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Pinellas County License Board for
Children's Centers and Family Day Care Homes

[Operational Policy]

**AUTHORITY TO ADOPT NEW
DEPARTMENT OF CHILDREN AND FAMILIES RULES**

March 6, 2002 – revised
August 3, 2005 – deleted
April 1, 2009 – re-approved
October 6, 2010 – revised

The licensing standards of the Pinellas County License Board for Children's Centers and Family Day Care Homes shall incorporate all newly adopted Department rules and include all the state minimum standards (65C) established in the child care provisions of Chapter 402.301, et seq., Florida Statutes, and the corresponding provisions of the Florida Administrative Code, which exceed the standards set forth in Chapter 61-2681 as amended by Chapters 70-893 and 2007-277.

Standards which are to exceed or supplement the said state standards and the standards established in Chapter 61-2681 as amended will be specifically set forth in the Rules and Regulations of the License Board, pursuant to its authority under Section 5. The state minimum standards encompassed within this regulation will be specifically set forth in the minimum standards distributed to the child care facilities in Pinellas County.

State laws, rules and standards become effective and incorporated into the Pinellas County regulations and are enforceable upon their effective date. We will endeavor to give a 30 day notice to providers if that time is allowable given the state's effective date.

Pinellas County License Board for
Children's Centers and Family Day Care Homes

[Operational Policy]

Advocacy

February 7, 2007 – original date
October 6, 2010 – revised

Advocacy as it refers to the Pinellas County License Board means protecting and promoting the health, safety, and mental development of children cared for in children's centers and family day care homes.

As a regulatory agency, the License Board advocates for children by using its statutory authority to:

- Enforce regulations to ensure safe child care environments for children.
- Promulgate and adopt rules to improve protection to further reduce the risk of harm to children.
- Ensure that support services are provided such as technical assistance, in-service training, and consultation as requested and as available to improve child care.
- Work cooperatively with other organizations and agencies on issues involving children's centers and family day care homes.

Pinellas County License Board for
Children's Centers and Family Day Care Homes

[Operational Policy]

ATTORNEYS FOR BOARD AND STAFF

October 6, 2010 – original date
May 23, 2018 - revised

On October 1, 2007, the PCLB staff and program were transferred to the Pinellas County Health Department. The Health Department attorneys provide the following services:

- Represent the Health Department regarding staff litigation;
- Represent the Health Department's position in personnel actions;
- Represent the Health Department in union grievances and Public Employee Relation Commission (PERC) hearings;
- Counsel staff on issues relating to F.S. 381 (Public Health);
- Act as a liaison with other members of the legal community;
- Act as a liaison with Risk Management and private attorneys assigned by Risk Management to handle damage claims;
- Train staff on legal issues and new significant legislation;
- Review and advise staff on public records request on behalf of the Health Department; and, and
- Review contracts on behalf of the Health Department.

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Chapter 61 provides that in civil matters the License Board shall be represented by the attorney for the County Commissioners with consent of the Board of County Commissioners. If consent is withheld the License Board may hire counsel.

On October 21, 2008, the Pinellas Board of County Commissioners signed a Memorandum of Understanding (attached) to withdraw its consent to provide legal counsel to the PCLB effective October 30, 2008. On October 23, 2008, PCLB voted to accept the bid (offered by JWB) of Johnson, Pope, Bokor, Ruppel & Burns, P.A. as the Board's attorney. In the event of conflict for Johnson, Pope, Bokor, Ruppel & Burns, P.A. (such as in a situation where a Provider appeals the Hearing Officer's decision to the Board) then Evan Frayman of The Law Office of Robert Eckard & Associates, P.A. Harper, Kynes, Geller, Greenleaf, Vogelbacher & Frayman, P.A. will represent the Board.

The Board attorneys represent the Board in matters such as:

- Advise Board on Sunshine and Public Records laws;
- Represent Board in public meetings/hearings and sunshine committees;
- Advise Board regarding regulations and ability to increase or decrease regulations in relation to Special Act, F.S. 402 and Administrative Code Provisions;
- Advise Board in Final Agency Action of administrative matters;
- Review contracts on behalf of Board;
- Prepare budget resolutions for Board;
- Negotiate Interlocal Agreements for the Board;
- Advise the Board on Board structure (including, but not limited to, by-laws, status of Special Act, local licensing);
- Represent the Board in circuit court proceedings to make public confidential records for use in administrative proceedings; and
- Represent the Board in injunctive proceedings on behalf of the Board; and
~~• Represent the Board in appeals of Final Agency Action.~~

ATTORNEYS FOR BOARD AND STAFF – CONTINUED

The Board attorneys represent the actions of staff in matters such as:

- Advise staff on inspections, non-compliances, regulations and administrative proceedings;
- Represent actions taken by staff in administrative appeals of fines, denials of applications, or revocations of licenses (including scheduling and coordinating hearing with hearing officer, representing the actions taken by staff during the administrative appeal; and filing or responding to exceptions);
- Represent staff in appeals to DCF of the Board’s Final Agency Action;
- Advise staff regarding regulations; ability to increase or decrease regulations in relation to Special Act, F.S. 402 and Administrative Code Provisions; and
- Advise staff on notifying the State Attorney’s Office or law enforcement or other agencies as appropriate.

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A Resolution Designating a Hearing Officer for Pinellas County License Board No.08-174 (attached) was approved by the County Commission to designate either a senior judge or a hearing officer designated by the Department of Administration to be utilized as Chapter 120 hearing officers for the License Board.

~~BOARD ACTION: TO APPROVE, MODIFY OR DENY~~

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is made and entered into as of this 23rd day of October, 2008 ("Effective Date"), by and between Pinellas County, a political subdivision of the State of Florida, ("County") and the Pinellas County License Board for Children's Centers and Family Day Care Homes, an independent special district with the State of Florida, ("PCLB").

WITNESSETH:

WHEREAS, pursuant to Chapter 61-2681, Laws of Florida, and Chapter 70-896, Laws of Florida, as amended (the "Act"), the PCLB licenses and regulates children's centers and family child care homes in Pinellas County to protect and promote the health, safety and mental development for children cared for in these child care facilities (the "Program"); and

WHEREAS, as authorized by the Acts, the Board of County Commissioners previously consented to the Office of the County Attorney providing legal representation to the PCLB in civil matters; and

WHEREAS, the County Attorney has determined that it would not be appropriate or permissible in accordance with the Rules of Professional Conduct to continue to provide legal representation to the PCLB, and the County desires to provide financial assistance to the PCLB to secure legal counsel to aid in the transition to new legal representation, as provided herein.

In consideration of the mutual promises set forth herein, the parties hereby agree as follows:

1. The PCLB shall secure legal representation to handle all legal matters, pending or in the future, relating to its Program duties and responsibilities as defined in the Acts and applicable Florida Law, effective November 1, 2008. The manner and scope of legal representation shall be determined by the PCLB in its sole discretion.
2. The County shall pay to the PCLB the sum of \$7,500.00 to be utilized by the PCLB to secure legal representation as provided in Section 1 herein, upon receipt of an invoice from the PCLB in accordance with Section 218.70, et seq., Florida Statutes, the "Florida Local Government Prompt Payment Act." The County shall have no obligation to contribute any sums in excess of the sum set out herein, and the PCLB shall be responsible for and fund all costs and expenses related to the Program.
3. This MOU shall commence on the Effective Date and shall terminate on June 30, 2009.
4. The County and the PCLB shall be fully responsible for their own acts of negligence and their respective agents' acts of negligence, when such agents are acting within the scope of their employment; and shall be liable for any damages resulting from said negligence to the extent permitted by section 768.28, Florida Statutes. Nothing herein is intended to serve as a waiver of sovereign immunity or shall be construed as consent by either party to be sued by third parties in any matter arising out of this MOU.

5. The PCLB shall permit examination or audit of all MOU related records and documents during or following the termination of this MOU, and shall maintain such records and documents for at least three (3) years following the termination of this MOU.

6. It is hereby mutually agreed that the PCLB is not acting as an agent or employee of the County.

7. Neither party may subcontract, assign or transfer its rights or obligations under this MOU without prior written consent of all other parties.

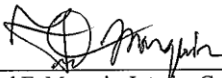
8. This MOU constitutes the entire agreement between the parties and may be amended only in writing, signed by all parties to this MOU.

IN WITNESS WHEREOF, the parties hereto, or their lawful representative, have executed this MOU as of the Effective Date.

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

By: 

PINELLAS COUNTY, a political
subdivision of the State of Florida,
by and through the County Administrator

By: 
Fred E. Marquis, Interim County Administrator

APPROVED AS TO FORM
OFFICE OF THE COUNTY ATTORNEY

By: 
Chief Assistant County Attorney

NO. 08-174

RESOLUTION DESIGNATING HEARING OFFICER
PINELLAS COUNTY LICENSE BOARD FOR
CHILDREN'S CENTERS & FAMILY DAY CARE HOMES

WHEREAS, Chapter 61-2681, as amended by Chapter 70-893 and Chapter 2007-277 Laws of Florida, created the PINELLAS COUNTY LICENSE BOARD FOR CHILDREN'S CENTERS & FAMILY DAY CARE HOMES (License Board) which is the local licensing agency for Pinellas County child care facilities; and

WHEREAS, the License Board conducts proceedings involving the imposition of administrative fines or the denial, suspension or revocation of child care licenses in accordance with the provisions of Chapter 402, Florida Statutes; and

WHEREAS, Florida Statutes, section 402.310(3) requires the County Commission to designate hearing officers for appeals of administrative action taken on behalf of the License Board; and

WHEREAS, the Commission recognizes that the requirement for formal proceedings under Chapter 120, F.S. (Administrative Procedures Act) will call for the use of a Florida State Department of Administration hearing officer in some cases, whereas, in other cases, the utilization of a retired senior judge as the hearing officer would be more practical and more economically feasible; and

WHEREAS, the Commission considers that the Chairman of the License Board would be the most qualified person to make such a decision on a case-by-case basis; and

WHEREAS, the County Attorney no longer prosecutes administrative actions on behalf of the License Board.

IT IS THEREFORE RESOLVED

The Commission hereby designates that either a senior judge available through the Court Administrator's Office or a hearing officer designated by the Department of Administration may be utilized as Chapter 120 hearing officers for the License Board.

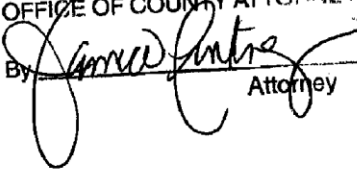
The Chairman of the License Board or his/her designee, shall, under the limitations set forth above, arrange for hearing officers on an as-needed, case-by-case basis.

The License Board shall be responsible for compensating senior judges or hearing officers designated by the Department of Administration.

Resolution 92-174 is hereby repealed.

Commissioner Welch offered the foregoing resolution and moved its adoption, which was seconded by Commissioner Latvala, and upon roll call the vote was:

- AYES **Stewart, Seel, Latvala, Welch and Duncan.**
- NAYS **None.**
- ABSENT AND NOT VOTING **Harris and Morrone.**

APPROVED AS TO FORM
OFFICE OF COUNTY ATTORNEY
By  Attorney

Pinellas County License Board for
Children's Centers and Family Day Care Homes

[Operational Policy]

AUTHORITY TO SIGN AGREEMENTS AND CONTRACTS

November 3, 1999 - original date

October 6, 2010 – revised

May 23, 2018 - revised

The Chairman of the License Board as authorized by the Board and the Executive Director if provided authority by the Board have the authority to sign agreements and contracts on behalf of the Board. ~~or the Executive~~ The Director of the Pinellas County Health Department has the authority to sign agreements and contracts on behalf of ~~the Board and~~ Child Care Licensing Program staff and contracts requiring approval by the Pinellas County Health Department. ~~respectively.~~

Pinellas County License Board for
Children's Centers and Family Day Care Homes

[Operational Policy]

BUDGETS

October 6, 2010 – original date

The PCLB Board

- Reviews and adopts budgets developed for the Pinellas County License Board
- Reviews and adopts budget amendments
- Reviews and approves any interlocal agreements applicable to the Pinellas County License Board
- Reviews and approves other policies and procedures, contracts, etc., as it relates to PCLB Board

[Operational Policy]

EMERGENCIES

EMERGENCY REGULATIONS

October 6, 2010 – original date

The following is from the Emergency Regulations originally approved by the Board August 2006 and revised as necessary:

All licensing regulations will be in effect during emergencies. Licensees wishing to operate under these self-executing Emergency Regulations would be subject to conditions 1-3 listed below; 4 is an agency operation policy. Emergency Regulations are approved by the Board and may be found in the Board's Reference Manual and on the PCLB website (www.pclb.org).

1. Emergency Regulations will become effective upon the declaration of a State of Emergency by the Pinellas County Board of County Commissioners pursuant to Florida Statutes, Chapter 252, and will remain in effect for up to 72 hours after the State of Emergency has been rescinded. The PCLB Executive Director, or designee, is granted the authority to extend the use of Emergency Regulations as the situation dictates. After Emergency Regulations are rescinded, Licensing Regulations governing children's centers and family day care homes would again be in effect.
2. After a fire or natural disaster, the children's center/family day care home or large family day care home provider must notify the Child Care Licensing Program within 24 hours as to their status of operation in order for the Child Care Licensing Program to ensure health standards are met for continued operation as a children's center/family day care home or large family child care home. Damage to the building or property/home may require approval from the Child Care Licensing Program and in addition may require the Health Department and/or other agencies to inspect and approve the premises. *(Wording corrected 9/12/09)*
3. Emergency Regulations represent a variance to Licensing Regulations. A variance is a privilege and not a right; as such, it can be withdrawn at anytime, with or without cause and without the right to appeal. Negative sanctions may also be brought against the licensee's regular license, if appropriate.
4. The PCLB Executive Director is given the authority to approve specific centers or homes to use Emergency Regulations during states of emergency declared by the Board of County Commissioners of Hillsborough, Pasco, or Manatee pursuant to Florida Statutes, Chapter 252, upon a showing that the licensee's request is based upon the need to care for refugee/evacuee children.

EMERGENCIES - continued

EMERGENCY WAIVERS

August 3, 2005 – original date

October 6, 2010 – revised

May 23, 2018

PCLB staff may issue an emergency waiver to places of employment including but not limited to county facilities, hospitals, and places of business to provide emergency temporary child care in a state of emergency for Pinellas County for personnel including mandated first responders, hospital personnel, and other similarly essential personnel.

Each year prior to Hurricane season, staff will place on the PCLB website and advertise in print and electronic media the availability of Emergency Waivers for mandated first responders and essential aftermath businesses.

EXECUTIVE ORDER FOR STATUTE-RULE MODIFICATION

October 6, 2010 – original date

May 23, 2018

On June 19, 2007, the Board approved the activation of the Executive Order during a declared disaster and signing by the Executive Director. The Executive Order requests the Governor to decrease certain regulatory child care standards for Pinellas County in order for critical/essential personnel to perform recovery duties for the community and that child care has been identified as a needed component.

The draft Executive Order and ~~accompanying request for decreased~~ing standards during a disaster are attached.

**Pinellas County License Board for
Children's Centers & Family Day Care Homes**

Lourdes Benedict, Chairman



2010

Governor Charlie Crist
Office of the Governor
The Capitol
Tallahassee, FL 32399-0001

Fax: 850-487-0801 Phone: 850-488-7146

Dear Governor Crist:

The Pinellas County License Board for Children's Centers and Family Day Care Homes (PCLB), the agency that licenses nearly 1100 children's centers and family day care homes in Pinellas County, is making preparations and plans for this hurricane season.

On behalf of the PCLB, I respectfully request an Executive Order to allow decreased regulatory child care standards for licensed children's centers and family day care homes in Pinellas County. In order for critical/essential personnel to perform recovery duties for the community, child care has been identified as a needed component.

Our agency, in an effort to be proactive and best serve our children and families, hopes you will consider our request. The Office of Emergency Management in cooperation with PCLB has the authority to activate this request based on their determination of the county's status, need, and ability to maintain existing child care licensing standards.

The attached charts, one for children's centers and the other for family day care homes, denote the standards to be reduced.

Thank you for your service to our state.

Sincerely,

Patsy Buker
Executive Director

dms

Pinellas County License Board for Children’s Centers and Family Day Care Homes (PCLB)

Child Care Licensing Program for Pinellas County Chapter 61-2681, Amended by Chapter 70-893, Laws of Florida

**Executive Order is requested to allow for the following decreases in regulatory standards
for Children’s Centers as stated:**

STATUTE/RULE	BRIEF DESCRIPTION	RECOMMENDED MODIFICATION
<i>Licensing Regulations Governing Pinellas County Children’s Centers</i>	General standards and requirements for child care centers	Request Executive Order to allow the PCLB the authority to waive standards related to Education/Training/Credentials, Records/record keeping, Food and Nutrition, Equipment, and posted information as needed
<i>(Children’s Centers)</i>		PCLB May Waive To:
II. SUPERVISION A. General Supervisory Standards	7. Field trips	7. Do not allow staff/children to participate in any field trips unless approved by PCLB staff
VI. PHYSICAL ENVIRONMENT B. Fire Safety	2. At least one operable corded telephone	2. Two cell phones with two different carriers
C. Indoor Play Space	2. Square footage 35 per child indoors 10a. 20/50 foot candles of lighting 10b. Inside temperature of 65° to 82°	2. Indoor square footage to 20 sq. ft. 10a. Sufficient lighting to observe and supervise children 10b. Sufficient air circulation, not to exceed outdoor temperature
D. Outdoor Play Space	1. ÷ 90 sq. ft. for 25% capacity outdoors	1. Waive outdoor space requirement completely
VII. Safety, Health and Sanitation A. General Requirements	13. Hand washing with running water	13. Waive outdoor, if children are remaining inside; PCLB may allow for substitutes for running water when none is available.
X. Application, Fees, License E. Annual renewal of license	1. Submit annual renewal of license at least 45 days prior to expiration	1. PCLB may allow up to a 90-day extension for all license renewals

Pinellas County License Board for Children’s Centers and Family Day Care Homes (PCLB)

Child Care Licensing Program for Pinellas County Chapter 61-2681, Amended by Chapter 70-893, Laws of Florida

**Executive Order is requested to allow for the following decreases in regulatory standards
for Family Day Care Homes and Large Family Child Care Homes as stated:**

STATUTE/RULE	BRIEF DESCRIPTION	RECOMMENDED MODIFICATION
<i>Licensing Regulations Governing Pinellas County Family Day Care Homes and Large Family Child Care Homes</i>	General standards and requirements for family day care homes and large family child care homes	Request Executive Order to allow the PCLB the authority to waive standards related to Training, Records/record keeping, Equipment, and Nutrition Practices and posted information, as needed
<i>(Family Day Care Homes)</i>		PCLB May Waive To:
IV. PHYSICAL PLANT HOUSING FAMILY DAY CARE HOMES A. Building	2. At least one operable corded telephone 4. Temperature maintained between 65° to 82°	2. Two cell phones with two different carriers 4. Sufficient air circulation, not to exceed outdoor temperature
B. Indoor Floor Space	1. Thirty five (35) sq. ft. of useable floor space per child	1. Indoor sq. ft. to 20 sq. ft.
C. Outdoor Play Space	1. Minimum of 50 sq. ft. per child	1. Waive outdoor useable space completely
I. Cleanliness and Orderliness of the Family Day Care Home	1. All parts of the home, indoor and outdoors...shall be kept...free of hazards, in an orderly condition and in good repair at all times 5. Operators, substitutes and children must wash hands with running water	1. Waive outdoor, if children are remaining inside 5. PCLB may allow for substitutes for running water when none is available
IX. APPLICATION, FEE, LICENSE E. Annual Renewal of License	1. Submit annual renewal of license at least 45 days prior to expiration	1. PCLB may allow for up to a 90 day extension for all license renewals
<i>(Large Family Child Care Homes)</i>		
I. PERSONNEL C. Supervision	3. Field trips	3. Do not allow provider/children to participate in any field trips unless approved by PCLB staff

Pinellas County License Board for
Children's Centers and Family Day Care Homes

[Operational Policy]

**EXCEEDING THE CAPACITY IN CHILDREN'S CENTERS AND
FAMILY DAY CARE HOMES**

August 29, 1977 – original date
March 1, 1995 – revised
October 6, 2010 – revised

The ratio/capacity in a children's center and/or family child care home may be exceeded in extenuating circumstances of a very time-limited nature by special exception of the Board, Board Chairman or his/her designee. The capacity must not, however, exceed state standards.

Pinellas County License Board for
Children's Centers and Family Day Care Homes

[Operational Policy]

FOOTNOTES ON LICENSE

DROP IN CHILD CARE

March 1, 1995 – original date

Any license issued to a center meeting Drop in Child Care requirements must include the following statement:

This is a Drop in Child Care Center. No child may be in care for more than four (4) hours a day.

INDOOR RECREATIONAL FACILITY

November 3, 1999 - original date

Any license issued to a center meeting Indoor Recreational Facility requirements must include the following statement:

This is an Indoor Recreational Facility. No child may be in care for more than four (4) hours a day.

SCHOOL AGE ONLY CENTER

November 3, 1999 - original date

Any license issued to a school age only center that operates exclusively during the public school calendar year must include the following statement:

This license is in effect only during the regular school year.
This does not include the summer school session.

TEEN PARENT PROGRAM

March 1, 1995 – original date

Any license issued to a Teen Parent Program must include one of the following statements:

- This is a Teen Parent Program or
- This center includes a Teen Parent Program; only the children of students enrolled in that program may be admitted prior to two (2) months of age.

Pinellas County License Board for
Children's Centers and Family Day Care Homes

[Operational Policy]

**ILLEGAL UNLICENSED FAMILY DAY CARE HOMES,
LARGE FAMILY CHILD CARE HOMES,
AND CHILDREN'S CENTERS**

May 7, 1997 - original date
December 3, 2003 – revised
October 6, 2010 – revised
May 23, 2018

All complaints or reports ~~of complaints~~ received by the Child Care Licensing Program of illegal unlicensed family day care homes, large family child care homes, or children's centers are investigated within ten (10) business days. If the investigation confirms the complaint or report, the provider/operator is given notice during the investigation to cease care ~~within ten (10) calendar days. The ten calendar day period shall include the day of notification.~~ The provider/operator is given a statement to sign stating he/she is held responsible for informing parents that the unlicensed care must cease ~~and dismissing the children from care, within ten (10) calendar days. After that period,~~ Follow up visits may be made to make sure assure that children are no longer in care. At the sole discretion of staff, a fine for unlicensed care may be imposed and/or the matter referred to law enforcement of appropriate. ~~If children are found in care at that time, a fine is issued according to licensing regulations, and the matter is referred to law enforcement for appropriate action.~~

Pinellas County License Board for
Children's Centers and Family Day Care Homes

[Operational Policy]

LICENSE

August 29, 1977 – original date

May 3, 1995 – revised

May 23, 2018

The staff may recommend approval of license applications to the Board; however, the Board and not the staff has the legal authority to approve or ~~reject the issuance of regular~~ licenses ~~of to~~ those on temporary permits.

Pinellas County License Board for
Children's Centers and Family Day Care Homes

[Operational Policy]

LICENSE CHANGE

CHILDREN'S CENTER LICENSE – CHANGE

August 29, 1977 – original date
April 17, 1978 – revised
March 1, 1995 – revised
March 6, 1996 – revised
August 3, 2005 – revised

Every license is to be accompanied by a statement notifying the applicant that if any change is contemplated which would affect any information on the license, the applicant is responsible for notifying the License Board office to see if an application for a new license, an application for change of license, or Request for License Change is required.

FAMILY DAY CARE HOME ADDITION OF PROVIDER'S NAME(S)

(Application for Change of License)

August 29, 1977 – original date
April 17, 1978 – revised
March 1, 1995 – revised
August 3, 2005 – revised

Every license is to be accompanied by a statement notifying the applicant that if any change is contemplated which would affect any information on the license, the applicant is responsible for notifying the License Board office to see if an application for a new license, an application for change of license, or a Request for License Change is required.

Pinellas County License Board for
Children's Centers and Family Day Care Homes

[Operational Policy]

MINUTES

August 29, 1977 — original date

~~The names of those who second motions need not be recorded in the minutes of License Board meetings.~~

Pinellas County License Board for
Children's Centers and Family Day Care Homes

[Operational Policy]

PERSONNEL HEALTH POLICY

~~August 28, 1978—original date~~
~~August 16, 1984—revised~~
~~March 17, 1986—revised~~
~~March 6, 2002—revised~~
~~October 6, 2010—revised~~

~~The Pinellas County License Board child care personnel health requirements for children's centers,
family day care homes and large family child care homes shall be that of the Department of Children
and Families or the Department of Health, as appropriate.~~

Pinellas County License Board for
Children's Centers and Family Day Care Homes

[Operational Policy]

PUBLIC COMMENT POLICY

August 1, 1990 – original date
August 2, 2006 – revised
September 19, 2007 – revised
July 7, 2010 - revised

1. Public Comment Procedure for Regular and Special Board Meetings, and Public Hearings:

1. Sign-up in person to comment on each agenda item or proposed increase in standard prior to the start of the meeting.
2. When your name is called, come to the podium, be recognized by the Chairman, state your name, and make your comment. Comments should be concise and to the point. Supporting documentation may be distributed to the Board. Documents will be filed with the minutes.
3. Individual speakers have up to 3 minutes.
4. A spokesperson representing a group present has up to 5 minutes. Supporters may stand while the comment is being made.
5. Clapping, heckling or verbal outbursts in support or opposition to a speaker's comments is discouraged.
6. Repetitious comment(s) are also discouraged. If a speaker is saying what you signed up to say, you may stand during their comment and then decline when your name is called to speak.

Public Comment Sections of the Agenda:

- Public Comment Section during Regular Meetings: Sign up to comment on items NOT on the agenda.
- Action Items Section: Sign up to comment following staff presentation of the action item and prior to Board action.

Note:

Comment to the Board does not constitute a formal complaint, is not considered a request for records under the Public Records Act, and does not require staff response unless directed to do so by Board.

2. Making a Presentation to the Board:

To make a presentation to the Board lasting longer than 3-5 minutes but not longer than 10 minutes, please contact the Child Care Licensing Program office at 727-507-4857 for an application. All applications must be submitted at least 10 days prior to the Board meeting at which the presentation would occur.

Staff Note: Applications will be reviewed for relevance to Board actions and not content.

3. Process for Decreasing or Increasing Licensing Regulations (Highlighted words are from Chapter 61-2681 et al):

Decreases:

- In the event the License Board determines it reasonable to decrease the requirements of any particular standard, it may do so by action of the Board only. However, state regulations (Chapters 65-C and 402) can only be decreased by the state not by county authority.

Increases:

- At a regular or special meeting, the Board will review the proposed increase for the first time. There shall be a finding of necessity, not merely desirability. The Board will hear public comment according to the procedure above.
- Following the meeting if approved, the licensing program must notice the finding, and mail to all licensees the old standard, the proposed new standard, the reason for the change and a hearing date.
- At the hearing, Board must give an opportunity for all affected persons to present their views. The Board will hear public comment according to the procedure above.
- The proposed new standard may not be considered (discussed) again by the Board until a meeting at least 90 days after the hearing, at which time, if approved by at least 5/7 of the Board, it shall be adopted. The Board will hear public comment according to the procedure above. During the 90 day period, written public comment may be received and will be forwarded to Board members, however, Board cannot discuss it until the final meeting.
- Any new standard must provide a reasonable effective date. The Pinellas County License Board must provide sufficient notification to providers and must establish a reasonable effective date.
- Substantive changes made during the Final Agency Action would necessitate a new Public Hearing.

A. In the event a member of the public proposes or drafts a bill that effects Chapter 61 et al and wishes to present it to the Board:

1. The person(s) may present the proposed bill to the Board at anytime during the public comment portion of its meeting pursuant to the guidelines above or in writing to the Executive Secretary who will forward it to the Board.
2. However, if the Child Care Licensing Program is notified at least seven (7) days in advance of a Board meeting that a person or person(s) would like to present a proposed bill, the Licensing Program will include the presentation of the proposed bill on the agenda of the next Board meeting, which is published on the program's website. The Board will determine the length of the presentation by the presenter pertaining to the proposed bill, but in no event will it be less than 10 minutes. At their discretion, the Board or licensing program may schedule a special meeting or public hearing regarding the proposed bill presented.
3. Board may choose to refer the proposed bill to staff for research and set a date for staff to present their findings. Board may also choose to send a letter of support or disagreement to the legislature.
4. Nothing set forth above limits the Licensing Program or the Board's ability to present or discuss or take action on proposed bills or legislation during a regular meeting or special meeting or public hearing without a presentation by a member of the public.

Pinellas County License Board for
Children's Centers and Family Day Care Homes

[Operational Policy]

RECORDING MEETINGS POLICY

August 2, 2006 – original date
November 1, 2006 – revised
October 6, 2010 – revised
[May 23, 2018](#)

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.

Hand held video cameras may be used to record meetings. Tripods may be used only in the area(s) that will not impede ingress or egress, or the ability of attendees to see the meeting and will be adjusted by staff according to known attendance.

Persons [with disabilities](#) needing an accommodation may request it by calling the executive secretary at least two business days prior to the Board meeting.

Pinellas County License Board for
Children's Centers and Family Day Care Homes

[Operational Policy]

REDUCTION OF ENROLLMENT AGE

**FOR OPERATION PAR'S
THERAPEUTIC COMMUNITY CHILD DEVELOPMENT CENTER**

April 4, 1990 – original date
April 7, 1993 – revised

Infants may be enrolled at birth in Operation PAR's Therapeutic Community Child Development Center.

**FOR OPERATION PAR'S
CHILD DEVELOPMENT AND FAMILY GUIDANCE CENTER**

April 7, 1993 – original date

Infants may be enrolled at birth in Operation PAR's Child Development and Family Guidance Center.

Pinellas County License Board for
Children's Centers and Family Day Care Homes

[Operational Policy]

REQUEST FOR BOARD REPORT DOCUMENTS

November 2, 2005 — original date

~~PCLB shall supply Board report documents free of charge to Board Attorneys and to anyone appointed to serve as a Board or Advisory Committee Member (as identified in Chapter 61-2681, amended by Chapters 70-893 and 2007-277, Laws of Florida). Persons noticed to the License Board as a future Attorney, Board or Advisory Committee Member to be appointed when a current Attorney's or representative's term has expired will also receive Board report documents free of charge.~~

~~All other persons may request and receive either an emailed Board report free of charge or pay a per copy charge as recommended by state law.~~

~~NOTE: Board reports and minutes are also available on the PCLB website.~~

Pinellas County License Board for
Children's Centers and Family Day Care Homes

[Operational Policy]

**RESOLUTION CONCERNING CURRICULA IN
CHILDREN'S CENTERS AND FAMILY DAY CARE HOMES**

Pinellas County License Board for
Children's Centers and Family Day Care Homes

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**RESOLUTION CONCERNING CURRICULA
IN CHILDREN'S CENTERS AND FAMILY
DAY CARE HOMES**

WHEREAS, the Pinellas County License Board for Children's Centers and Family Day Care Homes has the duty to protect the health and safety of children cared for in children's centers and family day care homes in Pinellas County in accordance with Chapter 61-2681, amended by Chapter 70-893, Laws of Florida; and

WHEREAS, the Pinellas County License Board has no standard contained in the law that speaks specifically to curricula in children's centers; and

WHEREAS, the Pinellas County License Board finds no need for a standard related to curriculum content for any children's center; and

WHEREAS, Section 402.301, Florida Statutes, relating to child care facilities, provides: "Nothing in this act shall give any governmental agency jurisdiction or authority to regulate, supervise or in any way be involved in any sunday school, sabbath school, religious services, or any nursery service or other program conducted during religious or church services primarily for the convenience of those attending such services";

NOW, THEREFORE, BE IT RESOLVED by the Pinellas County License Board in regular session duly assembled this 25th day of February, 1980, that it is not the intent nor the desire of the Pinellas County License Board or its staff to interfere with the curriculum in any children's center or family day care home.

Board member A. E. Cobb offered the foregoing Resolution and moved its adoption, which was seconded by Board member Joseph Ponds and upon roll call the vote was:

Ayes: Jeanne Anderson, A. E. Cobb, Mildred Nelson, Joseph Ponds, Joseph Wornicki, Bette Ra Ivey.
Nays: None.

Absent and Not Voting: Carla Simmons

BOARD MEMBERS
VOTING AYE:

<u>Bette Ra Ivey</u> Bette Ra Ivey, Chairman	<u>A. E. Cobb</u> A. E. Cobb, Secretary
<u>Joseph Wornicki</u> Board Member	<u>Joseph Ponds</u> Board Member
<u>Mildred Nelson</u> Board Member	<u>Jeanne C. Anderson</u> Board Member

PINELLAS COUNTY LICENSE BOARD FOR CHILDREN'S CENTERS AND FAMILY DAY CARE HOMES
RULES OF PROCEDURE FOR HEARINGS

1. PURPOSE:

In accordance with the authority given to this Board by its enabling acts, and in accordance with this Board's desire to conduct its hearing procedures in a fair and impartial manner, the following rules of procedure are hereby adopted. These rules shall be binding upon the Board in its hearings and shall only be subject to change by the affirmative vote of a simple majority of members. The Board may adopt further "guidelines" as it deems necessary to further assist the parties in preparing for the conduct of these proceedings, however, such guidelines shall not have the force or effect of these rules. The adoption of these rules supersedes all Board Rules adopted previously.

2. AVAILABILITY OF HEARING:

Any licensed provider or applicant who has been issued a Notice of Imposition of Fine, Notice of Intent to Revoke, Notice of Intent to Suspend, Notice of Intent to Convert to Probationary Status, or Notice of Intent to Deny Application is entitled to request a hearing under these procedures.

3. REQUEST FOR HEARING:

Providers or applicants entitled to a hearing shall, as a condition precedent to being granted a hearing, file a written Request for Hearing. Such Request for Hearing must be received by the Pinellas County License Board for Children's Centers and Family Day Care Homes within fifteen (15) calendar days of receipt of written notice of fine, intent to revoke, suspend or deny to which the provider or applicant is being subjected. The Request shall be deemed effective upon actual receipt. Failure to provide such written request within the fifteen (15) day period shall constitute a voluntary waiver by the provider or applicant of all rights to an administrative appeal and the license will be deemed suspended, revoked, or converted to probationary status, or the application denied, or the administrative fine shall be imposed.

The Request for Hearing shall contain, as a minimum, the following items:

- (a) a statement that the person filing the Request for Hearing is entitled to an appeal;
- (b) a brief statement of the action which is being appealed and the basis for the appeal; and
- (c) a specific request for relief (i.e. a request to the hearing officer to take specific action).

The appealing provider or applicant shall be limited in the scope of his or her appeal to the issues which are raised in the Request for Hearing.

4. NOTICE TO PROVIDER, APPLICANT, BOARD AND INTERESTED PARTIES:

Within two (2) working days of receipt of the provider or applicant's Notice of Appeal/Request for Hearing, the PCLB staff shall transmit to the PCLB Attorney the Notice of Appeal/Request for Hearing and the underlying action being appealed. The Attorney shall then schedule a hearing with a senior judge and this information shall be furnished by U. S. mail by the Attorney to all interested parties forthwith. Absent a waiver from the provider, the hearing must be held within thirty (30) days of the effective date the Notice of Appeal/Request for Hearing.

5. HEARINGS:

All hearings and proceedings related thereto shall be conducted according to the rules followed by the Department of Administrative Hearings, as found in Florida Statutes, Chapter 120, as may be amended.

6. APPEALING PARTY FAILS TO APPEAR:

Where a proceeding is commenced by a party pursuant to the Special Act or the procedures adopted pursuant thereto, and said party, after filing their initial Request for Hearing, fails to appear for any scheduled proceedings, such party shall be deemed to have waived their appeal, and accepted the decision of the PCLB staff as final. Further, said party agrees that the Hearing Officer is authorized by this Rule, to dismiss said appeal and submit a Recommended Order to that effect.

7. REVIEW BY BOARD:

Upon receipt by the PCLB Attorney of executed Findings of Fact and Recommendations of the Hearing Officer (Order) from the Hearing Officer, the same shall be distributed to all interested parties. Either the PCLB or the appealing provider or applicant – whichever is aggrieved by the Order – shall have the right to file written Exceptions to the Board within fifteen (15) days of their receipt of the Order. If both parties are aggrieved, then the party against whom the written Exceptions are filed, would have the right to file written Cross-Exceptions within fifteen (15) days of their receipt of the original Exceptions.

Responses to Exceptions shall be filed within ten (10) days of the service of the Exceptions, and time shall be computed in accordance with Florida Administrative Code, rules 28-106.217 and 28-106.103, as may be subsequently amended. The Board will schedule or calendar hearings in such a manner as to accommodate the time frames provided in this section and the Board Attorney will notify all parties of the date and time of the hearing.

8. WRITTEN EXCEPTIONS:

Each exception shall specify with particularity the finding of fact, conclusion of law, or recommendation which is objectionable and the reasons therefore. The exceptions themselves shall state with specificity if the finding of fact excepted to is not supported by competent substantial evidence or that the proceedings did not comply with the essential requirements of law or that the conclusion of law excepted to departs from the essential requirements of law. In accordance with Florida Statutes, section 120.57(1)(k), the Board has the right to decline to rule upon Exceptions which do not identify the disputed portion of the recommended order by page number or paragraph, do not identify the legal basis for the exception, or do not include appropriate and specific citations to the record.

Facts upon which exceptions to findings of fact or conclusions of law are based which are not set forth in the Recommended Order shall be provided by the party filing the exceptions. It is the responsibility of the excepting party to notify the PCLB Attorney so that a transcript may be promptly ordered and made available to the provider or applicant at actual cost.

9. BOARD HEARING:

All exceptions to the recommended order shall be considered at a hearing before the Board. In the event a conflict exists, the party in conflict may file a written request for continuance of the hearing, which will be considered at the hearing.

At the hearing before the Board, in cases where exceptions have been filed, each party or their representative shall each be given 15 minutes to present their argument as to why the Hearing Officer's recommended order should be adopted by the Board or why the order should be rejected or modified. The excepting party shall proceed first. The parties are limited in their presentation to matters of law and to the facts contained within the record of the administrative hearing and may not argue any facts not contained within that record. If no exceptions have been filed, no argument shall be received by the board.

Following presentations of the parties, the Board shall deliberate and either adopt the Hearing Officer's recommendation or reject or modify the recommended order, as it deems appropriate. The Board may not reject or modify findings of fact unless the Board first determines from a review of the entire record and states with particularity in the order that the findings of fact were not based upon competent substantial evidence or that the proceedings on which the findings were based did not comply with the essential requirements of law.

Board hearings shall be recorded and minutes prepared following each hearing.

Any party desiring or requiring a verbatim transcript, is responsible for retaining and compensating a court reporter to record the proceeding.

10. FINAL AGENCY ACTION:

The Chairman, or in the Chairman's absence, the Secretary or designee, shall execute the Final Agency Action prepared by the Board Attorney and reflecting the decision of the Board at the hearing held on this cause. The determination of the Board becomes final within fifteen (15) days of service of the decision if not appealed.

11. APPEALS OF FINAL AGENCY ACTION:

An aggrieved party may file an appeal of the Final Agency action with the Department of Children and Families by filing a Notice of Appeal within fifteen (15) days of service of the Final Agency Action.

(July 26, 2017 – Board Approval)

Pinellas County License Board for
Children's Centers and Family Day Care Homes

[Operational Policy]

TRAINING FEES

October 3, 1990 – original date
March 1st, 1995 – revised

Effective January 1, 1991, fees will be charged for training meetings. The training costs will be determined by staff based on printing and other related costs.

Pinellas County License Board for
Children's Centers and Family Day Care Homes

[Operational Policy]

TRANSCRIPTS

December 5, 2001 – original date

October 6, 2010 – revised

May 23, 2018

Rationale: Clarification

Board members shall receive transcripts of proceedings before the Hearing Officer
when a party files exceptions to the Hearing Officer's Recommended Order on which
the Board must rule. ~~whenever the hearing officer's recommendation differs with~~
~~License Board staff.~~

Pinellas County License Board for
Children's Centers and Family Day Care Homes

[Operational Policy]

VOLUNTEERS

December 6, 2000 – original date
October 6, 2010 – revised

Due to the nature of the regulatory responsibilities of the agency, it is the policy of the Board not to use volunteers except for clerical assignments.