



Chapter 61 Comparison to HB 953

Pinellas County
Licensing Board



Chapter 61 Comparison to HB 953



Agenda

- Overview
- History of Chapter 61-2681, Amended by Chapters 70-893 and 2007-277, Laws of Florida
- Section One
 - Definition of Family Child Care
 - Comparison of Chapter 61-2681, Amended by Chapters 70-893 and 2007-277, Laws of Florida and House Bill 953
 - Comparison Chart
- Section Two
 - Definition of Household Children
 - Implications of Definition of Household Children
- Section Three
 - Financials
- Public Comment
- Summary of Staff Recommendations



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Overview

The purpose of today's Board meeting is to review and evaluate proposed House Bill 953 which if passed would, amend Chapter 61-2681, Amended by Chapters 70-893 and 2007-277, Laws of Florida and redefine the terms "family day care home" and "household children".

Carla Recker, Executive Director of the Pinellas County Licensing Board (PCLB) will provide details of Chapter 61-2681, Amended by Chapters 70-893 and 2007-277, Laws of Florida and House Bill 953.

Following the presentation, public comment will be accepted from the audience according to PCLB guidelines for Board consideration.

Finally the Executive Director, based on research from accrediting agencies, national associations, and recommendations from the Child Care Licensing Program (CCLP) staff will present a list of recommendations for the Board to consider in reference to House Bill 953.

From public comment, staff recommendation and Board knowledge, Board members will be able to:

- Make a recommendation to the author of HB 953 concerning all or part of the:
 - Definition of family child care
 - Definition of household children
- Give Board direction to the CCLP staff concerning HB 953 or Chapter 61 in reference to:
 - Definition of family child care
 - Definition of household children
- Or other recommendation



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Section One

Chapter 402.302(7)

- “Family day 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 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 maximum of four children from birth to 12 months of age.
 - A maximum of three children from birth to 12 months of age, and other children, for a maximum total of six children.
 - A maximum of six preschool children if all are older than 12 months of age.
 - A maximum of 10 children if no more than 5 are preschool age and, of those 5, no more than 2 are under 12 months of age.

Family Child Care Definition for Chapter 61-2681, Amended by Chapters 70-893 and 2007-277, Laws of Florida – Licensing Regulations Governing Pinellas County Family Child Care Home and Large Family Child Care Homes

- A family child 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 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.

Family Child Care Definition for HB 953

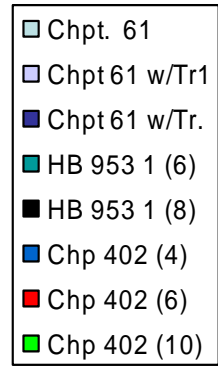
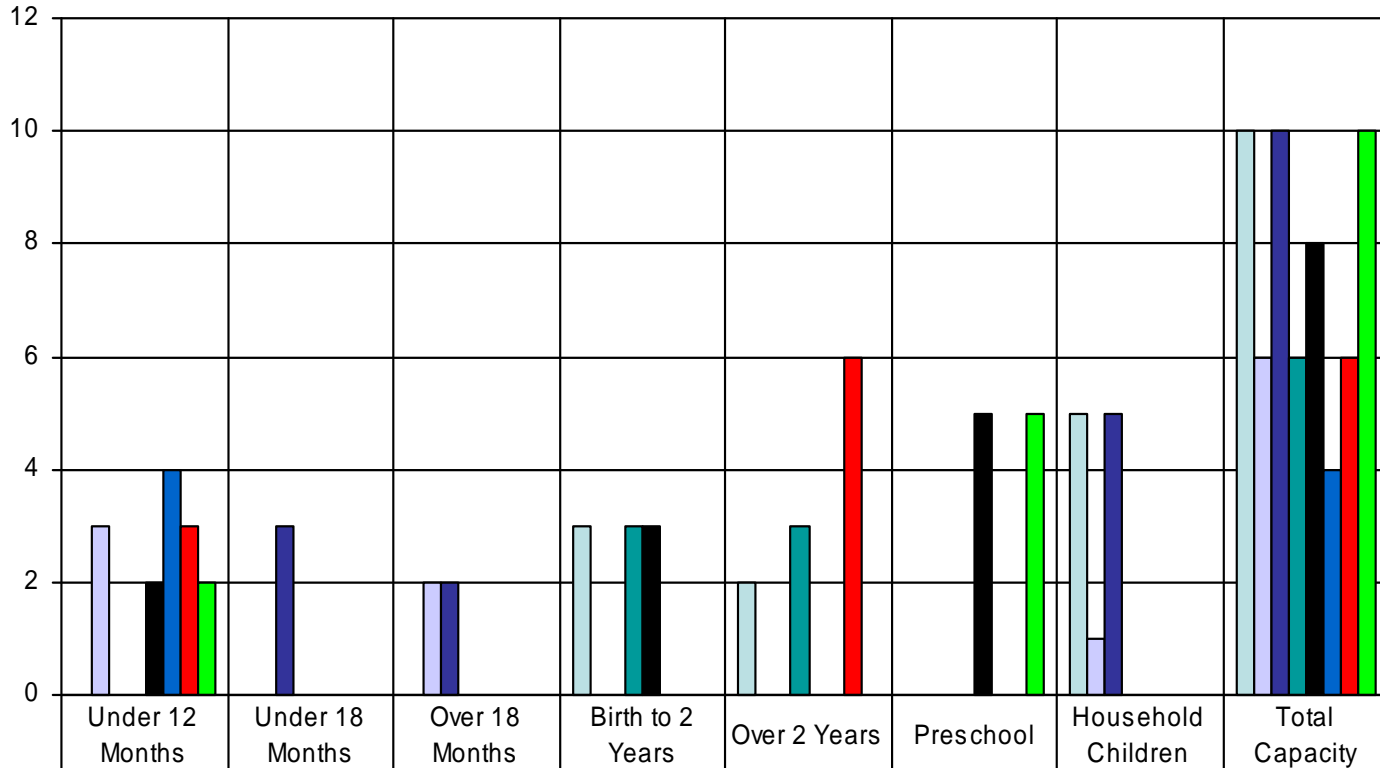
- (5)(a) A "family child care home" or "family day care home" means an occupied residence in which child care is regularly provided for children from at least two unrelated households, whether or not operated for profit.
- A family child care home shall be allowed to provide care for one of the following groups of children, which shall include in its capacity preschool household children whether present or not and school-aged household children under 13 years of age when on the premises. No more than three of the children may be under 2 years of age, unless the provider has taken a training course approved by the Pinellas County License Board and has been granted an exception allowing them to have 3 of the children under 18 months of age.
- A) A maximum of six children, with no more than three from birth to 2 years of age.
- B) A maximum of 8 children if no more than 5 are preschool aged, and no more than 2 are under 12 months of age, with no more than 3 from birth to 2 years of age.

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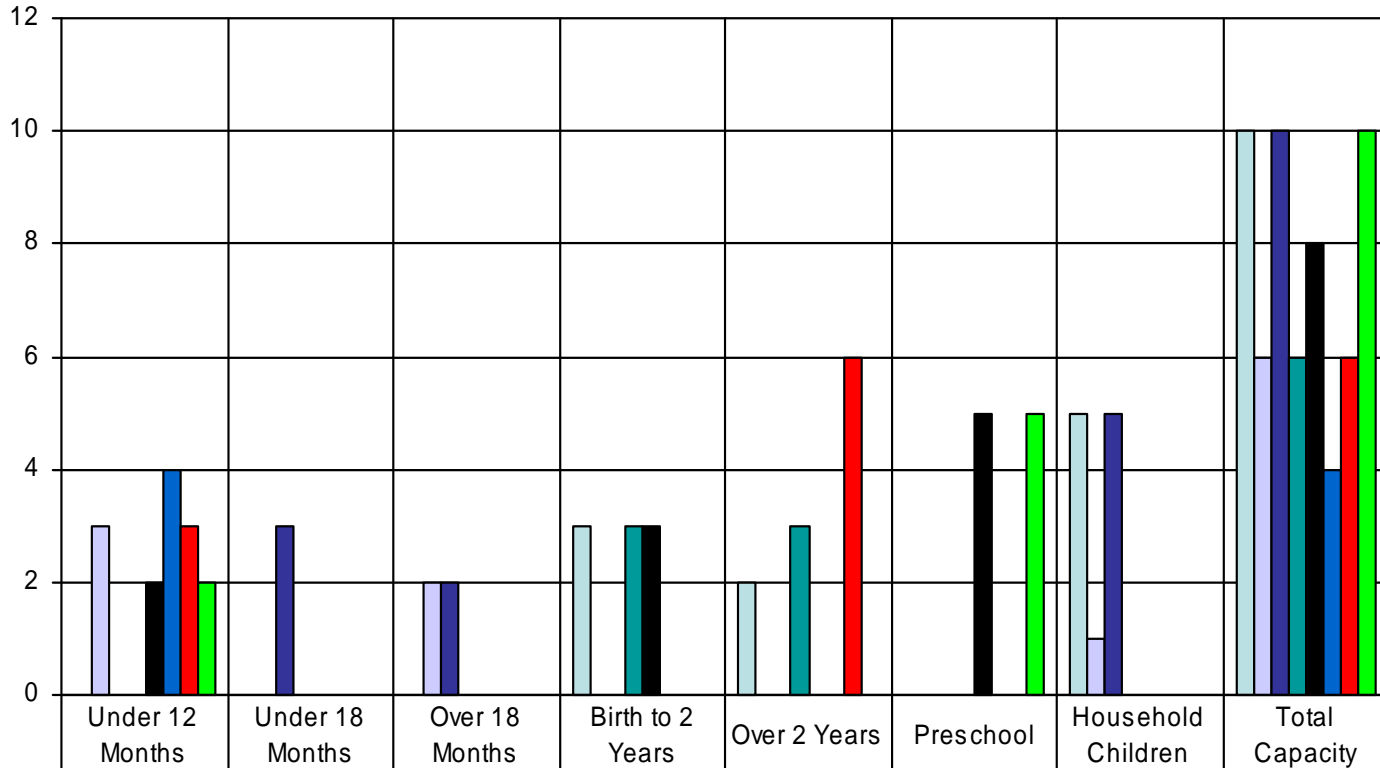
- A family child care home means...
 - A “family child care home” or “family day care home means...”
 - Occupied place of residence.
 - Occupied residence.
 - Regularly provide child care and training for children from at least 2 unrelated households, with or without compensation, for no more than 5 children at any given time under 13 who are not related to such person or persons by blood, marriage, adoption.
 - provided for children from at least 2 unrelated households, whether or not operated for profit.
 - 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.
 - A family child care home shall be allowed to provide care for one of the following groups of children, which shall include in its capacity preschool household children, whether present or not and school-aged household children under 13 years of age when on premises.
- When 3 children in care are under 1 yr., the provider may have no more than **6** children total including household children under 13 yrs. who are present.
 - When 2 children in care are under 1 yr., the provider may have no more than **10** children total including household children under 13 yrs. who are present.
 - Of those 5:
 - No more than 3 under 2 or
 - No more than 3 under 18 mo with training
 - ...training course approved by the Pinellas County License Board and has been granted an exception allowing them to have 3 of the children under 18 months of age.
 - A maximum of 6 children, with no more than 3 from birth to 2 years of age.
 - A maximum of 8 children if no more than 5 are preschool aged, and more than 2 are under 12 mos. of age, with no more than 3 from birth to 2 years of age.

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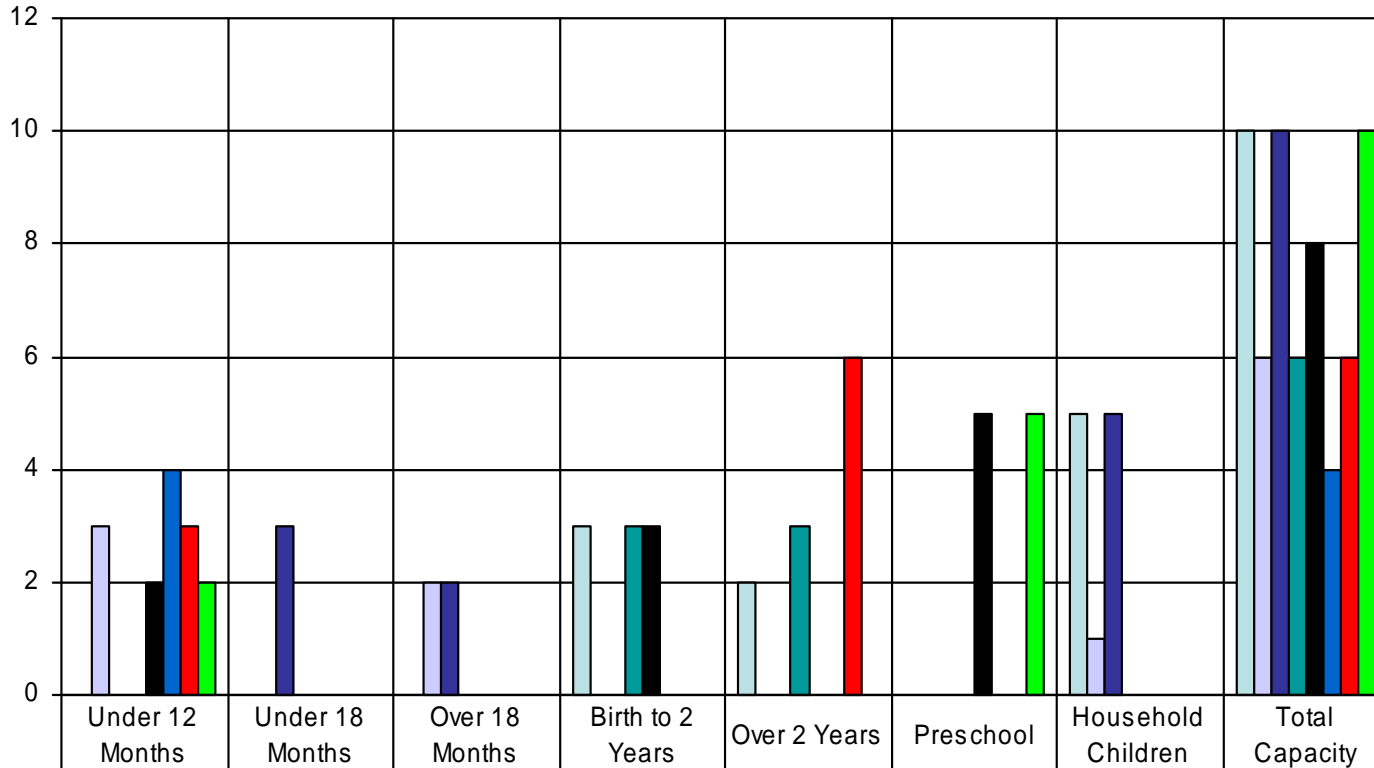
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Chpt 61 w/Tr1	3		2				1	6
Chpt 61 w/Tr.		3	2				5	10
HB 953 1 (6)				3	3			6
HB 953 1 (8)	2			3		5		8
Chp 402 (4)	4							4
Chp 402 (6)	3				6			6
Chp 402 (10)	2					5		10

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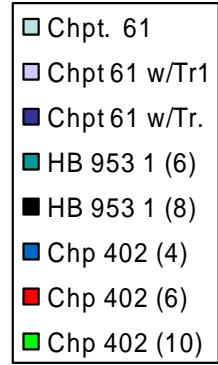
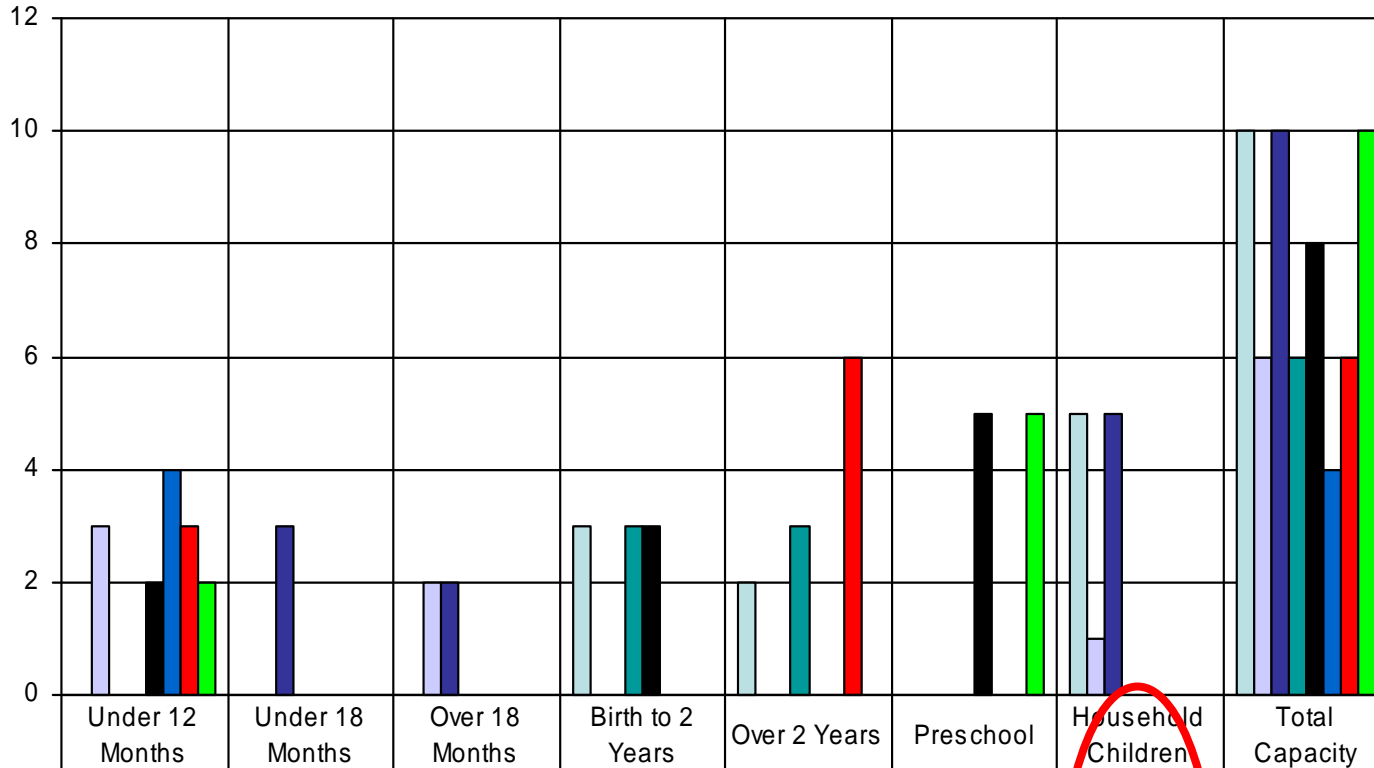
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Chp 402 (4)	4							4
Chp 402 (6)	3				6			6
Chp 402 (10)	2					5		10

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□ Chpt. 61				3	2		5	10
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■ Chp 402 (6)	3				6			6
■ Chp 402 (10)	2					5		10

Implications of HB 953 Family Child Care Definition:

- Limits providers with household children
- No more than three of the children may be under 2 years of age, unless the provider has taken a training course approved by the Pinellas County License Board and has been granted an exception allowing them to have 3 of the children under 18 months of age.
- A maximum of 8 children if no more than 5 are preschool aged, and no more than 2 are under 12 months of age, with no more than 3 from birth to 2 years of age. Not congruent with Florida Statutes, Sections 402.26-402.319
- Difficult to interpret unless you know Florida Statutes, Sections 402.26-402.319, Child Care extremely well
- Removed ability to provide care less than 24 hours
- Whether or not operated for profit
- Currently there are over **6000** available family child care slots in Pinellas County.
- Eleven Family Child Care Homes have closed since December 2009 due to no enrollment. Attachment (S1-5) How many more homes will close if HB953 is adopted?



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Section Two

Definition of Household Children:

Means children who reside in the operators home and are related by blood, marriage, or legal adoption to, or who are the legal ward of, the family day care home operator, the large family child care home operator, or an adult household member who permanently resides in the home.

Supervision of the operator's household shall be left to the discretion of the operator unless those children receive subsidized child care to be in the home.

Implications of HB 953 Household Children Definition:

- Split Supervision
- No Maximum Age Limit
- Civil Liberties
 - Home as a business
 - Contract with parent
 - Service for a fee
- Household child supervision under a non-household member substitute (not addressed)
- Quality of care
 - Developmental issues
 - Discrimination

- Attachment #1- National Health and Safety Performance Standards (NHSPS)
 - Supervision is the basic to the prevention of harm
 - Parents have a contract with caregivers to supervise their children
 - To be available for supervision or rescue in an emergency, an adult must be able to hear and see the children.
 - Risk taking behavior must be detected; and illness, fear, or other stressful behavior must be managed
 - Adults who are involved, aware, and appreciative of young children's behaviors are in the best position to safeguard their well-being.
- Attachment #2- National Association for Family Child Care (NAFCC)
 - The provider's young children should be integrated into the program and have limits and opportunities just as other children have.
 - The standard for supervision needs to be met for all children including the providers own.
 - Older children's needs should be incorporated into setting up the program
- Attachment #3- National Association for Family Child Care (NAFCC)
 - When the provider's own child is a part of the program, appropriate steps are taken to increase the possibility of making this a good experience for all.
 - The provider assures that children and their families are not stereotyped or left out of any activity because of their race, gender, ethnicity, ability, or any other personal characteristic (such as relationships). Girls and boys have equal opportunities to take part in all activities and use all materials.



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Section Three

Financial Impact:

- Possible loss of income from 2 to 3 full-time children for providers who have household children
- Possible reimbursement loss from the USDA Food Program
- The reverse is true for providers who do not have household children under the age of 17
- These providers stand to gain additional income



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Public Comment



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Staff Recommendations

After much research and thought to the health and safety of the children of Pinellas County, the Child Care Licensing Program staff are making the following recommendations as a compromise to the definitions listed in HB 953.

- Family Child Care Home Definition: At this time the CCLP staff fully believe that the definition needs to be reworded to make it simple, user friendly, and meet the needs of the entire child care community. In accordance with the National Resource Center for Health and Safety in Child Care, the staff would like to recommend an increase from 5 children in care to a licensed capacity of 6 children in care based on square foot availability and with reservation. Staff are concerned about the financial impact to the existing Family Child Care Homes who are struggling to compete for children now. (Attachment S1-5)
- With respect to all concerned, we request direction and support from the Board to present a new definition and an increase in licensed capacity of children in care to 6 at the July 2010 regular meeting.
- 36 % of States that license or register family child care homes use 6 as a licensed capacity in regulating family child care homes. (Attachment S1-3)

Child Staff Ratio:

National Resource Center for Health and Safety in Child Care

Reasons low ratios of children to caregiver are important:

- Child verbal interactions improve
- Infant development improves
- Children's behaviors show them feeling more comfortable and secure in their surroundings
- The child experiences more positive and nurturing provider interaction
- The spread of illnesses decreases
- Caregivers' ability to remove children quickly and safely in the event of fire improves
- Cleanliness and keeping children physically safe improves
- Caregiver stress is reduced
- The child's stress is reduced



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Household Children Definition:

Upon review of current research from accrediting agencies and national associations split supervision is not recommended.

Colleen Flynn, Board Attorney, has provided a legal opinion on the civil liberties of family child care providers as it relates to the supervision of their own children. Ms. Flynn will speak on this topic based on her research and precedence.

If House Bill 411 passes, staff suggest a compromise of provider parental supervision for household children for beginning at age 9. Age is based on “Out of School Time Programs”

Staff request direction and support from the Board to present at the July 2010 regular meeting a new household definition to include provider parental supervision for household children beginning at age 9.



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Conclusion