

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: June 5, 2007

Subject: **June 19, 2007 Special Board Meeting**

Enclosed is the License Board report for the Special Board meeting on June 19, 2007, which begins at **2:00 p.m. at 6698 68th Avenue North.**

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
SPECIAL BOARD MEETING, JUNE 19, 2007, 2:00 P.M. JWB BUILDING

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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
May 2, 2007
UNAPPROVED CORRECTED MINUTES

The Regular Board Meeting of the Pinellas County License Board for Children's Centers and Family Day Care Homes convened Wednesday, May 2, 2007, at 6698 68th Avenue North, Pinellas Park, beginning at 1:30 p.m.

- Board Members Present: Cecilia Burke; Terri Hajian, Chairman; Angela Loring; Charles Minor; Commissioner Morroni; Donna Rippley, Secretary
- Board Members Absent: Lourdes Benedict
- Advisory Members Present: Sharon Carder, Sharon Carie, Ann Hofmeister, Judy Macdonald, Virginia Rowell
- Advisory Members Absent: June Moody
- County Attorneys Present: Christy Pemberton and Shannon Kennedy
- 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; Marianne Czarnatowicz, Office Administrator; and other agency staff
- Call to order: The meeting was called to order at 1:30 p.m.
- Agenda: The agenda was amended as follows: II. L. Final Agency Action Regarding Administrative Fine Hearing - Pinehurst Children's Center was moved to the first action item. A motion was made by Commissioner Morroni and was seconded to adopt the amended agenda. Motion unanimously adopted.
- I. C. Minutes: A motion was made by Charles Minor and was seconded to approve the minutes of February 7, 2007. Motion unanimously adopted.
- E. Public Comment: Lynn Gibson, 8697 78th Avenue North, Largo 33777
Topics: concerned that Educare is operating without a director; advertising of legally unlicensed homes, PCLB has a regulation that states you must be licensed to advertise for child care; night inspections; requested more night meetings; submitted draft of 65C-20 F.A.C. Supervision Language for Large Family Child Care Home (attached)
- Responses: Ms. Tamanini and Ms. Waiters reported that evening inspections are done once a year during daylight savings time.

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Public Comment: Anne Brooks, 2801 Dovewood Street, Clearwater, 33759
Topics: requested more night meetings; requested that percentage of compliance/noncompliance for centers be stopped or applied to both homes and centers, percentage calculated incorrectly for Pinehurst; concerned about Educare’s corporate ownership and that the center is operating without a director; license numbers

Response: Ms. Tamanini reported on research comparing Florida’s adult-child ratios to PCLB and to other states for children’s centers and family day care homes. For children’s centers, PCLB meets the State ratio for 3 age groups (3’s, 4’s, 5’s) and exceeds ratios for the other 3 age groups (infants, 1’s, 2’s). PCLB also exceeds the State for mixed age groups by requiring the group be staffed to the youngest child in the group not merely to the age group with the largest number of children within the group as done by the State. When comparing Florida to other states, Florida is not a quality benchmark state in adult-child ratio and was the last state to adopt child care regulations. In comparison to other states, Florida ranks among the bottom for adult-child ratios.

Ms. Tamanini reported that many states like Florida do not require licensing of family day care homes and comparison among states is made difficult by the many combinations of ages and numbers of children in different age groups that apply to the adult-child ratios in home care. Some states have adult-child ratios exceeding both Florida and PCLB allowing fewer children per adult in the different age groups.

Board response: Donna Rippley requests that staff benchmark LB children’s centers against other states.

II. L. Sr. Attorney, Shannon Kennedy represented the LB for the Final Agency Action regarding a fine levied against Pinehurst Children’s Center.

Motion: A motion was made by Commissioner Morroni and was seconded by Cecilia Burke to approve the Recommended Order as the Final Order of the PCLB. Motion unanimously adopted.

A. 1. Motion: A motion was made by Angela Loring and was seconded that 7 new Children’s Centers be approved for Regular Licenses. Motion unanimously adopted.

A. 2. Motion: A motion was made by Donna Rippley and was seconded that 2 new Children’s Centers be recommended for a Provisional License. Motion unanimously adopted.

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A. 3.
Motion: A motion was made by Cecilia Burke and was seconded that 1 new Children’s Center be recommended for a Probationary-Provisional License. Motion unanimously adopted.

A. 4.
Motion: A motion was made by Charles Minor and was seconded that 18 new Family Day Care Homes be approved for Regular Licenses. Motion unanimously adopted.

A. 5.
Motion: A motion was made by Donna Rippley and was seconded that 4 new Family Day Care Homes be approved for Provisional Licenses. Motion unanimously adopted.

A. 6.
Motion: (There were no new Family Day Care Homes recommended for a Probationary-Provisional License.)

B. 1.
B.1 Motion: A motion was made by Commissioner Morrone and was seconded that 5 License Changes for Children’s Centers be approved for Regular Licenses. Motion unanimously adopted.

B. 2.
Motion: (There were no License Changes for Children’s Centers recommended for a Provisional License.)

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

B. 4.
Motion: A motion was made by Commissioner Morrone and was seconded that 1 License Change for Family Day Care Homes be approved for a Regular License. Motion unanimously adopted.

B. 5.
Motion: (There were no License Changes for Family Day Care Homes recommended for a Provisional License.)

B. 6.
Motion: (There were no License Changes for Family Day Care Homes recommended for a Probationary-Provisional License.)

C.
Motion: (There were no Children’s Centers recommended as a Religious Exempt Center.)

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D.

Attorney Response:

Attorney Pemberton stated, in response to Ms. Gibson's comment, that it is true that licensing regulations currently prohibit advertising without a license, but PCLB cannot enforce that, because "commercial speech" is protected speech and household-to-household care is legal child care in Pinellas County. In order to regulate advertising the LB would need to show just cause and to regulate would create a burden for staff.

Board discussion:

Cecilia Burke asked how newcomers to the area or new parents would know about the different types of legal child care. There were several suggestions about publicizing/educating the public about types of care available in Pinellas County.

Response:

Linda Tamanini will contact Child Care Resource and Referral to find out how they distribute this type of information.

Attorney report:

At the February 2007 meeting, Sr. Attorney Christy Donovan Pemberton reported that she would research the current practice of not proceeding to final agency action on a license which has been surrendered. Current law supports current practice of not prosecuting unlicensed persons. PCLB law allows legal action against the "licensee" not the "person." However, there could be a good reason to extend the law and continue legal action through to final agency action for egregious offenses.

Board is asked to consider whether or not to continue with legal action where licensees:

- Return their license for an egregious licensing offense rather than to proceed to hearing
- Proceed to hearing and turn in their license following a hearing but prior to final agency action, which may be far enough along in the legal process to continue to final agency action by the Board.

Applicants for a child care license are not required to report an Intent to Revoke License. Therefore, an applicant can apply in a neighboring county and no one would know about the Intent to Revoke unless that agency looked at the applicants previous file.

E.

Motion:

A motion was made by Charles Minor and was seconded to approve the recommendation to amend Bylaws to include Government in the Sunshine. Motion unanimously adopted.

Government in the Sunshine:

All meetings of the Board and Board committees shall be held in accordance with Government in the Sunshine Law. Sunshine rules apply to both Board and Advisory Committee members.

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F.

Motion:

A motion was made by Commissioner Morrioni and was seconded to delete items from inventory. Motion unanimously adopted.

G.

Motion:

A motion was made by Charles Minor and was seconded to approve the deletion of the Board Policy for granting a variance to exceed 12-hour care in family day care homes. Motion unanimously adopted.

Procedure for Granting a Variance to Exceed 12-Hour Care in Family Day Care Homes (Approved May 3, 2006)

~~A quorum of Board members (Board Variance Committee) will meet within 5 working days or as soon thereafter as possible of receipt of completed application to approve or deny the variance request. If not present at the meeting, the provider will be notified by phone of the Board Variance Committee's decision within 1 working day. Written notification will be mailed to the provider.~~

H.

Motion:

A motion was made by Cecilia Burke and was seconded to approve the following proposed decrease in variance for children to exceed 12 hours of care in family day care homes. Motion unanimously adopted.

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

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~~ certified statement under penalty of perjury 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.

Correction:

In the last sentence above, the words "sworn, written, notarized" were not stricken from D.2.a. as presented to Board on May 2, 2007. In order to be consistent with the language used throughout the variance, those words will be replaced with "certified statement under penalty of perjury."

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II. H. continued

(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~~ certified statement under penalty of perjury 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~~ certified statement under penalty of perjury must be maintained in the child care provider's file at the License Board office.

(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~~ certified statement under penalty of perjury 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)~~ certified statements under penalty of perjury must be maintained in the child care provider's file at the License Board office.

b. . . .

c. . . .

(1) The application for a variance to provide care in excess of 24 hours under this section must include a ~~sworn, written, notarized statement~~ certified statement under penalty of perjury 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~~ certified statement under penalty of perjury shall be maintained in the child care provider's file at the License Board office.

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II. H. continued Report:

Attorney Pemberton reported that HB 781 for Extended Child Care was replaced with a committee substitute, approved by the House, and sent to the Senate. SB 1694 has not been acted on.

Attorney Pemberton sent a letter to Senator Jones pointing out probable unintended consequences of HB 781 and SB 1694 which may include a requirement for programs not currently licensed to become licensed as children's centers; the removal of the household-to-household exception for any non-relative to provide legally unlicensed care outside of the child's home; the allowance of providers with histories of noncompliance, including verified findings of child abuse, to care for children for up to 72 consecutive hours; and other consequences not yet understood.

Attorney Pemberton reported that she also had a conversation with Mark Kruse, Staff Director with the House Urban and Local Affairs Committee. Mr. Kruse stated he felt the sticking point on HB 781 was the burden of the notarized statement and that if the Board changed the notarized statement perhaps the bill would go away. However, when Attorney Pemberton spoke to Senator Jones' office, his assistant was not sure whether or not that change would be sufficient and the assistant was not happy with the changes that had been made in the House committee to increase capacity from 4 to 5 children in homes and to keep the 12 hour limit of care for children's centers.

I. Motion:

A motion was made by Commissioner Morroni and was seconded to select the following 2008 Special Meeting dates and times: Wednesday, March 19 at 6:30 p.m.; Monday, June 23 at 1:30 p.m.; Wednesday, September 17 at 6:30 p.m.; and Monday, December 15 at 1:30 p.m. Motion unanimously adopted.

J. Motion:

Board accepted and approved nominations for the Nominating Committee for Chairman – Board members: Commissioner Morroni, Donna Rippley; and Advisory Committee member Virginia Rowell.

K. Motion:

A motion was made by Charles Minor and was seconded to approve the JWB budget request. Motion adopted.

Motion to Adjourn:

A motion was made by Charles Minor to adjourn the meeting at 3:30 p.m. Motion unanimously adopted.

Respectfully submitted by:

Donna Rippley, Secretary

Draft 65C-20 F.A.C. Supervision Language

(7) LFCCH Supervision

(b) Additional Supervision Requirements.

In addition to the number of staff required to meet staff-to-child ratios, if there are more than six (6) preschoolers participating on field trips away from the large family child care home, there must be one (1) additional adult present, per each six (6) preschoolers, or any fraction thereof, to provide direct supervision to the children. Where some children remain in the home, the adult supervision staff-to-child ratios required in s. 402.302(7), F.S., shall apply and shall be maintained. In addition, one (1) staff on the field trip and one (1) staff remaining on the premises with children, must have a valid and current certificate(s) of course completion for infant and child cardiopulmonary resuscitation (CPR) procedures and first aid training. At no time shall the total number of children exceed the capacity as defined in s. 402.302(8).