



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

**BYLAWS**

(Adopted 9/2/98, effective 10/1/98)

(Revised 7/7/99, 12/6/00, 5/5/04, 5/2/07, 11/7/07, 5/7/08, 10/6/10, 5/23/18)

**Article I - Name \***

The organization is created by Legislative Acts; Chapter 61-2681 amended by Chapters 70-893 and 2007-277, and is known as the Pinellas County License Board for Children's Centers and Family Day Care Homes, hereinafter referred to as the Pinellas County License Board (PCLB), License Board or Board. The terms family day care and family child care are interchangeable.

**Article II - Purpose \***

The purpose of the Pinellas County License Board is to protect the health, safety, and mental development of children cared for in children's centers and family child/day care homes in Pinellas County.

**Article III - Members**

**Board\*:**

The Board shall consist of seven voting members:

- (1) A member of the board of county commissioners, said member to be designated by action of the board of county commissioners.
- (2) The director of the district division of family services or a person delegated by him/her.
- (3) A member of the juvenile welfare board, or the director of said board, said member to be designated by action of the juvenile welfare board.
- (4) The district school superintendent or his/her designee with an expertise in elementary preschool education.
- (5) The county health officer or a person delegated by him/her.

Note: Due to the Interlocal Agreement between Pinellas County License Board and the Pinellas County Health Department (PinCHD) and the due process rights of child care providers, a person delegated by the County Health Officer, who is not an employee of the County Health Officer must serve as the Board member.

- (6) Two (2) members in good standing from Pinellas County preschool associations, selected by majority vote of the elected officers of those organizations.

Note: The upper Pinellas County preschool association and the Pinellas County preschool association on children under six delineated in the Special Act no longer exist under those names.

**Vacancies**

In the event of a vacancy in a License Board position listed above, the organization to be represented is responsible for naming the delegate.

- \* As stated in Chapter 61-2681, as amended by Chapters 70-893 and 2007-277, amended as necessary pursuant to the Interlocal Agreement between the Pinellas County License Board and the Pinellas County Health Department.

**Advisory Committee**

The License Board shall appoint a committee to serve in a non-voting advisory capacity. Members shall serve a two (2) year term; there is no limitation on the number of terms a person may serve. Such committee shall consist of:

- (1) Three (3) operators in good standing, representing privately-operated children's centers, school age centers, and faith-based children's centers.
- (2) Two (2) other persons qualified by education and experience in the field of early childhood education.
- (3) Two (2) operators in good standing, one (1) representing family child care homes and one (1) representing large family child care homes.
- (4) One (1) person qualified by experience as a member and chairman of the License Board.

**Vacancies:**

In the event of a vacancy in Advisory Committee positions above, Board shall vote on the replacement from nominations made by staff as follows:

- For (1), and (3) above, License Board staff shall notify and request nominations from privately-operated children's centers, school age centers, faith-based children's centers, family child care homes, or large family child care homes, as appropriate. In the event nominations are not received in a timely manner from the designated providers, License Board staff shall make a recommendation(s) to Board for the vacant position.
- For (2) and (4) above, staff shall make a recommendation(s) to Board.

**Ex Officio:**

The County Health Officer or a person designated by him/her shall serve in an *ex officio* capacity to serve in a non-voting advisory capacity. The *ex officio* member of the Board must not address the Board or its members as to any quasi-judicial matters coming before the Board for consideration.

**Article IV - Officers and Their Duties**

The officers shall consist of an elected Chairman and an appointed Secretary.

**Chairman:**

At the next to the last meeting of the fiscal year, a nominating committee shall be formed consisting of two Board members and one Advisory Committee member nominated and elected by the Board and one staff member selected by the Executive Director. The nominating committee shall present a recommendation for Chairman to the Board at the last meeting or the first meeting of the subsequent fiscal year. The election of the Chairman shall occur at one of these meetings. The newly elected Chairman shall preside over the next meeting after his or her election. There is no limitation on the number of terms a Chairman may serve.

**Duties of the Chairman:**

- Meetings - Shall preside at all Board meetings.
- Executive Director Replacement - If the position becomes vacant shall appoint a search committee, to be chaired by the Pinellas County Health Department supervisor of the Executive Director. The committee will make a recommendation to the Board for the Executive Director position. The Board will vote on the recommendation, and if approved direct the Pinellas County Health Department to hire said individual. The Pinellas County Health Department will perform background screening according to its policy and inform Board if the candidate cannot be hired.
- Supervision and Evaluation of Executive Director – Shall work closely with the Pinellas County Health Department supervisor of the Executive Director, following the Pinellas County Health Department's personnel policies and procedures. Either the Pinellas County Health Department supervisor for the position, or the Chairman acting as lead for the Board, can initiate any personnel action against the Executive Director so long as both work together in resolving any personnel action to be taken.

**Secretary:**

The Secretary shall be appointed by the Chairman.

**Duties of the Secretary:**

Shall sign all minutes upon approval and serve as Chairman in the absence of the Chairman.

**Board Member's Duties:**

Board members are expected to attend all Board meetings in person and arrive prior to the scheduled start of the meeting.

Board members are expected to serve on Board committees.

Board members will become familiar with Pinellas County regulations governing children's centers and family day care homes and the history of the License Board.

Board members will communicate and support the mission, goals, and actions of the License Board and bring information from the community to Board meetings.

Board members will actively participate in improving and enhancing child care in Pinellas County.

Board members are required to vote (yea or nay) on each issue presented for a vote at Board meetings. In the event a Board member has a conflict as defined by Florida Statute § 112, the Board member must publicly declare the conflict as soon as the conflict is determined and refrain from discussion and voting on the issue and complete the required disclosure form.

Board members shall complete and file the Financial Disclosure form (Form 1) within 30 days of the appointment to the Board. Thereafter, it must be filed annually by July 1 (or other date set by law) each calendar year in which serving as a Board member. At the end of the Board member serving on the Board, the Board member is required to complete and file a final disclosure form (Form 1F) within 60 days of leaving the Board unless the Board member takes another position within the 60-day period that requires filing financial disclosure on Form 1 or Form 6.

Board members have responsibility for working cooperatively with the Pinellas County Health Department in the hiring, evaluating, and supervising of the Executive Director.

**Ex Officio Board Member's Duties:**

The Ex Officio member is expected to attend all Board meetings in person and arrive prior to the scheduled start of the meeting.

The Ex Officio member will become familiar with Pinellas County regulations governing children's centers and family day care homes and the history of the License Board.

The Ex Officio member will actively participate in improving and enhancing child care in Pinellas County.

The Ex Officio member will not advise the Board on quasi-judicial matters.

**Advisory Committee Member's Duties:**

Advisory Committee members are expected to attend all Board meetings in person and arrive prior to the scheduled start of the meeting.

Advisory Committee members are expected to serve on Board committees.

Advisory Committee members will become familiar with Pinellas County regulations governing children's centers and family day care homes and the history of the License Board.

Advisory Committee members will communicate and support the mission, goals, and actions of the License Board and bring information from the community to Board meetings.

Advisory Committee members will actively participate in improving and enhancing child care in Pinellas County.

Advisory Committee members have responsibility for working cooperatively with the Pinellas County Health Department in the hiring, evaluating, and supervising of the Executive Director.

## **Article V - Fiscal Year**

The fiscal year shall be October 1 through September 30.

## **Article VI - Meetings**

### **Regular Meetings:**

The Board shall hold regular meetings quarterly, at a minimum. Meetings may be called by the Chairman whenever he/she deems it necessary or by a quorum of the Board members as set forth in Chapter 61-2681, amended by Chapters 70-893 and 2007-277, Laws of Florida.

### **Special and Emergency Meetings:**

Special and Emergency meetings may be called by:

- a) The Chairman
- b) The Secretary in the Chairman's absence
- c) Majority vote of the Board
- d) Executive Director

### **Government in the Sunshine:**

PCLB is subject to Florida's Government in the Sunshine Act which applies to PCLB Board members, Advisory Committee members, and the Ex Officio member. All members must comply with the Act at all times. All meetings of the Board and Board committees shall be held in accordance with Government in the Sunshine Law.

### **Minutes:**

Minutes of each meeting shall be accurately taken, provided to Board and Advisory Committee members at or before the next regular meeting, approved by the Board, signed by the Secretary and preserved.

## **Article VII - Quorum**

Board members are required to attend Board meetings in person and a quorum must be physically present to have a meeting. Only in extraordinary circumstances and with a quorum present in person may a Board member participate in discussion and vote by telephone.

General business requires a simple majority of the Board members. To adopt a proposed new local standard a five-sevenths (5/7) vote of Board membership is required. The Board has the power and duty to promulgate and adopt rules and regulations for the purposes of administering and enforcing minimum standards in Pinellas County. To do so, procedures in Section 5 of Chapter 61-2681, amended by Chapters 70-893 and 2007-277, must be followed.

## **Article VIII - Committees**

New committees may be created by the Board through a motion and majority vote by the Board or by the Chairman as needed.

The Chairman and/or Board shall appoint members of the committee and the chairman of the committee who will call the meeting(s). Board shall charge the committee with their responsibility (ies). A staff person(s) shall be appointed to the committee by the Executive Director and shall call the first meeting in the absence of a committee chairman.

A quorum of the appointed/initial members must be present for a committee meeting(s). A quorum of the committee is a simple majority of the committee's membership. Members may participate in committee meetings under extraordinary circumstances by telephone so long as a quorum is physically present.

## **Article IX- Attorney for the Board**

The Board will be represented by Counsel in accordance with Board policies that may be set and amended from time to time.

## **Article X - Parliamentary Authority**

Roberts Rules of Order Newly Revised shall be the parliamentary authority of the organization. All articles in the bylaws shall be interpreted to be consistent with Roberts Rules of Order Newly Revised.

## **Article XI - Amendments**

Action to amend bylaws requires a five-sevenths (5/7) vote.

The bylaws may be amended at any meeting provided that notice has been given one month in advance of the proposed changes to the bylaws.

Exception: Items stated in Chapter 61-2681, amended by Chapters 70-893 and 2007-277, and noted with an asterisk in these bylaws require legislative action to amend.

## **Article XII - Conflict of Interest**

All members of the Board and paid consultants must comply with Florida Statute § 112 and all other applicable laws including, but not limited to those relating to "conflicts of interest" and public boards.

No member of the Board or paid consultants shall have any direct or indirect financial interest in the assets, leases, business transactions or professional services of the PCLB. Any Board member who individually or as part of a business or professional firm is involved in the business transactions or current professional service of the PCLB shall disclose this relationship and shall not participate in any vote taken in respect to such transactions or services.

Members of the Board shall avoid entering into contracts or agreements involving, directly or indirectly, members of the Board in a manner that would be, or give the appearance of being, a conflict of interest.

Members of the Board will, prior to voting on a funding issue which involves any program or agency in which they participate as an employee or member of the governing authority, disclose their interest in said program or agency and file a disclosure statement and refrain from discussion and voting as may be required by law.

No member of the Board will vote on any issue that will benefit her/himself, any relative, or friend, or a company or agency for which any Board member is an employee or volunteer.

Staff must comply with the Pinellas County Health Department's policy(ies), including but not limited to Chapter 112 Florida Statutes, ethics and conflict of interest.

## **Article XIII - Staff**

Staff is defined as the people responsible for monitoring and inspecting family child care homes, children's centers, and large family child care homes, and includes the Executive Director and the personnel providing support to those people responsible for monitoring and inspecting.

## **Article XIV - The Executive Director**

The Executive Director shall implement policies of the Board and shall be responsible for the daily operation of the Child Care Licensing Program.