

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

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

Linda Tamanini, M.S., Executive Director
Terri Hajian, Chairman



MEMORANDUM

TO: License Board, Advisory Committee and Attorney

FROM: Linda Tamanini

DATE: January 30, 2007

Subject: **February 7, 2007 Evening Board Meeting**

Enclosed is the License Board report for the evening Board meeting on Wednesday, February 7, 2007, which begins at **7:00 p.m. at Coordinated Child Care, 10601 S. Belcher Road, Largo, FL 33777**. Please go to the south parking lot and enter the double doors next to the loading dock.

If you find you are unable to attend the Board meeting, please call Dana at 547-5840 as soon as you know.

Thank you.

dms

PINELLAS COUNTY LICENSE BOARD FOR CHILDREN'S CENTERS
AND FAMILY DAY CARE HOMES
REGULAR MEETING
FEBRUARY 7, 2007, 7:00 P.M. AT COORDINATED CHILD CARE
AMENDED AGENDA

	Page
I. Call to Order	
A. Announcements:	
Introductions: Board Members, Commissioner John Morroni, BOCC; and Cecilia Burke, JWB	
B. Agenda (addition of new items)	
C. Approval of Amended Minutes for November 1, and Minutes of December 12, 2006	3
E. Public Comment	
II. Action Items	
A. <u>Licenses for New Centers/Homes</u>	8
B. <u>License Changes for Centers/ Homes</u>	10
C. <u>Religious Exempt Centers</u>	12
D. <u>Disclosure of Potential Conflict of Interest</u> (and other County Attorney Items if any)	12
E. Final Agency Action Regarding Fine Levied Against FDCH Provider Margaret Priest	13
F. Consideration of Bi-Monthly Board Meetings	23
G. Consideration of Meeting Day and Time	23
H. Consideration for an Evening Meeting in 2008.....	23
I. Request for Board Sanction of Advocacy Policy	24
J. Recommendation for Variance to Exceed 12 Hours of Care:	
YWCA Child Development Center – Safety Harbor.....	24
K. Recommendation to Decrease Minimum Standards for PERSONNEL in FDCH and LFCCH.....	26
III. Information Items	
A. Provisional Licenses issued by staff: October, November, December 2006.....	27
B. Probationary-Provisional Licenses issued by staff: October, November, December 2006	29
C. Requests for License Change: Licenses issued: October, November, December 2006	29
D. Centers and Homes Closed and Summary of Reasons: October, November, December 2006	31
E. Temporary Permits Withdrawn: October, November, December 2006	34
F. Request for Change – Religious Exempt: October, November, December 2006	34
G. Request for Change – Nonpublic: October, November, December 2006	34
H. New Non-public School: October, November, December 2006	34
I. Administrative Fines: October, November, December 2006	35
J. Notice to Correct Violation or be Subject to Fine: October, November, December 2006	41
K. Infant Care Update.....	41
L. Local Bill #164A-07 Extended Child Care.....	41
M. Recommendation for Amendment to Bylaws.....	41
N. Budget Revenue & Expense Report: September, October, November, December 2006.....	42
O. Statistical Report: October, November, December 2006	46
P. Personnel Report: October, November, December 2006.....	49
Q. Staff Outreach and Publicity	49
1. Out of State/County Inquiries October, November, December 2006.....	49
2. Media Contacts: October, November, December 2006	49
3. Newspaper Articles: current	50
IV. Next Board Meeting: May 2, 2007	
JWB Building	

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 FOR PCLB (Revised 8/2/06)

Public Comment Policy

A. Citizen responsibilities during the Public Comment section of the agenda:

1. Sign-up in person with the Recording Secretary or designee prior to the start of the meeting.
2. Comment to the Board on topics *not listed on the agenda*; time starts when recognized by the Chairman.
3. Limit repetitious comment(s); speakers supporting the same issue are encouraged to appoint a spokesperson who may ask members of the audience represented to stand/raise their hand during comment(s).
4. Individual speakers have up to 3 minutes and a spokesperson representing a group present at the meeting has up to 5 minutes.

B. Citizen responsibilities during Action Items section of the agenda:

1. Sign-up in person with the Recording Secretary or designee prior to the start of the meeting to comment on specific action item(s).
2. Citizens wishing to comment on more than one agenda item, excluding items scheduled for Public Hearing, are limited to one opportunity to address the Board when the first agenda item of interest is called. Time starts when recognized by the Chairman.
3. Limit repetitious comment(s); speakers supporting the same issue are encouraged to appoint a spokesperson who may ask members of the audience represented to stand/raise their hand during comment(s).
4. Individual speakers have up to 3 minutes and a spokesperson representing a group present at the meeting has up to 5 minutes.

C. Public comment regarding recommendations for increase(s) in standard(s):

1. Public Comment will be entertained during two meetings: the initial meeting when recommendations are first brought before the Board and again during the Public Hearing.
2. Public Comment will not be heard again on these recommendations until the Board meeting following final Board approval.

D. Written Documents:

Written documents for distribution to the Board must be delivered to the agency two weeks prior to the meeting and will be included in the Board report mailing. Documents received after the two-week deadline will be included in the next regular Board Report.

Notes:

- The intent of the policy is to make more effective use of the Public Comment portion of the agenda, not unlimited use.
- The Board is not required to respond to citizen comment.
- Comment to the Board does not constitute a formal complaint, is not considered a request for records, and does not require staff response unless directed to do so by Board.

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 547-5840 at least two business days prior to the Board meeting.

PINELLAS COUNTY LICENSE BOARD FOR CHILDREN'S CENTERS
AND FAMILY DAY CARE HOMES
Minutes for Regular Board Meeting for
November 1, 2006
AMENDED MINUTES

II. E.

Ms. Tamanini changed the policy by adding “. . . pursuant to this section.” at the end of the first sentence and in c. changing the word “to” to “of.”. Following Ms. Tamanini’s presentation of the proposed decrease to the variance for children to exceed 12 hour care there was one public comment as follows:

Public Comment:

Shirley Lynn Gibson, 8697 78th Avenue North, Largo, recommends the Board adopt Chapter 402.317 Prolonged Child Care; ~~that children be in only licensed child care and parents not have a choice of other legal care such as household to household care~~ that the LB allows household to household care; that the only people who will be required to have a variance will be licensed providers who have a night license; that providers who are closed can care for children without obtaining a variance, that she has tried to do this correctly and has a variance.

Motion:

A motion was made by Charles Minor and was adopted to approve, effective immediately, the following amended decrease to the Variance for Children to Exceed 12 Hours of Care in Family Day Care Homes and Large Family Child Care Homes:

PINELLAS COUNTY LICENSE BOARD FOR CHILDREN'S CENTERS
AND FAMILY DAY CARE HOMES
Minutes for Special Board Meeting for
December 12, 2006
UNAPPROVED MINUTES

The Special Board Meeting of the Pinellas County License Board for Children's Centers and Family Day Care Homes convened Wednesday, December 12, 2006, at 6698 68th Avenue North, Pinellas Park beginning at 9:00 a.m.

- Board Members Present: Lourdes Benedict; Terri Hajian, Chairman; Charles Minor; Commissioner Seel; Joseph A. Smith
- Board Members Absent: Angela Loring; Donna Rippley, Secretary
- Advisory Members Present: Sharon Carder, Ann Hofmeister, Judy Macdonald (arrived at 9:10 a.m.), Virginia Rowell
- Advisory Members Absent: Sharon Carie, Bette Ra Ivey, June Moody
- County Attorney Present: Christy Pemberton
- Staff Members Present: Linda Tamanini, Executive Director; Kathy Mulrennan, Program Manager Children's Centers; Jewel Waiters, Program Manager Family Day Care Homes; Dana Stajkowski, Recording Secretary; and other agency staff
- Call to order: The meeting was called to order at 9:00 a.m.
- Agenda: The agenda was amended to place item III. A. first. The amended agenda was accepted.
- III. A. Linda Tamanini presented information regarding the activities of the PCLB Legislative Committee which was established by Chairman Terri Hajian in answer to Senator Jones' and Representative Anderson's local bill #13-164A-07. Ms. Tamanini reviewed the comparison between the variance and Senator Jones' bill. For care in excess of 24 hours, she reported there is still no clarification of the number of hours a child may be in care if care does not exceed 72 consecutive hours in one week. Ms. Tamanini also reported the proposed elimination of the 12-hour limitation, as stated in the bill, effects both children's centers and family day care homes.
- II. A. Ms. Tamanini presented the amended variance.
Public Comment: Ms. Gibson stated that this variance affects only providers who have a night license and not providers who work 12 hours or less. She also stated that Pinellas County School Board bus drivers work 13-hour days; that a variance gives the License Board an opportunity to deny care when providers are already approved.

Minutes – December 12, 2006

II. A. continued

Motion:

A motion was made by Joseph Smith to approve the variance and following discussion yielded his motion to include an amendment to the variance.

Motion:

An amendment was made by Commissioner Seel and was seconded by Charles Minor to require the notarized statement from the parent or legal guardian instead of the employer for requests of the following variances: more than 12-hour less than 24-hour work, multiple employers, work/school schedule.

Requests for a variance for work in excess of 24 hours, which meets state regulations, and for medical necessity, which requires a physician's attestation, remain the same.

Motion adopted; approved variance attached.

Respectfully submitted by:

Terri Hajian, Chairman

**LICENSING REGULATIONS GOVERNING
PINELLAS COUNTY FAMILY DAY CARE HOMES AND
LARGE FAMILY CHILD CARE HOMES**

I. PERSONNEL

D. Variance for Child(ren) to Exceed 12 Hours of Care in a Family Day Care Home and Large Family Child Care Home.

Notwithstanding the time restriction in the provisions of Florida Statutes sections 402.302(1) or the provisions of 409.175(2)(e), pursuant to the provisions of Florida Statutes section 402.317, child care may be provided for 24 hours or longer pursuant to this section.

1. **Conditions.** With the exception of exigent circumstances defined below, a provider may not provide child care to a child for more than 12 hours without an approved variance. Each request for a variance to exceed 12 hours of care will be granted or denied, as soon as practicable, within two business days by License Board staff after the submission of a completed application for a variance. A variance granted pursuant to this section is specific to the provider solely for the child(ren) listed on the variance and is non-transferable by either party. If, at any time, the provisions of Florida Statutes section 402.317 shall be deemed by a court of competent jurisdiction to conflict with the provisions of Florida Statutes section 409.175(2)(e), variances granted pursuant to this section shall be less than 24 hours.

a. The provider must:

- (1) Be licensed for a minimum of one year in Pinellas County and be approved for overnight care or be eligible to be approved for overnight care, if applicable.
- (2) Have within the past one year received no noncompliances for over capacity or lack of supervision, no Class I fines, and/or have not been placed on the Enforcement Plan. Any occurrence of high risk noncompliance or sanctions during the variance would result in immediate (within 7 days for parents to make other arrangements) loss of the variance.
- (3) Notify the License Board staff of any schedule change(s).

2. **Variances**

a. **More than 12-hour less than 24-hour work variance.** The application for a variance to provide care in excess of 12 hours but less than 24 hours under this section must include a sworn, written, notarized statement from the requesting parent or legal guardian that the parent or legal guardian works a shift of more than 12 hours but less than 24 hours, listing the number of hours/days per week worked. The sworn, written, notarized statement must be maintained in the child care provider's file at the License Board office.

- (1) **Multiple employers.** If the parent or legal guardian works for multiple employers for a combined total of more than 12 hours in a day, the application for a variance to provide care in excess of 12 hours but less than 24 hours under this section must include a sworn, written, notarized statement from the requesting parent or legal guardian verifying the employment and listing the number of hours/days per week worked. The sworn, written, notarized statement must be maintained in the child care provider's file at the License Board office.

2. a. (2) **Work and school schedule.** If the parent or legal guardian works and attends school for a combined total of more than 12 hours in a day, the application for a variance to provide care in excess of 12 hours but less than 24 hours under this section must include a sworn, written, notarized statement from the requesting parent or legal guardian verifying the employment listing the number of hours/days per week worked and educational institution or class schedule listing the number of hours/days per week in class. The sworn, written, notarized statement(s) must be maintained in the child care provider's file at the License Board office.
2. b. **More than 12-hour less than 24-hour medical variance.** The application for a variance to provide child care that exceeds 12 hours but is less than 24 hours for a medical necessity must include a physician's attestation to the medical need of the parent or legal guardian. The written attestation must be maintained in the child care provider's file at the License Board office.
- c. **Work variance in excess of 24 hours.** With the exception of exigent circumstances defined below, a provider is eligible for a variance to care for a child(ren) in excess of 24 hours due to work necessity only pursuant to this section.
 - (1) The application for a variance to provide care in excess of 24 hours under this section must include a sworn, written, notarized statement from the requesting parent's or legal guardian's employer that the parent or legal guardian works a shift of 24 hours or more listing the number of days within a 7-day period a 24 hour shift or longer is worked. The sworn, written, notarized statement shall be maintained in the child care provider's file at the License Board office.
 - (2) The time that a child remains in child care may not exceed 72 consecutive hours in any 7-day period.
3. Due to exigent circumstances (immediate compelling emergencies such as car accidents, emergency hospitalization, or death of a family member) of a parent or legal guardian for which there is insufficient forewarning to apply for a variance, child care may be provided for more than 12 consecutive hours without an approved variance.
4. A provider found to be caring for a child(ren) over 12 hours per day without exigent circumstances and without a variance in violation of these regulations will not be eligible to apply for a variance for one year from the date of the violation.
5. During a declared state of emergency, the License Board may temporarily waive the time limitations provided in this section.