

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

The Regular Board Meeting of the Pinellas County License Board for Children's Centers and Family Day Care Homes convened Wednesday, November 1, 2006, at 6698 68<sup>th</sup> Avenue North, Pinellas Park beginning at 1:30 p.m.

- Board Members Present: Lourdes Benedict; Terri Hajian, Chairman; Angela Loring, Secretary for this meeting; Charles Minor
- Board Members Absent: Donna Rippley, Secretary; Commissioner Seel, Joseph A. Smith
- Advisory Members Present: Sharon Carder, Sharon Carie, Bette Ra Ivey, Judy Macdonald, June Moody, Virginia Rowell
- Advisory Members Absent: Ann Hofmeister
- 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 1:30 p.m.
- Agenda: The amended agenda was further amended as follows: II.D. Authority to Initiate Litigation Against Karen Strause was deleted per Attorney Pemberton; II.I. ". . . Revoke License . . ." was corrected to "Deny Application." The agenda was accepted as amended and corrected.
- I. D. Minutes: A motion was made by Angela Loring to approve the minutes from the regular meeting of August 2, 2006. Motion adopted.
- I. E. Public Comment: Board made no comment regarding the anonymous letter included in the report.
- George Schietenger, 2405 Drew Street, Clearwater, recommended a ratio of 1 adult to 4 infants in children's centers instead of 3 infants due to the cost of care and that the Board revisit this issue. The Board did not comment.
- A. 1.  
Motion: A motion was made by Lourdes Benedict that 5 new Children's Centers be approved for Regular Licenses. Motion adopted.
- A. 2.  
Motion: (There were no new Children's Centers recommended for a Provisional License.)

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- A. 3.  
Motion: (There were no new Children’s Centers recommended for a Probationary-Provisional License.)
- A. 4.  
Motion: A motion was made by Charles Minor that 18 new Family Day Care Homes be approved for Regular Licenses. Motion adopted.
- A. 5.  
Motion: A motion was made by Angela Loring that 9 new Family Day Care Homes be approved for Provisional Licenses. Motion 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 Charles Minor that 11 License Changes for Children's Centers be approved for Regular Licenses. Motion adopted.
- B. 2.  
Motion: (There were no License Changes for Children’s Centers recommended for a Provisional License.)
- B. 3.  
Motion: A motion was made by Angela Loring that 1 License Change for Children’s Centers be approved for a Probationary-Provisional License. Motion adopted.
- B.4.  
Motion: A motion was made by Lourdes Benedict that 3 License Changes for Family Day Care Homes be approved for Regular Licenses. Motion 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.)
- D.  
Motion: (As the agenda was corrected to remove this issue, there were no items presented.)
- 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:

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### II. E. continued

#### Public Comment:

Shirley Lynn Gibson, 8697 78<sup>th</sup> Avenue North, Largo, recommends the Board adopt Chapter 402.317 Prolonged Child 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:

### I. PERSONNEL

#### D. Variance for Children 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. Each request for a variance to exceed 12-hours of care will be granted or denied, as soon as practicable, within two (2) 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.

#### 1. The provider must:

- a. 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.
- b. 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.
- c. Notify the License Board staff of any schedule change(s).

#### 2. Variances

- a. (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.  
(2) The time that a child remains in child care may not exceed 72 consecutive hours in any 7-day period.
- b. 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's or legal guardian's employer 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.

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- c. 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.
3. A provider found to be caring for a child(ren) over 12 hours per day without exigent circumstances (compelling immediate emergencies) 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.
4. During a declared state of emergency, the License Board may temporarily waive the time limitations provided in this section.

F. There was a discussion regarding the expense of changing a mission statement; Ms. Rowell suggested using something like a stamp until current supplies are diminished.

Motion: A motion was made by Angela Loring and was adopted to amend the License Board Mission Statement as follows:

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.

G. Motion: A motion was made by Charles Minor to approve staff's recommendation to ratify the original August 2005 Rationale as a Finding of Necessity for IV. Physical Plant Housing Family Day Care Homes E. Rules for Pools Located at Family Day Care Homes and Large Family Child Care Homes originally presented and approved at the August 2005 Board meeting. Motion adopted.

H. Recording Policy: Following the presentation by Ms. Tamanini to amend the Recording Policy there was one public comment.

Public Comment: Shirley Lynn Gibson, 8697 78<sup>th</sup> Avenue North, Largo, recommended the tripod area be moved closer depending on meeting attendance.

Discussion: During the discussion Board members learned that staff can adjust the public tripod area according to the known attendance to allow closer "unobtrusive" access to meeting proceedings. Bette Ra Ivey suggested the policy include that the LB meet the building regulations in which the Board meeting takes place; Attorney Pemberton would rather staff find a building that meet LB needs.

Motion: A motion was made by Charles Minor and was seconded to include a rule that staff designate and set up a tripod area(s) for each meeting that would not impede ingress or egress, or the ability of many attendees to see the Board. Motion adopted.

Motion: A motion was made by Charles Minor and was seconded to include a rule allowing an accommodation upon request. Motion adopted.

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Motion: A motion was made by Angela Loring to deny the inclusion of a rule regarding lights on videos and flash bulbs on cameras. Motion adopted.

### **Recording Meeting Policy**

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.

- II. H. Broadcasting Policy: As there were no options available regarding televised Board meetings, Board did not provide staff with directions. Virginia Rowell suggested that organizations wanting/needing to see the meeting can video tape the proceedings.
- I. Motion: A motion was made by Lourdes Benedict and seconded by Angela Loring to approve staff's recommendation to Deny License Application to Operate a Family Day Care Home for LaFonte Hunter. Motion adopted.
- III. Ms. Tamanini reviewed informational items.
- H. Ms. Tamanini reported the address for School of the Suncoast is 1857 Curlew Road.
- L. Christy Donovan Pemberton, attorney, advised Board members that Anne Brooks sent an email to JWB staff alleging the Board members were in violation of the Sunshine Law. She advised that violation of the Government-in-the Sunshine is a felony that carries heavy penalties. Attorney Pemberton then repeated a previous Board presentation of the Sunshine and Public Records Laws as they pertain to the Board and Advisory Committee members.
- M. At the August 2, 2006 Board meeting, Board directed staff to look into a comment made to the Board concerning the posting of inspections on the state website. Due to Caregivers' misunderstanding of associating "red" reinspections with noncompliance, the License Board staff will use the reinspection form only for visits involving inspection of items that were in noncompliance on previous visits.

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Motion to Adjourn: A motion was made by Angela Loring to adjourn the meeting at 3:20 p.m. Motion adopted.

Richard French: Following the meeting there was a reception for Richard J. French, Jr. to recognize his 26 years on the Board as a Chairman and member.

Respectfully submitted by:

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Angela Loring, Interim Secretary