

**PINELLAS COUNTY LICENSE BOARD FOR CHILDREN'S CENTERS  
AND FAMILY DAY CARE HOMES**

**Approved Minutes for the Regular Board Meeting  
July 25, 2013, 6:30 p.m.**

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

The Regular Board Meeting of the Pinellas County License Board for Children's Centers and Family Day Care Homes was scheduled and properly noticed for Thursday, July 25, 2013, at 8751 Ulmerton Road, Largo, FL, to begin at 6:30 p.m.

**Board Members Present:** Dr. Judith Vitucci, Secretary, Commissioner Roche, Susan Weber, Anne Brooks, Lourdes Benedict, Angela Rouson, and Sandra Downes

**Board Members Absent:** Charles Minor, Ex-Officio

**Advisory Members Present:** Elizabeth Krakowski, Lynn Bittner, DaVee Henderlong, and Nina Meyers

**Advisory Members Absent:** Ann Hofmeister and Merlita Jones

**Attorney:** Colleen Flynn, Esq.

**Staff Members Present:** Patsy Buker, Executive Director; Jorie Massarsky, Supervisor, Children's Centers; Julie Oliver, Supervisor, Family Child Care Homes and Julie Driscoll, Administrative Secretary

**I. CALL TO ORDER:** Judi Vitucci, Acting Chair, Secretary, called the Pinellas County License Board meeting to order at 6:30 p.m.

**A. Welcome and Announcements**

Ms. Buker announced new Board members and new staff member: Mrs. Angela Rouson from the Juvenile Welfare Board, Ms. Sandra Downes from the Pinellas County Schools and Julie Driscoll as new Administrative Secretary for Child Care Licensing Program. Ms. Buker announced that Ms. Anne Brooks and Mrs. Elise Minkoff are leaving the Board.

**B. Approval of the Agenda**

**Motion:**

Commissioner Roche made a motion to approve the agenda, Mrs. Angela Rouson seconded the motion and it passed unanimously.

## **II. CONSENT AGENDA**

### **A. Approval of Minutes from April 25, 2013, meeting**

#### **Motion:**

Commissioner Roche made a motion to approve the April 25, 2013 minutes, Ms. Lourdes Benedict seconded the motion and it passed unanimously.

## **III. . ACTION ITEMS**

### **A. Election of new officers**

Mrs. Massarsky reported that the Nominating Committee met on June 27, 2013, and that they recommended Judi Vitucci to serve as Chairperson. Dr. Vitucci asked if there were any additional nominations from the floor, and hearing none, asked for a motion to accept the committee's recommendation.

#### **Motion:**

Ms. Benedict made a motion to approve Dr. Vitucci as Chair, and Commissioner Roche seconded the motion and it passed unanimously.

Dr. Vitucci accepted the position and appointed Susan Weber as Secretary. The new officers will assume office at the October 24, 2013 meeting.

### **B. Approve licenses for new Children's Centers**

Mrs. Massarsky gave a brief history of the three children's centers listed in the Board Packet. During discussion, Commissioner Roche asked if there were options for the Board other than to approve staff recommendations for licensure. He asked if there were options for the Board to add conditions for granting licenses, in light of the fact that the Board packet states that the Board action was to "approve, modify or deny".

Ms. Flynn responded that the Board could modify staff recommendation and suggest that a children's center or family child care home be extended on Temporary Permit until the next regularly scheduled board meeting if they felt that further compliance with licensing regulations needed to be demonstrated. However, she also reminded the Board that staff would not recommend any center or home for licensure that they did not feel was able to demonstrate compliance with the regulations and was ready for full licensure.

Ms. Buker explained that there are instances when staff denies Applications for Licensure while the applicant is still operating on a Temporary Permit. This occurs rarely but it is necessary when the provider cannot demonstrate that they are able to comply sufficiently with the regulations in substantive areas. Staff consults with legal counsel in those instances to ensure that they are acting within the authorities granted in the regulations.

Ms. Flynn also explained that it could be problematic for the Board to deny a license, as

the Board is the body before which an appeal could be brought, if a provider appeals a decision and is dissatisfied with the findings of the Hearing Magistrate. In instances when an appeal comes before that Board, it is important that they are not directly involved in the matter that is under appeal.

Commissioner Roche and Mrs. Rouson asked if more information could be brought to the next Board meeting for education and discussion purposes. Ms. Flynn and Ms. Buker agreed to make those arrangements.

**Motion:**

Commissioner Roche made a motion to approve the three new Children's Centers, Lourdes Benedict seconded the motion and it passed unanimously.

**C. Approve licenses for new Family Child Care Homes**

Mrs. Oliver gave a brief history of each of the four Family Child Care Homes listed in the Board Packet.

**Motion:**

Susan Weber made a motion to approve four new Family Child Care Homes, Anne Brooks seconded the motion and it passed unanimously.

**D. Approve licenses for new Large Family Child Care Homes**

Mrs. Oliver gave a brief history for the one Large Family Child Care Home listed in the Board Packet.

**Motion:**

Lourdes Benedict made a motion to approve the new Large Family Child Care Homes, Commissioner Roche seconded the motion, and it passed unanimously.

**E. Recommendation to Decrease Children's Center Regulation**

Ms. Buker provided background information on the regulations for Emergency Medical Release forms. The current regulation requires that the parent or guardian sign the form and have it notarized annually. Providers had requested that the Board consider dropping the requirement for renewing the release annually, as it placed a burden on parents to sign the form each year in front of a Notary. Child Care Licensing Program staff and Attorney Flynn conducted research on the matter and found that medical providers would not necessarily require annual renewals of the release form, except when it contained wording that indicated it was only valid for one year.

Staff recommended that the Board change the regulation to require the notarized signature only upon enrollment, unless the child legal guardianship changed. When there is a change in custody, the provider would require a new notarized release form from the new guardian within seven days of the provider learning of the custody change.

**Motion:**

Lourdes Benedict made a motion to approve recommendation to decrease the Children's

Center Regulations as proposed in the Board packet, Commissioner Roche seconded the motion and it passed unanimously.

#### **F. Recommendation to Decrease Family Child Care Home Regulation**

Mrs. Buker explained the recommended change for the Emergency Medical Release forms for Family Child Care Homes is identical to the change that the Board approved for Children's Centers, and that the rationale for requesting the change is the same. She requested that the Board approve the decrease in regulations for Family Child Care Homes.

**Public Comment:** Lynn Gibson, of 8697 78<sup>th</sup> Ave. North, Largo, shared her appreciation for the decrease in the regulation for the Emergency Medical Release forms.

#### **Motion:**

Lourdes Benedict made a motion to approve recommendation to decrease the Family Child Care Home Regulations as proposed in the Board packet, Angela Rouson seconded the motion and it passed unanimously.

#### **G. Approve Interlocal Agreement**

Mrs. Flynn gave a brief explanation regarding the history of and need for the Interlocal Agreement and advised the Board that it is necessary to approve it annually.

#### **Motion:**

Commissioner Roche made a motion to approve Interlocal Agreement, Lourdes Benedict seconded the motion and it passed unanimously.

#### **H. Approve contract with Johnson, Pope, Bokor, Ruppel & Burns, LLP**

Ms. Buker explained that the Board has used the Johnson, Pope, Bokor, Ruppel & Burns, LLP, law firm and specifically Mrs. Flynn's services for a number of years. Mrs. Rouson asked if the Board ever seeks additional proposals from other law firms. Ms. Buker explained that we have not done so in the past, as Ms. Flynn's rates are favorable and she has tremendous experience and expertise in childcare regulations. Ms. Buker offered that staff would seek proposals from other firms if the Board directs her to do that. Ms. Buker also shared that the rates in the proposed contract have not changed in several years.

#### **Motion:**

Susan Weber made a motion to approve contract with Johnson, Pope, Bokor, Ruppel & Burns, LLP, Commissioner Roche seconded the motion and it passed unanimously.

#### **I. Approve Contract with Harper Kynes, Geller & Frayman**

Ms. Buker explained that the Board has a contract with an additional law firm because there are situations when Ms. Flynn represents staff members in appeal hearings, and if the appellee prevails, the appeal is forwarded to the PCLB for a decision. In those situations, Evan Frayman from Harper Kynes, Geller & Frayman, is engaged to represent and advise the Board, as Ms. Flynn cannot represent both the staff and the Board on the same matter.

**Motion:**

Commissioner Roche made a motion to approve Contract with Harper Kynes, Geller & Frayman, Lourdes Benedict seconded the motion and it passed unanimously.

**J. Approve budget for FY 2013-14**

Ms. Buker explained that the staff prepares a budget each year for the next fiscal year and that the staff brings the proposed budget before the Board for approval. She explained that the program is supported by contracts with the Pinellas County Juvenile Welfare Board (JWB) and the Florida Department of Children and Families (DCF). The PCLB's fiscal year runs from October 1 through September 30 each year, as does the JWB fiscal year. She explained that the DCF fiscal year is from July 1 through June 30. The DCF contract is for three years, and this is the start of year two and the funding level is the same for each year. The JWB contract is renewed annually and the amount next year is the same as this year.

There have been changes in the State rates for retirement and health insurance as well as in the FICA rate that have affected the PCLB budget for next year. Additionally the Legislature increased state employees' salaries by between \$1,000 and \$1,400 per employee, effective October 1, 2013. There is also a small amount of one-time bonus money that may or may not be available for employees on October 1, 2013.

In order to cover the above costs, all of the expenses were allocated across the grant funds, fees and fines, the Department of Health and the fund balance for next year. After the personnel costs were covered, all other expense line items were reduced to the minimum amount possible.

**Motion:**

Susan Weber made a motion to approve budget for FY 2013-14, Lourdes Benedict seconded the motion and it passed unanimously.

**IV. INFORMATION ITEMS**

Ms. Buker reviewed the Executive Director, Statistical, Compliance, and Financial reports that were contained in the Board packet. Commissioner Roche requested that staff include the 100% compliance rosters on the pclb.org website in a prominent place as well as a part of the Board packet.

Attorney Colleen Flynn provided training for the Board and Advisory Committee on the following topics:

Sunshine Laws, Confidentiality, Special District Laws, and SB 50

Attorney Flynn also provided handouts for information on legalities for above training.

**VI. Public Comment:** Francine Williams, 2632 20<sup>th</sup> Street South, St. Petersburg, FL, spoke on the subject of the importance of Compliance with childcare regulations. She also thanked the Board and Staff for working with the providers.

**VII. Next Meeting:** October 24, 2013 @ 1:30 p.m. at the Mid County DOH offices:  
8751 Ulmerton Road, Largo, FL 33771-3832

## **H. Adjournment**

**Motion:**

Lourdes Benedict made a motion to adjourn the meeting at 9:00 p.m., Angela Rouson seconded the motion and the motion passed unanimously.

Respectfully Submitted by:

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Dr. Judi Vitucci, Chair