

PINELLAS COUNTY LICENSE BOARD FOR CHILDREN'S CENTERS  
AND FAMILY DAY CARE HOMES  
Minutes for the Emergency Board Meeting  
March 18, 2010

APPROVED MINUTES

The Emergency Board Meeting of the Pinellas County License Board for Children's Centers and Family Day Care Homes was scheduled for Thursday, March 18, 2010, at 6500 102nd Ave N., Pinellas Park, FL 33782, to begin at 6:30 p.m.

Board Members Present: Lourdes Benedict, Chairman; Anne Brooks; Barbra Mastrota; Elise Minkoff; Donna Rippley, Judi Vitucci, Secretary

Board Members Absent: Nancy Bostock,

Ex Officio Member Present: Charles Minor

Advisory Members Present: Lynn Bittner, Heidi Buck, Ann Hofmeister, Elizabeth Krakowski, Nina Meyers, Susan Weber

Advisory Members Absent: Terri Hajian

County Attorney Present: Colleen Flynn

Staff Members Present: Carla Recker, Executive Director; Jorie Massarsky, Supervisor Children's Centers; Dana Stajkowski, Board Recorder, and other Health Department staff

Call to order: The meeting was called to order at 6:30 p.m.

Carla Recker: Carla Recker, Executive Director, welcomed those in attendance and clarified that the meeting was not a mandatory meeting for providers.

Ms. Recker gave a presentation regarding House Bill 953.

Attorney Flynn: Attorney Colleen Flynn gave an overview of how Chapter 61-2681 came to be in 1961 and was later amended in 1970 by 70-893 and in 2007 by 2007-277. Attorney Flynn further explained that:

- ❖ Regulations are increased by Board or the state and then are included in the local law - Chapter 61.
- ❖ Chapter 61 gives the Board authority to increase and decrease regulations for Pinellas County; Chapter 402, the state statute, also gives local licensing authorities the power to increase regulations for the local community.
- ❖ In 2003, the Attorney General, issued an advisory legal opinion regarding how local licensing agencies interact with the state licensing authority; Chapter 402 establishes state minimum standards and recognizes that local authorities may license child care facilities and has the authority to go beyond the state.

Attorney Flynn- continued:

- ❖ Licensing Regulations Governing Pinellas County Children's Centers, Family Child Care Homes and Large Family Child Care Homes have a reference at the left that indicate where the regulation came from; these references indicate Chapter 402, Chapter 65C, and a date indicates that the Pinellas County License Board took action on that standard/regulation.
- ❖ Providers may contact the Child Care Licensing Program office (507-5847) with questions and concerns.

Presentation:

Carla Recker gave her presentation which included the Board Report and Attachments.

Attorney Flynn:

Colleen Flynn discussed her research regarding "Civil Liberties" as it relates to caring for "your own children".

Attorney Flynn explained that

- ❖ Providers have a contract with the parents to provide services for their child; that when providers have an agreement with them it says that the provider is a licensed child care provider with Pinellas County.
- ❖ This license allows the provider to operate their child care business out of their home; that by having this license the provider is then agreeing to follow the rules and regulations for Pinellas County.
- ❖ The state as well as Pinellas County rules and regulations require supervision of the provider's own children.
- ❖ Historically government regulates any area of our life because there is a balancing test between health and safety and welfare vs. government intrusion. When providers open up their home to operate a family child care home they open up their home to regulations. There are lots of laws about how parents treat their own children; you truly cannot do anything you want to your own children.
- ❖ Therefore, both Attorney Flynn and the Child Care Licensing Program feel comfortable with the state and county regulations relating to supervision of child care children and the provider's own children.

Carla Recker:

Continued with her presentation. In conclusion, the Child Care Licensing Program is looking for clarification about the following:

- ❖ Family Child Care Home and Family Day Care Home in HB 953
- ❖ Occupied place of residence vs. occupied residence in HB 953
- ❖ With or without compensation vs. whether or not for profit in HB 953
- ❖ The use of the word "exception" in HB 953
- ❖ That the verbiage is not easy to follow in HB 953

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- Lynn Gibson, 8697 78<sup>th</sup> Avenue North, Seminole, FL 33777  
Chairman Benedict gave Ms. Gibson permission to comment on Ms. Recker's presentation. Ms. Gibson made the following comments:
- ❖ That DCF said both family day care and family child care needed to be in the definition.
  - ❖ That according to DCF "occupied place of residence" and "occupied residence" are not synonymous stating it could be argued that it violates the definition of family day care home.
  - ❖ That Pinellas County has ". . . for no more than 5 children at any given time under 13 who are not related to such person or persons by blood, marriage, or adoption"; Ms. Gibson commented, "Notice that it says they are not related to us, the children that we are caring for".
  - ❖ That HB 953 has ". . .provide for children from at least 2 unrelated households whether or not for profit". That PCLB has "with or without compensation"; and she commented that DCF said Pinellas County Licensing is in a position to regulate babysitting and extended family gatherings.
  - ❖ That some of [wording] is confusing because PCLB rules are confusing; that she can change it to say "when present" for their school-age children.
  - ❖ That the bill drafting people said that if "when" is used that it creates an exception.
  - ❖ That PCLB has "When 2 children in care are under 1 yr. the provider may have no more than 10 children total including household children under 13 years when present"; Ms. Gibson commented that this section does not say how many can be under 2, under 5 etc.
  - ❖ That providers said just go to state levels that it's easier to understand.
  - ❖ That they were trying to do it fair; that when a provider's own child ages out that with a capacity of 8 the provider can replace their child with another child; that after discussing the capacity with other associations and a yahoo group of 170 that 8 is fair for all, not 10 for some, and 5 for others and 3 for some; that there are people who won't choose 8; there are people who can't have 8 due to size of home.

Elise Minkoff: Asked Ms. Recker what her other concerns were.

Carla Recker: Carla Recker stated that the words and phrases in the current definition have a history with the Board; that the definition has developed over a period of years and legal advice at that time was different; that Ms. Recker is proposing the definition be rewritten.

Public Comment: Ms. Gibson continued that the current Child Care Definition states that child care pertains to caring for children away from his or her home; that "child care supplements parental care"; that there are 2 different types of care; that some things are exempt from being licensed and that their own children should be exempt; that their children should count in capacity; that an age was not included in the household definition because parents want to use their own discretion; that providers are out of compliance when their child wants to do something other than what the child care children are doing, i.e. go to their room and close the door, ride their bike, etc.

Sharlene Gamble, 15348 Westminster Avenue, Clearwater 33760

Ms. Gamble commented that her youngest child goes to school at 8:35 a.m. and she had to find a way to get him there; that her oldest waits for a bus at 9:00 a.m. and her husband has to walk him to bus stop; if her husband could not help she would have had to quit her job; that her 8 and 13 year old children want to go into their room without the younger children; that she has to rest her sick children on the couch because her sick children can't be in their room by themselves.

June Moody, 7224 118<sup>th</sup> Terrace North, Largo 33773

Ms. Moody commented that when her children were young and turned 5 and older she could let them go outside and play with neighborhood children; that Pinellas County recently discovered they weren't following state rule regarding supervision of the provider's own children; that if the state changes their rules for supervision of the provider's children that Pinellas should also for children from school-age up; that the definition of family child care should be redone; that the community should work together for the children.

Pam Gebler, 2121 47<sup>th</sup> Street North, St. Petersburg 33713

Ms. Gebler commented that she receives an exemption for 3 under 18 months; that FCCH vacancies are temporary; that they are trying to keep providers in the business and not leave when their own children age out of care and they can't replace their children with other children; that quality standards are great but not practical; that they are asking for 8 children; that they do not sign a contract that gives up their legal rights [civil liberties]; that having to work shifts, seven days a week to make enough money to pay their bills is wrong.

Debra Lewis, 889 7<sup>th</sup> Avenue NE, Largo

Ms. Lewis commented that she has been a provider for 15 years; that when her children turned 10 they wanted to be outside playing basket ball in her driveway with the other kids from the neighborhood; that she has to tell her 12 year old that he has to sit inside with 2 year olds; that he cannot ride his bike to school; that she has to wake up the child care kids to take her son to school; that when they were younger her children were integrated with the child care kids; that she doesn't want more than 5 children.

Responding to a question from the Chairman, Ms. Lewis commented that there should not be an age limit for supervising provider's children.

Jacqueline Lodouceur, 732 6<sup>th</sup> Avenue NE, St. Petersburg

Ms. Lodouceur commented that she has been working with children for over 20 years; that her preteen son should not have to be with the younger children all the time; that he cannot be outside by himself.

Andi Bell, Southside Partnership

Ms. Bell commented that she started caring for children when hers were younger; that she cares for after school children which messes with her ratios; that she cares for special needs children; that if she could get 8 children she could have 5 in the day and 3 in the afternoon; that there are vacancies because providers can't be flexible and have overlap in their programs; that the schools have early release every Wednesday; that teen parents (who could fill a slot) have to go to a day care in the school area because busses no longer transport them.

Michelle Hunter, 11724 85<sup>th</sup> Avenue North, Seminole, FL 33772

Ms. Hunter commented that she is a new provider; that she has a two year old and likes to sleep longer than the child care children and she wants her door shut because of the loud tile floored house; that she has a video system so she can see her sleeping; that she is in non-compliance by doing that; that there shouldn't be an age limit for supervision.

Francine Williams, Flexx Day Care

Ms. Williams commented that because of the economy and the eight children that only qualified providers should have the 8; that providers who have had violations with 5 children should not be able to have 8 children.

Gina Morel, 114 Highland Road

Ms. Morel commented that half of her home is licensed and her parents live in the other part of the home; that the way the rules are now that her child would not be able to visit with his grandparents in the unlicensed part of the home; that she could not send him to visit; that there should be an age limit for supervision.

Melvin Ferguson, 2004 Crayle Place, Clearwater FL

Mr. Ferguson commented that he has worked with children; that his son helps with the child care children; that older children having to be with younger children is an infringement on their ability to matriculate in life.

Regina Grunza

Ms. Grunza commented that she been licensed for 22 years; that her younger children were allowed to play outside or inside in their room with the door shut; that she would like to have her school age granddaughter come to her home after school or when she is sick [which would put her out of compliance]; that they used to have overlapping school age children; that it's not fair to make a 12 year old stay in and play with 2 year olds.

Joe Vega

Mr. Vega commented that he does not do day care and complimented everyone in the room.

Staff Recommendation: Ms. Recker summarized the staff recommendations as follows:

- ❖ To reword the definition to make it simpler, user friendly and meet the needs of the community.
- ❖ To increase from 5 to 6 children (in accordance with the National Resource Center for Health and Safety in Child Care) based on square feet available and with reservation; staff are concerned with existing Family Child Care Homes who are struggling to compete for children.

Ms. Recker asked for Board direction and support to present a new definition and an increase in licensed capacity to 6 children in care at the July 2010 meeting. Ms. Recker referred the Board to the Attachments containing research that supports staff recommendations.

Ms. Recker stated that if HB 411 does not pass that Pinellas County must continue to meet the supervision standards of the state which includes supervision of household children. However, if HB 411 does pass, staff would recommend at the July Board meeting a compromise of parental supervision of their own children beginning at 9 years old, again based on research found in the attachments.

Board Discussion: Heidi Buck supports the provider's comments.

Anne Brooks supports the providers' comments; that she wants a licensed capacity of 8 and suggests an overall capacity of 10.

Judi Vitucci commented that she was enlightened by the comments.

Lynn Bittner commented that she wanted it broken up into different issues:

- ❖ School age household children
- ❖ Capacity
- ❖ Definition

Ann Hofmeister commented that the mission of the PCLB is quality child care; that the younger a child is the more one on one care a child needs referring to brain research; that the attachments included recommendations regarding capacity and integration of household children with child care children and recommends the Board follow those recommendations.

Susan Weber recommended age limits for household children and to send a letter to Representative Nehr; that she recommends extra education for additional children in capacity.

Carla Recker, in response to Elise Minkoff's question and recommendation, stated that Peter Nehr is not interested in a compromise for HB 411 regarding supervision of the provider's children as he stated in a public meeting; that Rep. Heller has not been contacted by staff.

Conflict of Interest: Both Lourdes Benedict, Chairman, and Donna Rippley abstained from voting on any issues relating to HB 953 as they are state employees.

Elise Minkoff is concerned that:

- ❖ There seems to be a communication problem (not all on the staff's part);
- ❖ That providers are not removing their names from the Resource and Referral list when they are full so those numbers are accurate and can be used for funding, etc.;
- ❖ That a subcommittee looks at Board Policies for the Board to take a pulse of issues and to see what's in the legislature

Board Recommendation: Elise Minkoff recommended that Rep. Heller be contacted to find out the issues he is concerned about.

Calling for Motion: Lourdes Benedict abstained from calling for motion and appointed Judi Vitucci, the Board Secretary, to call for motions.

Motion: A motion was made by Barbara Mastrota and seconded to establish committees to look at:

- ❖ Age and Supervision (including the supervision issues of provider's own children)
- ❖ Capacity

Discussion topics:

1. If HB 411 does not pass, supervision of household children must continue to comply with the state.
2. That the Board has the ability to make changes in Chapter 61 as long as they meet the state laws.
3. That only the Board can promulgate rules not the staff.
4. That the staff realized they were not regulating properly, but they have to meet the state standards.

Vote: Motion unanimously passed.

Sign-up sheets were placed in the room for committee formation.

Motion: A motion was made by Barbra Mastrota to send a letter to Rep. Nehr regarding:

- ❖ Education be tied to increased capacity
- ❖ Add an age limit on supervision

The motion failed for lack of a second.

Procedural statement: Ms. Minkoff stated Chairmen of small boards can second a motion, that will be checked by Attorney Flynn at a later date; if the Board did not take proper action the motion will then not follow-through.

Judi Vitucci seconded Barbra Mastrota's motion.

Discussion:

1. Follow up with written communication after the committee work.
2. Develop strategy for letter

Vote: Yeas 1 – motion failed.

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Public Comment:

Mary Roberts commented that Board could do what providers are requesting on a trial period; that guidelines must be included.

Charlene Gamble commented that if she could have 8 she could be more flexible with her fee and save parents money.

Michele Hunter commented that the committee should look at the age limit because of the provider who could not allow her grandchild to visit grandparents in the same home; that she doesn't understand why information about vacancies and closures is included in the report.

Response:

Ms. Recker responded that PCLB funders require that information to determine trends, needs, funding, etc.

Board Direction:

Elise Minkoff requested that staff and Board look at risk management and analysis because it changes the landscape when you change the number children; Ms. Minkoff and JWB want an assurance that there is a quality of care; that at a capacity of 0 - 5 there is a good grasp on school readiness because it's not happening.

Motion:

A motion to adjourn at 9:10 p.m. was made by Elise Minkoff and was seconded. Motion passed.

Respectfully submitted,

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Judi Vitucci, Board Secretary