed within the reach of children.
<u>3</u>	Adult bicycles were observed to be a hazard to children in care, as evidenced by [].
<u>1</u>	A lit candle was observed while children were in care.
<u>2</u>	Medicine/hazardous product(s), [], observed within reach of children.

9 . Locks IV.A.	
<u>2</u>	Doors to the outside/off limits areas were unlocked or had no inaccessible locks.
<u>2</u>	A lock on a doggie door was accessible to children.
<u>2</u>	A gate was not locked while children were playing outside.
<u>2</u>	A lock for [] was broken.
<u>2</u>	There was no safety plug in open exposed outlet [].

10. Smoking on Premise 65C-20.010(1)(c)	
<u>2</u>	Smoking was observed in the home/outdoor play area/vehicle while children were in care.
3 <u>2</u>	There was evidence that smoking occurred in the home/outdoor play area/vehicle while children were in care.
3 <u>2</u>	The custodial parents or guardians of children in care were not informed in writing, by the operator that someone living in the home smoked.

11. Firearms and Weapons 65C-20.010(1)(d)	
<u>1</u>	A gun was within reach of children.
<u>1</u>	A gun was out of the reach of children, but was within sight and not in locked storage.
<u>1</u>	Ammunition was stored with the gun.

**III. J. Proposed Increases in State Enforcement Standards Being Presented at Public Hearing – 5/14/09
Family Day Care Homes**

12. Indoor Floor Space: IV. B.	
<u>3</u>	The home no longer provides adequate indoor play space for each child due to rearrangement of [].
<u>2</u>	The family day care home does not have 35 square feet per child of usable indoor space.
<u>2</u>	The family day care home did not have open indoor floor space outside of cribs and playpens when infants were in care.

13. Play Areas Clean and Free of Litter 65C-20.010(1)(e)	
3 <u>2</u>	Nails, glass or other hazards were observed in an area where children play.
<u>2</u>	The following indoor/outdoor areas of the home, equipment and furnishings were dirty: [].
<u>3</u>	An odor was present in the [].
<u>3</u>	Excessive dust was observed on the [].
<u>3</u>	Excessive clutter was observed in the [].
<u>2</u>	The cat litter box was observed within reach of children.
<u>3</u>	Beds in the napping/play areas were unmade when children were in care.

27. Diapering Area Clean and Sanitized 65C-20.010(2)(e)	
<u>3</u>	The surface of the diaper changing area was not impermeable.
3 <u>2</u>	The diaper changing surface was not cleaned with a sanitizing solution after each use.
<u>3</u>	The diaper changing area is in or near the food preparation, service or feeding area.
<u>3</u>	Items unrelated to diaper changing were stored in the diaper changing area or placed on the diaper changing table.
<u>2</u>	Soiled diapers were disposed of in the feeding/food service area.
<u>2</u>	Soiled diapers were not disposed of in a securely covered container.

28. First Aid Kit 65C-20.010(3)(a)	
<u>3</u>	The home's first aid kit did not include the following: [].
<u>3</u>	The first aid kit was accessible to children.
<u>3</u>	The home's first aid kit was not clearly labeled "First Aid".
3 <u>2</u>	The home's first aid kit was not accessible to the operator or substitute.
<u>2</u>	There was no first aid kit in the home.
<u>2</u>	The home did not have a complete first aid kit on a field trip when some children remained in the home and others went on a field trip.

29. Emergency Telephone Information 65C-20.010(3)(b)1	
<u>3</u>	The home's posted emergency information did not include the following phone numbers: [].
3 <u>2</u>	The family day care home's posted emergency information did not include the home's address and directions to the home.
3 <u>2</u>	No emergency information was posted on or near telephones in the home.

**III. J. Proposed Increases in State Enforcement Standards Being Presented at Public Hearing – 5/14/09
Family Day Care Homes**

30. Documented Accidents, Incidents and Health Related Symptoms 65C20.010(3)(b) 2 and 3	
<u>3</u> <u>2</u>	The operator did not document an observed health related sign or symptom that occurred at the family day care home.
<u>3</u> <u>2</u>	Documentation completed by the operator was not shared with the custodial parent or legal guardian the day the accident or incident occurred.
<u>3</u> <u>2</u>	An accident or incident record did not include the following: [].
<u>2</u>	Documentation of accidents/incidents did not include the signature of operator/parent or legal guardian.
<u>2</u>	A household member with signs and symptoms of a communicable disease was observed in areas of the home occupied by the child(ren) in care.

31. Fire Drills 65C-20.010(3)(b)4	
<u>3</u>	The provider's fire emergency plan of evacuation was not posted in a conspicuous location.

32. Daily Attendance II.A.	
<u>2</u>	The provider did not have available a daily attendance record for each child in care.
<u>2</u>	Attendance was not recorded for the date(s) as follows [].
<u>2</u>	The daily attendance record for the day of inspection did not include all children who were present.
<u>2</u>	The daily attendance record for the day of inspection did not include all children enrolled.

33. License Displayed/Citation Posted II.A.	
<u>3</u>	The family day care home's license was not prominently displayed.
<u>3</u>	The provider did not have the family day care home's license available.
<u>2</u>	An administrative fine was issued and the provider did not post the fine next to their license for a period of one (1) year after issuance date.

34. Inspection Report II. A.	
<u>3</u>	The most recent inspection report was not available for review.

35. Activities Schedule II.C.	
<u>3</u>	The provider did not have a written schedule of daily activities.
<u>3</u>	The written plan of activities was developmentally inappropriate for the child(ren) in care, in that [].
<u>3</u>	The activities observed for the child(ren) were developmentally inappropriate, in that [].

**III. J. Proposed Increases in State Enforcement Standards Being Presented at Public Hearing – 5/14/09
Family Day Care Homes**

37. Prescription and Non-Prescription Medication 65C-20.010(5)(a)(c)(g)(h)	
3 2	Medication, [], was brought to the home by the custodial parent or legal guardian not in its original container.
3 2	The label on the prescription medication did not have the required information in that [].

40. Student Emergency Medical Release: II.A.	
2	There was no notarized Emergency Medical Release form for the child(ren) listed on the Children’s Record Log.
3	The notarized Emergency Medical Release for the for the child(ren) listed on the Children’s Records Log was over one year old.
3	The notarized Emergency Medical Release form contained the names of more than one child as noted on the Children’s Record Log.
2	The notarized Emergency Medical Release for was not an original.
2	The Emergency Medical Release form for the child(ren) listed on the Children’s Record Log was not properly notarized in that [] .

43. Medical Records II.A6.	
2	Immunization and student health examinations records were not returned to the parent or legal guardian upon withdrawal from care.

44. Access to the Premises 65C-20.012(4)	
2 1	The operator was not cooperative in allowing the Department’s authorized licensing staff access to all parts of the home and premises to inspect for compliance with minimum standards.

46. Child Discipline 65C-20.010(6)	
2 1	A method of discipline used in the home included of spanking or other form of physical punishment. <u>A copy of a changed Discipline Policy shall be submitted to the Child Care Licensing Program at the time it is changed and be available for review.</u>

47. Transportation and Supervision 65C-20.010(8)	
2 1	Supervision of children being transported was not adequate in that [].
2 1	The driver of the vehicle failed to drop the child off at the appropriate location.
2-1	The individual(s) responsible for children on a field trip did not have a telephone or other means of instant communication available.
2	The vehicle used for transporting children was not in safe condition in that [].

**III. J. Proposed Increases in State Enforcement Standards Being Presented at Public Hearing – 5/14/09
Family Day Care Homes**

48. After Fire/Natural Disaster III.A.2.f.	
<u>1</u>	A family day care home or property sustained damage from a natural disaster, fire or other event and did not notify the child care licensing program within twenty-four (24) hours.
<u>1</u>	A family day care home did not have a health and safety inspection prior to re-opening after a fire, natural disaster, or other event.

49. Child Abuse or Neglect 65C-20.010(7)	
<u>1</u>	<u>Upon initial knowledge of an open child abuse investigation involving the family day care home shall be reported to the Child Care Licensing Program within twenty-four (24) hours or the next business day.</u>

III. J. Proposed Increases in State Enforcement Standards Being Presented at Public Hearing – 5/14/09
Large Family Child Care Homes

LARGE FAMILY CHILD CARE HOME
STANDARDS CLASSIFICATION SUMMARY

Florida Statute and Administrative Code Reference

Specific Child Care Licensing Standard

Class Violation Level	Description of the Licensing Standard Violation
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Staffing Requirements 65C-20.009 & 65C-20.013, F.A.C.

1. Operator/Occupant 65C-20.009(2)(a) and 65C-2.013(4)(a)(c)

2 <u>1</u>	The operator, in whose name the license was issued, was no longer a resident at the address on the license.
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3. Background Screening Requirements 402.3131(3) 402.305, 02.3055 & 402.302(13)

2 <u>1</u>	The personnel record for the individual listed on the attached Supplemental indicated the person had been found guilty of an offense noted in Section 435.04, Florida Statute, which disqualifies the person from employment.
<u>2</u>	There was no Affidavit of Good Moral Character on file for the operator, employees or the substitute as noted on the Family Child Care Personnel Log.
<u>1</u>	A person disqualified from being in the home was present.
<u>2</u>	The Central Abuse Hotline Record Search form and fee wan not submitted for a household member who turned 12 years of age within the last 2 months.
<u>2</u>	The 5 year Central Abuse Hotline Record Search form and required fees were not submitted to the License Board office for the substitute.

4. Staff Training 65C-20.013(5) & (6)

<u>3</u>	The personnel record for staff as noted on the Family Child Care Personnel Log did not include the start date of the 30 clock hour Family Child Care Training course.
<u>3</u>	The personnel record for the staff as noted on the Family Child Care Personnel Log did not include that the 30-clock hour Family Child Care Training course had been completed within one year of the date training began.
<u>3</u>	Completion of the 30 clock hour Family Child Care Training course was not documented on CF-FSP Form 5194 for staff as noted on the Family Child Care Personnel Log.
<u>3</u>	The operator failed to begin the 10-hour specialized training modules within 90 days of licensure.

5. Renewal Application

<u>3</u>	A completed application for renewal of an annual license was not submitted at least 45 days prior to the expiration date of a current license.
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Minutes – 4/1/09

III. J. Proposed Increases in State Enforcement Standards Being Presented at Public Hearing – 5/14/09
Large Family Child Care Homes

6. Indoors and Outdoors Supervision 65C-20.009(2)(c)&(5) & 65C-20.013(7)	
<u>2</u> <u>1</u>	Children were not being adequately supervised in that [].
<u>3</u> <u>1</u>	The operator's plan for isolation and supervision of an ill child did not provide for the child to be within sight and hearing.
<u>2</u> <u>1</u>	A child observed in isolation due to illness was not within sight and hearing of the operator.
<u>2</u> <u>1</u>	A child was not adequately supervised while being diapered or having clothes changed.
<u>1</u>	The provider released a child to a person that was not authorized by the custodial parent or legal guardian.
<u>2</u>	The substitute worked in the provider's home more than 40 hours per month on average during a 12 month period.
<u>3</u>	The provider did not have on file a statement attesting to the number of hours the substitute works in the provider's home.

Health Requirements (65C-20.010)

7. Animal Immunizations 65C-20.010(1)(a)	
<u>3</u> <u>2</u>	The operator did not have documentation of current immunization records for the pet observed. Immunizations are available for this type of animal.
<u>3</u> <u>2</u>	The operator did not have documentation that custodial parents or guardian are given written notification of animals on the premises.
<u>1</u>	An animal has bitten a human more than once/has exhibited aggressive behavior/has been declared dangerous was on the property of the family day care home.

8. Toxic, Hazardous Materials and Hazardous Items 65C-20.010(1)(b)	
<u>3</u> <u>2</u>	Unsafe storage of materials dangerous to children was observed in that [].
<u>3</u> <u>2</u>	The storage of knives and/or sharp tools allowed access by children in care.
<u>1</u>	A toxic material/substance, [], was observed open/in a child's hand.
<u>3</u>	Pet food was observed within reach of the child(ren).
<u>2</u>	Used ashtrays were observed within the reach of children.
<u>2</u>	Cigarettes, butts, and matches were observed within the reach of children.
<u>3</u>	Adult bicycles were observed to be a hazard to children in care, as evidenced by [].
<u>1</u>	A lit candle was observed while children were in care.
<u>2</u>	Medicine/hazardous product(s), [], observed within reach of children.

9. Locks IV.A.	
<u>2</u>	Doors to the outside/off limits areas were unlocked or had no inaccessible locks.
<u>2</u>	A lock on a doggie door was accessible to children.
<u>2</u>	A gate was not locked while children were playing outside.
<u>2</u>	A lock for [] was broken.
<u>2</u>	There was no safety plug in open exposed outlet [].

**III. J. Proposed Increases in State Enforcement Standards Being Presented at Public Hearing – 5/14/09
Large Family Child Care Homes**

10. Smoking on Premise 65C-20.010(1)(c)	
<u>3</u> <u>2</u>	There was evidence that smoking occurred in the home/outdoor play area while children were in care.
<u>3</u> <u>2</u>	The custodial parents or guardians of children in care were not informed in writing, by the operator that someone living in the home smoked.

11. Firearms and Weapons 65C-20.010(1)(d)	
<u>1</u>	A gun was within reach of children.
<u>1</u>	A gun was out of the reach of children, but was within sight and not in locked storage.
<u>1</u>	Ammunition was stored with the gun.

12 . Indoor Floor Space: IV. B.	
<u>3</u>	The home no longer provides adequate indoor play space for each child due to rearrangement of [].
<u>2</u>	The family day care home does not have 35 square feet per child of usable indoor space.
<u>2</u>	The family day care home did not have open indoor floor space outside of cribs and playpens when infants were in care.

13. Play Areas Clean and Free of Litter 65C-20.010(1)(e)	
<u>3</u> <u>2</u>	Nails, glass or other hazards were observed in an area where children play.
<u>2</u>	The following indoor/outdoor areas of the home, equipment and furnishings were dirty: [].
<u>3</u>	An odor was present in the [].
<u>3</u>	Excessive dust was observed on the [].
<u>3</u>	Excessive clutter was observed in the [].
<u>2</u>	The cat litter box was observed within reach of children.
<u>3</u>	Beds in the napping/play areas were unmade when children were in care.

Minutes – 4/1/09

III. J. Proposed Increases in State Enforcement Standards Being Presented at Public Hearing – 5/14/09
Large Family Child Care Homes

14. Outdoor Time and Play Area Requirements 65C-20.010(1)(f)-(h) & 65C20.013(11)(c)	
<u>2</u> <u>1</u>	Children in the outdoor play area had access to a road or street that was open to travel by the public.
<u>3</u> <u>1</u>	The base of the fence in the outdoor play area was not at ground level and could allow access by children or animals or allow children to exit the play area.
<u>3</u> <u>2</u>	The fence in the outdoor play area had a dirt/sand buildup at the base, causing the fence to be less than the minimum 4 feet in height and could allow children to exit the play area.
<u>3</u> <u>2</u>	The frame of the [] was not securely anchored in the ground or stationary by design.
<u>3</u> <u>2</u>	The play equipment was not safe for the children to use in that [].
<u>3</u> <u>2</u>	The ground cover or other protective surface under the [] was not maintained.
<u>3</u> <u>2</u>	The equipment used in the outdoor play area was not constructed to allow for water drainage.
<u>3</u>	The outdoor play space was not adequate for active play as evidenced by [].
<u>1</u>	A wading pool with water was observed in the area where children were playing.
<u>2</u>	The following items observed in the outside play space presented a hazard to children: [].
<u>3</u>	The outdoor space was not adequate in that there was not 35 square feet of outdoor space per child.
<u>1</u>	The lake/ditch/pond/brook/canal/water hazard that borders on the family day care home was not fenced a minimum of four (4) feet.
<u>3</u>	The outdoor area did not have an adequate sunny area available.
<u>3</u>	The outdoor area did not have an adequate shady available area available.
<u>2</u>	Equipment in the outdoor play space does not allow for water drainage/ has not been maintained in a safe and sanitary condition.
<u>3</u>	The family day care home had no system for providing routine checks at least every other month of all outdoor play equipment.

15. Equipment: IV.H	
<u>3</u>	The provider did not have an adequate number of play materials, toys and books available for the number of children in care.
<u>3</u>	Play materials, toys and books were inappropriate for the developmental level of children in care as evidenced by [].
<u>2</u>	Play materials available to the children were unsafe, in that [] was broken/had jagged edges/ had large cracks that could cause pinching/had peeling paint/had splintered wood.
<u>3</u>	Play materials, toys, books, and equipment were not accessible to children.
<u>2</u>	Equipment used in caring for children was unsafe in that [].
<u>3</u>	The home did not have developmentally appropriate equipment as evidenced by phone books used for booster seats/children sitting on their knees.
<u>2</u>	While children were awake the television was tuned to programming that was inappropriate for children as it contained obscene language/violence/adult situations.
<u>2</u>	The television was on for unlimited time periods.

**III. J. Proposed Increases in State Enforcement Standards Being Presented at Public Hearing – 5/14/09
Large Family Child Care Homes**

16. Swimming Pools 65C-20.010(1)(i)(j)	
<u>1</u>	There was no additional adult present during a water activity.
<u>1</u>	The fence enclosing the pool was in disrepair and children were observed outdoors.
<u>2</u>	The swimming pool is deeper than 4 feet and the required shepherd's crook was not available.
<u>3</u>	The fence enclosing the swimming pool was in disrepair and the children were confined to indoor play.
<u>1</u>	The wall of the above ground pool is not 4 feet in height/ the ladder or steps leading to the above ground pool were not removed while children were in care.
<u>1</u>	Spa/hot tub did not have a safety cover that was in compliance with performance standards is not in an enclosed locked room.

17. Appropriate, Safe and Sanitary Bedding 65C-20.010(1)(k)-(o)	
2 <u>1</u>	A crib in use had bar spacings that exceeded 2 and 3/8 inches.
3 <u>2</u>	A kitchen, bathroom, utility room, and/or garage were used as napping space.
<u>3</u>	Non siblings shared a full bed for napping.
<u>3</u>	A child was observed napping or sleeping on the floor.
<u>2</u>	Bedding provided for an infant was missing a pad.
<u>2</u>	The latching device on [] crib(s) was broken and the crib sides could not adequately be secured.
<u>2</u>	The mattress was too small for [] crib(s) in use and could cause entrapment.
<u>3</u>	An infant was observed napping in a car seat/swing.
<u>3</u>	Provider did not have a written plan outlining the overnight sleeping arrangements.
<u>3</u>	Playpens/cribs were routinely used to confine children other than for rest or sleep.

19. Vermin/Pest Control 65C-20.010(1)(r)	
3 <u>1</u>	There was evidence of rodent or vermin infestation in the home.
<u>2</u>	Evidence of pests was observed in the [] area.

20. Furnishings and Equipment 65C-20.010(1)(s)	
<u>2</u>	There was no gate on stairs to prevent children's access to the steps.
<u>2</u>	The building housing a family day care home must be safe and in good repair.
<u>2</u>	A worn or overloaded electrical cord(s) with exposed wiring was/were observed on the [].
<u>1</u>	A fixture that was assessed as dangerous, in that [].
<u>2</u>	The building housing the family day care home was not observed to be in good repair as evidenced by damage/holes in the wall/floor/window.
<u>2</u>	The exit(s) leading outside the family day care home are obstructed by [].
<u>2</u>	The building housing the family day care home has burglar bars and there is no evidence that the home has passed an annual inspection by the local fire department.
<u>2</u>	Peeling/chipping paint in reach of children was observed on the [].

**III. J. Proposed Increases in State Enforcement Standards Being Presented at Public Hearing – 5/14/09
Large Family Child Care Homes**

21. Smoke Detector, Fire Extinguisher, Corded Telephone, Lighting, Temperature and Ventilation 65C-20.010(1)(s)	
<u>2</u>	The family day care home's fire extinguisher was not easily accessible.
<u>2</u>	A heater used in the home was hot to the touch and was without a gate or barrier.
<u>1</u>	An unvented kerosene heater was being used in the home.
<u>2</u>	The family day care home did not have a source of heat.
<u>1</u>	An open fireplace with fire served as the home's sole source of heat.
<u>2</u>	Portable electric fans within reach of children did not have adequate protective screen, in that [].

22. Nutritious Meals and Snacks Provided 65C-20.010(1)(t)	
<u>3</u>	The breakfast observed did not consist of at least three different food groups.
<u>3</u>	The lunch/dinner observed did not consist of at least four different food groups.
<u>3</u>	The snacks observed did not consist of at least two different food groups.
<u>3</u>	Children were not individually fed in that [].
<u>3</u>	Children were not offered foods appropriate for their age.
<u>3</u>	The operator did not provide the proper serving size for meals/snacks as noted in the USDA Food Guide Pyramid for Young Children
<u>2</u>	An infant's bottle was propped.
<u>2</u>	Formula was not refrigerated/handled in a sanitary manner.
<u>3</u>	Formula was heated in the microwave.
<u>2</u>	The home's drinking water was obtained from an untested well.

23. Handwashing 65C-20.010(2)(a)	
<u>1</u>	The home did not have at least 1 toilet/bathtub/handwashing sink in good working order.
<u>3</u>	Children were not provided an individually labeled towel or disposable towel.
<u>3</u>	There was no soap available at the handwashing sink.

27. Diapering Area Clean and Sanitized 65C-20.010(2)(e)	
<u>3</u> <u>2</u>	The diaper changing surface was not cleaned with a sanitizing solution after each use.
<u>2</u>	Soiled diapers were disposed of in the feeding/food service area.
<u>2</u>	Soiled diapers were not disposed of in a securely covered container.

28. First Aid Kit 65C-20.010(3)(a)	
<u>3</u> <u>2</u>	The home's first aid kit was not accessible to the operator/staff or substitutes.

29. Emergency Telephone Information and Plans 65C-20.010(3)(b)1	
<u>3</u> <u>2</u>	The large family child care home's posted emergency information did not include the home's address and directions to the home.
<u>3</u> <u>2</u>	No emergency information was posted on or near telephones in the home.

**III. J. Proposed Increases in State Enforcement Standards Being Presented at Public Hearing – 5/14/09
Large Family Child Care Homes**

30. Accidents, Incidents, Health Related Symptoms Documented and Shared With Parents 65C-20.010(3)(b) 2 & 3	
<u>3</u> <u>2</u>	The operator did not document an observed health sign/symptom that occurred at the large family child care home.
<u>3</u> <u>2</u>	Documentation completed by the operator was not shared with the custodial parent or legal guardian the day the accident/incident occurred.
<u>3</u> <u>2</u>	The operator failed to document an accident or incident which occurred at the home.
<u>2</u>	Documentation of accidents/incidents did not include the signature of operator/parent or legal guardian.
<u>2</u>	A household member with signs and symptoms of a communicable disease was observed in areas of the home occupied by the child(ren) in care.

31. Fire Drills 65C-20.010(3)(b)4 & 65C-20.013(11)(a)(d)2	
<u>3</u>	The provider's fire emergency plan of evacuation was not posted in a conspicuous location.

32. Daily Attendance II.A.	
<u>2</u>	The provider did not have available a daily attendance record for each child in care.
<u>2</u>	Attendance was not recorded for the date(s) as follows [].
<u>2</u>	The daily attendance record for the day of inspection did not include all children who were present.
<u>2</u>	The daily attendance record for the day of inspection did not include all children enrolled.

33. License Displayed/Citation Posted II.A.	
<u>3</u>	The family day care home's license was not prominently displayed.
<u>3</u>	The provider did not have the family day care home's license available.
<u>2</u>	An administrative fine was issued and the provider did not post the fine next to their license for a period of one (1) year after issuance date.

34. Inspection Report II. A.	
<u>3</u>	The most recent inspection report was not available for review.

36. Prescription and Non-Prescription Medication 65C-20.010(5)(a)(c)(g)(h)	
<u>3</u> <u>2</u>	Medication, [], was brought to the home by the custodial parent or legal guardian not in its original container.
<u>3</u> <u>2</u>	The label on the prescription medication did not have the required information in that [].

**III. J. Proposed Increases in State Enforcement Standards Being Presented at Public Hearing – 5/14/09
Large Family Child Care Homes**

Health Records 65C-20.011

39. Student Emergency Medical Release: II.A.	
<u>2</u>	There was no notarized Emergency Medical Release form for the child(ren) listed on the Children's Record Log.
<u>3</u>	The notarized Emergency Medical Release for the for the child(ren) listed on the Children's Records Log was over one year old.
<u>3</u>	The notarized Emergency Medical Release form contained the names of more than one child as noted on the Children's Record Log.
<u>2</u>	The notarized Emergency Medical Release for was not an original.
<u>2</u>	The Emergency Medical Release form for the child(ren) listed on the Children's Record Log was not properly notarized in that [].

42. Access to the Premises 65C-20.012(4)	
<u>2 1</u>	The operator was not cooperative in allowing the Department's authorized licensing staff access to all parts of the home and premises to inspect for compliance with minimum standards.

45. Employee and Substitute Requirements 65C-20.013(2)(a)(e)	
<u>2 1</u>	There was no staff person in addition to the operator on the premises while operating as a large family child care home.

46. Supervision Requirements for Field Trips 65C-20.013(7)(b)	
<u>2 1</u>	In addition to the staff required to meet staff to child ratios, an additional adult was not present during a field trip for more than 6 preschool children.
<u>1</u>	Adult supervision was inadequate for children who remained in the home while others went on a field trip; [] children ages [] were supervised by [] adults.
<u>1</u>	The individual responsible for children during a field trip did not have a telephone or other means of instant communication.
<u>2</u>	Emergency medical forms were not taken for children on a field trip.

49. Transportation & Supervision 65C-20.013(8)(e)-(j) & 9	
<u>2 1</u>	Supervision of children being transported was not adequate in that [].
<u>2 1</u>	The driver of the vehicle failed to drop the child off at the appropriate location.
<u>3</u>	There was no signed parental permission and transportation release form on file for planned and unplanned activities for children as noted on the Children's Record Log.
<u>2</u>	The vehicle used for transporting children was not in safe condition in that [].

50. Planned Activities 65C-20.013(9)(a)	
<u>3</u>	The operator's written plan of scheduled activities was not posted in a place accessible to parents.

**III. J. Proposed Increases in State Enforcement Standards Being Presented at Public Hearing – 5/14/09
Large Family Child Care Homes**

51. Communication Equipment and Emergency Contacts 65C-20.013(9)(b)	
2 ₁	The individual(s) responsible for children on a field trip did not have a telephone or other means of instant communication available.
3 ₂	Completed children's emergency medical forms and emergency contact numbers were not taken on a field trip.
3 ₂	A transportation permission and release form, signed by the custodial parent or legal guardian, for planned and/or unplanned activities was not on file for the child(ren) listed on the attached Supplemental.

52. Child Discipline/Compliance 65C-20.013(10)	
2 ₁	A method of discipline used in the home included of spanking or other form of physical punishment. <u>A copy of a changed Discipline Policy shall be submitted to the Child Care Licensing Program at the time it is changed and be available for review.</u>

54. Indoor Floor Space 65C-20.013(11)(b)1-4	
-3 ₂	The home did not have an open indoor floor space outside of cribs and playpens for the infant(s) in care.

56. Outdoor Play Area 65C-20.013(11)(c)1 & 2	
2 ₁	The home's fencing, walls or gate area had gaps that could allow children to exit the outdoor play area.
3 ₁	The base of the fence in the outdoor play area was not at ground level and could allow access by children or animals or allow children to exit the play area.
3 ₂	The fence in the outdoor play area had a dirt buildup at the base, causing the fence to be less than the minimum 4 feet in height and could allow children to exit the play area.

57. Outdoor Equipment 65C-20.013(11)(c)3-7	
3 ₂	The frame of the [] was not securely anchored in the ground.
3 ₂	The ground cover or other protective surface under the [] was not maintained.
3 ₂	The equipment used in the outdoor play area was not constructed to allow for water drainage.

59. After Fire/Natural Disaster III.A.2.f.	
1	A family day care home or property sustained damage from a natural disaster, fire or other event and did not notify the child care licensing program within twenty-four (24) hours.
1	A family day care home did not have a health and safety inspection prior to re-opening after a fire, natural disaster, or other event.

Minutes – 4/1/09

III. J. Proposed Increases in State Enforcement Standards Being Presented at Public Hearing – 5/14/09
Large Family Child Care Homes

60. Medical Records II.A6.	
<u>2</u>	Immunization and student health examinations records were not returned to the parent or legal guardian upon withdrawal from care.

61. Child Abuse or Neglect 65C-20.010(7)	
<u>1</u>	<u>Upon initial knowledge of an open child abuse investigation involving the large family day care home shall be reported to the Child Care Licensing Program within twenty-four (24) hours or the next business day.</u>

Finding of Necessity:

To maintain the quality and consistency of the Child Care Licensing Program, it is necessary to increase some state classification levels to come in line with child health and safety standards in Pinellas County.

Implementation Date: October 1, 2009

Public Comment: Sondra Harper, 3601 63rd Street North
Question about water play vs. swimming pools; comment about a garage used as a designated child care area; commented about doors obstructed by locks.

Staff Comment: The State knows that it is in violation of the Life Safety Code of the Fire Department.

III. ACTION ITEMS

K. Recommended Timeline for Proposed Increases in Standards

L. Board Approval to Adopt All Newly Promulgated State Standards

IV. B. Family Day Care reference to be changed to Family Child Care

MOTION: A MOTION WAS MADE BY COMMISSIONER BOSTOCK AND SECONDED TO APPROVE THE FOLLOWING TIMELINE AND PUBLIC HEARING DATE. MOTION UNANIMOUSLY APPROVED.

- 5/14/09 Public Hearing beginning at 6:30 p.m.
- 8/20/09 Special Board Meeting at 6:30 p.m. Final consideration of proposed standards
- 10/1/09 Effective date of increases for all approved regulations

MOTION: A MOTION WAS MADE BY COMMISSIONER BOSTOCK AND SECONDED BY ELISE MINKOFF TO APPROVE THE ADOPTION BY THE CHILD CARE LICENSING PROGRAM OF ALL NEWLY PROMULGATED STATE RULES/REGULATIONS AND IMPLEMENTATION OF SAME FOLLOWING A REASONABLE NOTICE TO LICENSED OWNERS, DIRECTORS, AND PROVIDERS OF AT LEAST 30 DAYS. MOTION UNANIMOUSLY APPROVED.

Blanket approval by Board to add to Chapter 61 all newly promulgated state rules/regulations such as:

- Chapter 402
- Chapters 65C-20 and 65C-22
- Chapter 64E-11
- Staff will alert Board and Advisory when new rules/regulations have been enacted by the state and send members the website where they can be viewed. If Board would like to become involved in the process, staff will alert members when state begins their process of increasing/changing standards which involves a workshop held locally and a Public Hearing in Tallahassee.

Staff Report: Carla Recker distributed and reported to the Board concern regarding attorney fee coverage.

Discussion: Suggestions were made to change appeal process, research prevailing party pays for costs of frivolous appeals, set up third party to review appeal to see if it's worthy of going forward.

Direction: Elise Minkoff recommended staff compile information regarding outstanding legal issues from the previous administration and the county attorney and go back to the county to request additional funding.

IV. B.

Staff reported that Family Day Care Home will change to Family Child Care Home.

Adjourned: A motion was made by Donna Huard and seconded to adjourn the meeting at 5:30 p.m. Motion unanimously approved.