

PINELLAS COUNTY LICENSE BOARD FOR CHILDREN'S CENTERS & FAMILY DAY  
CARE HOMES  
**EMERGENCY BOARD MEETING**  
December 14, 2010,  
8:30 – 10:30 a.m.  
LOCATION: 4175 East Bay Drive, Suite 350, Clearwater  
**AGENDA**

*"Our mission is to protect and promote the health, safety, and mental development of children cared for in children's centers and family child care homes in Pinellas County."*

**I. Call to Order of Emergency Board Meeting**

- A. Announcements
- B. Agenda (addition of new items)
- C. Public Comment for Items not on Agenda (see page 2-3)
  - 1. Public Comment for Children's Centers
  - 2. Public Comment for Family Child Care Homes

**II. Discussion Items**

- A. Local Bill 01
  - 1. LB 01 – Family Child Care Home
  - 2. LB 01 – Large Family Child Care Home (as read into the record on 11/22/10)
- B. Presentation by Lynn Gibson on LB 01

**III. Information Items**

- A. NACCRRRA's "We can do better: 2009 Update"
- B. Correspondence with Representative Nehr, dated 12/2/2010
- C. Correspondence with Department of Children and Families
- D. Correspondence with Juvenile Welfare Board

- IV. Next Meetings:**     **Regular Meeting on January 5, 2011, at 8:30 a.m.**  
                                  **Special Meeting on February 23, 2011, at 1:30 p.m., if needed**  
                                  **Regular Meeting on April 14, 2011, at 6:30 p.m.**

The Pinellas County License Board welcomes input from Pinellas County citizens.

**Please see Public Comment Policy on page 2.**

Persons are advised that if they decide to appeal any decision made at this meeting/hearing, they will need a record of the proceedings, and, for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. **Please see Policy for Recording Meetings on page 2.**

## **PUBLIC COMMENT POLICY (Revised 7/7/10)**

### **1. Public Comment Procedure for Regular and Special Board Meetings, and Public Hearings:**

1. Sign-up in person to comment on each agenda item or proposed increase in standard prior to the start of the meeting.
2. When your name is called, come to the podium, be recognized by the Chairman, state your name, and make your comment. Comments should be concise and to the point. Supporting documentation may be distributed to the Board. Documents will be filed with the minutes.
3. Individual speakers have up to 3 minutes.
4. A spokesperson representing a group present has up to 5 minutes. Supporters may stand while the comment is being made.
5. Clapping, heckling or verbal outbursts in support or opposition to a speaker's comments is discouraged.
6. Repetitious comment(s) are also discouraged. If a speaker is saying what you signed up to say, you may stand during their comment and then decline when your name is called to speak.

#### Public Comment Sections of the Agenda:

- Public Comment Section during Regular Meetings: Sign up to comment on items NOT on the agenda.
- Action Items Section: Sign up to comment following staff presentation of the action item and prior to Board action.

#### Note:

Comment to the Board does not constitute a formal complaint, is not considered a request for records under the Public Records Act, and does not require staff response unless directed to do so by Board.

### **2. Making a Presentation to the Board:**

To make a presentation to the Board lasting longer than 3-5 minutes but not longer than 10 minutes, please contact the Child Care Licensing Program office at 727-507-4857 for an application. All applications must be submitted at least 10 days prior to the Board meeting at which the presentation would occur.

### **3. Process for Decreasing or Increasing Licensing Regulations (Highlighted words are from Chapter 61-2681 et al):**

#### **Decreases:**

- In the event the License Board determines it reasonable to decrease the requirements of any particular standard, it may do so by action of the Board only. However, state regulations (Chapters 65-C and 402) can only be decreased by the state not by county authority.

#### **Increases:**

- At a regular or special meeting, the Board will review the proposed increase for the first time. There shall be a finding of necessity, not merely desirability. The Board will hear public comment according to the procedure above.
- Following the meeting if approved, the licensing program must notice the finding, and mail to all licensees the old standard, the proposed new standard, the reason for the change and a hearing date.
- At the hearing, Board must give an opportunity for all affected persons to present their views. The Board will hear public comment according to the procedure above. Public Comment Policy – Increases continued

- The proposed new standard may not be considered (discussed) again by the Board until a meeting at least 90 days after the hearing, at which time, if approved by at least 5/7 of the Board, it shall be adopted. The Board will hear public comment according to the procedure above. During the 90 day period, written public comment may be received and will be forwarded to Board members, however, Board cannot discuss it until the final meeting.
- Any new standard must provide a reasonable effective date. The Pinellas County License Board must provide sufficient notification to providers and must establish a reasonable effective date.
- Substantive changes made during the Final Agency Action would necessitate a new Public Hearing.

**A. In the event a member of the public proposes or drafts a bill that effects Chapter 61 et al and wishes to present it to the Board:**

1. The person(s) may present the proposed bill to the Board at anytime during the public comment portion of its meeting pursuant to the guidelines above or in writing to the Executive Secretary who will forward it to the Board.
2. However, if the Child Care Licensing Program is notified at least seven (7) days in advance of a Board meeting that a person or person(s) would like to present a proposed bill, the Licensing Program will include the presentation of the proposed bill on the agenda of the next Board meeting, which is published on the program's website. The Board will determine the length of the presentation by the presenter pertaining to the proposed bill, but in no event will it be less than 10 minutes. At their discretion, the Board or licensing program may schedule a special meeting or public hearing regarding the proposed bill presented.
3. Board may choose to refer the proposed bill to staff for research and set a date for staff to present their findings. Board may also choose to send a letter of support or disagreement to the legislature.
4. Nothing set forth above limits the Licensing Program or the Board's ability to present or discuss or take action on proposed bills or legislation during a regular meeting or special meeting or public hearing without a presentation by a member of the public.

Policy for Recording Meetings (Revised 11/1/06)

Citizens desiring or requiring a verbatim transcript of the meeting, or needing a transcript for appeal, should, at their own expense, retain a certified court reporter to record the meeting, or the relevant portion of the meeting.

Citizens not needing a verbatim transcript or transcript for appeal may use silent, unobtrusive recording devices to record meetings.

Video cameras may be used to record meetings, but the cameras must be hand held. Tripods may be used only in the area(s) designated by staff. The designated tripod area will not impede ingress or egress, or the ability of attendees to see the meeting and will be adjusted according to known attendance.

Persons needing an accommodation may request it by calling the executive secretary at 507-4857 at least two business days prior to the Board meeting.

**Local Bill 01, as read into the record by Rep. Nehr on 11/22/2010**

**“Family child care home”** means an occupied residence in which child care is regularly provided for children from at least two unrelated families and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit. A family child care home shall be allowed to provide care for one of the following groups of children, which shall include those children under 13 years of age who are related to the caregiver:

- (a) A maximum of four children from birth to 12 months of age.
- (b) A maximum of three children from birth to 12 months of age, and other children, for a maximum total of six children.
- (c) A maximum of six preschool children if all are older than 12 months of age.
- (d) A maximum of 8 children if no more than 5 are preschool age and, of those 5, no more than 2 are under 12 months of age.

**Large family child care home”** means an occupied residence in which child care is regularly provided for children from at least two unrelated families, which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit, and which has at least two full-time child care personnel on the premises during the hours of operation. One of the two full-time child care personnel must be the owner or occupant of the residence. A large family child care home must first have operated as a licensed family day care home for 2 years, with an operator who has had a child development associate credential or its equivalent for 1 year, before seeking licensure as a large family child care home. A large family child care home shall be allowed to provide care for one of the following groups of children, which shall include those children under 13 years of age who are related to the caregiver:

- (a) A maximum of 8 children from birth to 24 months of age.
- (b) A maximum of 12 children, with no more than 4 children under 24 months of age.

**Current version of definitions with proposed changes underlined and deletions struck through**

**Family child care home** – ~~A family child care home means an occupied place of residence of a family, person, or persons who~~ in which child care is regularly provided child care and training for children from at least two (2) unrelated families households, with or without compensation, and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit ~~A family day care home shall be allowed to provide care for one of the following groups of children, which shall include those children under 13 years of age who are related to the caregiver:~~

- (a) A maximum of four children from birth to 12 months of age.
- (b) A maximum of three children from birth to 12 months of age, and other children, for a maximum total of six children.
- (c) A maximum of six preschool children if all are older than 12 months of age.
- (d) A maximum of 8 children if no more than 5 are preschool age and, of those 5, no more than 2 are under 12 months of age.

~~— 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 child 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 child 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.~~

**Large family child care home** — ~~A large family child care home means an occupied residence in which child care is regularly provided for children with or without compensation from at least two (2) unrelated families, households~~ which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit, and which has at least two (2) full-time child care personnel on the premises during the hours of operation. One (1) of the two (2) full-time child care personnel must be the owner or occupant of the residence, operator or the operator's substitute. A large family child care home must first have operated as a licensed family day ~~child~~ care home for ~~two (2) consecutive~~ 2 years in Pinellas County with an operator who has had a child development associate credential or its equivalent for one (1) year, before seeking licensure as a large family child care home. A large family child care home shall be

allowed to provide care for one of the following groups of children, which shall include those children under 13 years of age who are related to the caregiver:

- A maximum of 8 children from birth to 24 months of age
- A maximum of 12 children, with no more than 4 children under 24 months of age

~~Large family child care homes must meet and comply with all standards of this rule at all times unless there are insufficient numbers of children in care to meet the definition of a large family child care home in which case an additional employee is not required.~~

## **We CAN Do Better: 2009 Update** *NACCRRRA's Ranking of State Child Care Center Regulation and Oversight*

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Over 11 million children under age 5 spend an average of 36 hours a week in some type of child care setting. Almost two-thirds of these children are in center-based care. State child care licensing regulation govern the health, safety and learning opportunities for these children. Oversight of licensing regulations determines how well the regulations are applied. Weak regulations allow children to be in child care settings that may not be safe, healthy or developmentally appropriate. Strong regulations with weak oversight means, in essence, that compliance becomes voluntary.

Two years ago, NACCRRRA reviewed state child care center licensing regulations and oversight. NACCRRRA scored the states, the District of Columbia and the Department of Defense (DoD) on 10 regulation and five oversight benchmarks. NACCRRRA's update of that report, *We Can Do Better: 2009 Update*, found modest improvement, but still much more needs to be done to ensure that children are in settings that are safe and promote healthy child development.

### **Child Care Center Overall Rankings (Combined Regulations & Oversight)**

| <b>Top 10 Best Overall</b> |       |      | <b>Bottom 10 Weakest Overall</b> |       |      |
|----------------------------|-------|------|----------------------------------|-------|------|
| State                      | Score | Rank | State                            | Score | Rank |
| Dept. of Defense           | 131   | 1    | New Mexico                       | 69    | 43   |
| District of Columbia       | 111   | 2    | Arkansas                         | 66    | 44   |
| Oklahoma                   | 106   | 3    | Iowa                             | 66    | 44   |
| Tennessee                  | 106   | 3    | Missouri                         | 66    | 44   |
| Maryland                   | 104   | 5    | Kansas                           | 64    | 47   |
| Rhode Island               | 104   | 5    | California                       | 62    | 48   |
| New York                   | 100   | 7    | Georgia                          | 53    | 49   |
| Illinois                   | 98    | 8    | Nebraska                         | 49    | 50   |
| Florida                    | 97    | 9    | Louisiana                        | 46    | 51   |
| Washington                 | 97    | 9    | Idaho                            | 15    | 52   |

**Note:** Total Possible Score is 150

#### **Key Findings:**

- Current state child care center regulation and oversight do little to protect the health and safety of children or to promote school success. The average score for states was 83 out of 150 points (53 percent) -- the equivalent of an F. No state earned an A. Only DoD earned a B, and one state earned a C. Thirty-three states earned a failing grade.
- Once again, DoD ranked first for both regulations and oversight. No other state is on the top 10 list for both elements.
- Only 11 states now require a comprehensive background check (including a state and federal fingerprint check, a check of the child abuse registry, and a check of the sex offender registry).

- Half the states conduct inspections only once a year or less frequently. Some states conduct inspections only once every five or ten years.
- Pre-service training and on-going training for child care staff, minimum education requirements for staff and center directors, and required age appropriate program activities for children vary greatly among the states and overall are weak.
- Only 17 states require regular inspection reports and substantiated complaint reports to be posted on the internet so that parents can make informed choices among child care settings in their community.

#### NACCRRRA RECOMMENDATIONS

| CONGRESS should strengthen the Child Care and Development Block Grant (CCDBG) to:  | STATES should strengthen regulations and oversight to:  |
|--|---|
| 1. Require accountability for the expenditure of federal funds.  | 1. Require responsibility for the expenditure of federal funds and the protection of children in a safe child care setting that promotes healthy child development.           |
| 2. Require background checks, based on fingerprints, for all child care center employees.  | 2. Reduce licensing caseloads to a ratio of no more than 50:1. Require licensing staff to have a Bachelor's degree or higher in early childhood education or a related field. |
| 3. Require states to establish minimum health and safety regulations and enforce them through regular unannounced inspections.   | 3. Require child care center directors to have a Bachelor's degree or higher in early childhood education in order to promote program quality.                                |
| 4. Require all child care staff to have at least 40 hours of pre-service training (including CPR, first-aid and other basic safety and health training in addition to child development) and 24 hours of ongoing annual training.  | 4. Require staff training to be intentional and sequential.   |
| 5. Authorize the U.S. Department of Health and Human Services to withhold funding from states that do not require minimum protections for children and that do not conduct regular unannounced inspections of child care settings. | 5. Require states to post inspection findings and substantiated complaints on the Internet so parents can make informed choices when choosing child care.                     |
| 6. Increase the quality set-aside to 6 percent of base funding and 25 percent of new funding (post FY2008) to bring quality investments on par with Head Start.  | 6. Require NACCRRRA's 10 basic health and safety standards.   |

Currently, about \$12 billion in government funds is spent on child care each year. But, little is known about the quality of care that children are in. President Obama has called for a "new era of responsibility." Child care should be part of that era. Federal funds should be spent in an accountable manner. States should take responsibility for ensuring that children are protected and in a setting promoting healthy development when they are not in the care of their parents. We can do better.

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For more information, contact Grace Reef, Chief, Policy & Evaluation at 703-341-4116 or [greef@naccrra.org](mailto:greef@naccrra.org) or Pam Davidson, Director of Government Affairs at 703-341-4156 or [pamela.davidson@naccrra.org](mailto:pamela.davidson@naccrra.org). Additional information is also available at [www.naccrra.org](http://www.naccrra.org). For additional information about data and regulations in individual states, [http://www.naccrra.org/randd/state\\_by\\_state\\_facts.php](http://www.naccrra.org/randd/state_by_state_facts.php); [http://www.naccrra.org/policy/docs/scorecard/2009/WeCanDoBetter\\_statepgs.pdf](http://www.naccrra.org/policy/docs/scorecard/2009/WeCanDoBetter_statepgs.pdf); and, *Leaving Children to Chance*. [http://www.naccrra.org/policy/recent\\_reports/fcc\\_report.php](http://www.naccrra.org/policy/recent_reports/fcc_report.php).

**Pinellas County License Board for  
Children's Centers & Family Day Care Homes**

Elise Minkoff, Board Chair  
Patsy Buker, M.Ed., Ed. S., Executive Director



December 2, 2010

Representative Peter Nehr  
Tarpon Tower – Suite 430  
905 E. Martin Luther King Jr. Drive  
Tarpon Springs, FL 34689

Dear Representative Nehr:

Thank you for taking the time to speak with the Pinellas County License Board for Children's Centers and Family Day Care Homes' (PCLB) Executive Director, Patsy Buker, and me at the recent Legislative Delegation meeting. We also appreciate your kind offer to meet and discuss Local Bill 01 that is being sponsored by you and Senator Fasano. In fact, Ms. Buker has been in touch with Mrs. Nehring and we are working on coordinating, at your convenience, this meeting.

In order to keep you apprised and to make our meeting with you more productive, the PCLB has scheduled a board meeting on Tuesday, December 14, 2010 at 8:30 a.m. in order to inform and solicit input from our members and advisors on LB 01. We expect that further discussions on LB 01 will also take place at our regularly scheduled board meeting on January 5, 2011 at 1:30 p.m. Both of these meetings will be held at the Pinellas County Health Department's office located at 4175 East Bay Drive in Clearwater. They are publicly noticed and are open to the public.

I know that the December 14th PCLB Board meeting occurs during Legislative Committee Week and you might be otherwise committed to legislative duties in Tallahassee. However, we would like to extend an invitation to Mrs. Nehring to attend and we also would like to afford her an opportunity to speak on your behalf on the 14<sup>th</sup>. Knowing your office has a busy schedule at this time of the year, we can place Mrs. Nehring or any other designee from your office at the beginning of our agenda.

Additionally, Ms. Buker has invited Ms. Lynn Gibson to make a formal presentation to the PCLB on December 14<sup>th</sup> regarding capacity and supervision. Her passion on these subjects is self-evident and it would be beneficial for the board to hear her perspective. If she cannot attend, we have also extended an offer to have a representative make that presentation on her behalf.

Again, thank you for taking the time to talk to us. The PCLB is looking forward to being a productive and efficient resource, for you and the entire Pinellas Legislative Delegation, during the upcoming session.

With much regard,

A handwritten signature in black ink that reads 'Elise B. Minkoff'.

Elise B. Minkoff  
Chair, Pinellas County License Board

Cc: Patsy Buker ✓  
Gayle Guidash



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Funded by: Juvenile Welfare Board, Florida Department of Children and Families, PC Health Department

**Buker, Patsy W**

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**From:** Buker, Patsy W  
**Sent:** Wednesday, December 01, 2010 6:39 PM  
**To:** 'Lois E Admire'  
**Cc:** 'EMinkoff20@aol.com'; Stajkowski, Dana M; Guidash, Gayle  
**Subject:** Local Bill 01  
**Attachments:** local bill definitions 11.22.10.doc; LB 01 analysis.DOC

Lois,

I don't know if you are aware of the attached Local Bill 01, which is sponsored by Rep. Nehr and Sen. Fasano. It was read into the record by Rep. Nehr at the Pinellas County Legislative Forum held at USF St. Pete on November 22<sup>nd</sup>. He asked for public comment to be submitted to him within 30 days. It is my understanding that it will be voted on at the next Pinellas Legislative Delegation forum, which I believe will be held on January 7<sup>th</sup> or 14<sup>th</sup>.

I have attached the version that Rep. Nehr's Aide, Sharon Nehring, sent me which is titled "local bill definitions" above. I have also attached an analysis of the current language in legislation regarding large homes and the changes that would occur if the newly proposed bill were to take effect. That attachment is titled "LB 01 analysis" and I think that it gives a fairly clear picture.

I spoke at the November 22<sup>nd</sup> legislative forum regarding the PCLB, but not in response to this bill as we had only discovered that it was being proposed on Sunday, November 21<sup>st</sup> when I was searching the Delegation's web site in preparation for addressing the Delegation the next day. We have scheduled a Board Workshop for the Pinellas County License Board on December 14<sup>th</sup> at 8:30 AM to discuss this bill. Lourdes Benedict serves on our Board but she has indicated that she will be unable to attend that meeting due to prior commitments.

Elise Minkoff, our Board Chair, and I are in the process of scheduling a meeting with Rep. Nehr in his office, in response to his offer to host a meeting to discuss this bill and any compromises that might be appropriate. I am giving you this information in order to keep you informed of potential legislation and our activities in relation to it. Please feel free to share this as you deem appropriate and please let me know if you need further information. My goal is to not let any of our funding partners be blindsided by significant events. Thanks, Patsy

Patsy Buker, Ed.S.  
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Patsy\_Buker@doh.state.fl.us  
www.pclb.org

**Buker, Patsy W**

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**From:** Buker, Patsy W  
**Sent:** Wednesday, December 01, 2010 4:23 PM  
**To:** Prewitt, Debra; 'Rod Cyr'  
**Cc:** Elise Minkoff; Guidash, Gayle; 'Colleen Flynn'; Stajkowski, Dana M  
**Subject:** Local Bill 01  
**Attachments:** LB 01 analysis.DOC; local bill definitions 11.22.10.doc

Deb and Rod,

We are holding a special meeting of our Board on Tuesday, December 14<sup>th</sup> at 8:30 AM in our conference room to discuss LB 01, sponsored by Rep. Nehr and Sen. Fasano. I have attached the language for the bill that was sent to us by Rep. Nehr's Aide titled "local bill definitions" above. I also have attached an overlay document titled "LB 01 analysis" that was created by Colleen Flynn, our attorney, and that shows the proposed changes much more clearly. Our meeting on the 14<sup>th</sup> will basically be a board workshop so that we can gather information and questions about the potential impact of the bill, should it proceed through the legislative system. We are aware that Lynn Gibson, one of our licensed family child care home operators, has been actively involved in creating the language for the bill, and we have invited her to make a special presentation to the Board at that meeting.

I have also contacted Rep. Nehr's Chief Legislative Aide, Sharon Nehring, to start the process of setting up a meeting in his office that Elise Minkoff and I would attend to discuss the bill, as per his request. That meeting will not be scheduled until Rep. Nehr returns from his vacation. Rep. Nehr had also requested that he receive public comment within 30 days from the Pinellas County Legislative Forum meeting held on November 22<sup>nd</sup> at USF St. Pete. We did not feel that we could offer comment on the bill until our Board met to discuss the bill, therefore, we have not submitted any comment on behalf of PCLB. Rep. Nehr also spoke to me one on one after the legislative forum and assured me that he is open minded at this point in time regarding this issue. He also told me that last year there was talk about dismantling PCLB and he stated that we didn't want to go back to that type of discussion. I hardily agreed and thanked him for the heads up on that!

We have a regular Board meeting scheduled for January 5<sup>th</sup> at 1:30 PM and I am sure that this item will be considered for that agenda as well.

Please feel free to contact me with any questions or suggestions. Thanks for your support. Patsy

Patsy Buker, Ed.S.  
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