

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

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

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Patsy Buker, Executive Director  
Elise Minkoff, Chairman



## MEMORANDUM

To: Children's Center Owners and Directors

From: Patsy Buker, Executive Director

Jorie Massarsky, Environmental Supervisor I

Date: January 23, 2012

Subject: Decrease in Regulations and Updates in Regulations to Comply with State Laws

Please be advised that the Pinellas County Licensing Board approved changes in regulations for Children's Centers in Pinellas County at the January 19, 2012 Board Meeting.

### **The first regulation approved by the Board for decrease is as follows:**

#### **VII. SAFETY, HEALTH AND SANITATION**

##### **A. General Requirements**

8. All potentially harmful items including cleaning, supplies, flammable products, poisonous, toxic, and hazardous materials must be labeled. ~~These items including knives and sharp tools, and other potentially dangerous hazards shall be stored in a locked container or a locked area that is inaccessible to children.~~ These items including knives, sharp tools, and other potentially dangerous hazard, shall either be stored in a locked area or must be inaccessible and out of a child's reach.

#### **Rationale:**

The state standard allows children's centers to make the choice as to whether they wish to lock toxic and hazardous materials or keep them out of a child's reach. If a low cabinet has been designated as a locked area, and the lock is not engaged, there is more risk to children than storing something up high and out of a child's reach. Staff believes that Directors and Owners should determine which safeguards they want to use in individual circumstances. Licensing Specialists will continue to provide technical assistance and will issue non compliances when toxics or hazardous materials are within reach of a young child.

Implementation Date: February 15, 2012

Impact on Children's Centers: Effective February 15, 2012, all children's centers will have the choice to either lock their toxic and hazardous materials or to store them out of a child's reach. This means that items in high cabinets or on high shelves will not have to be locked. Items in lower cupboards, drawers or on shelves that are accessible to children will have to be locked.

**The second regulation approved by the Board as a decrease is as follows:**

**VII. SAFETY, HEALTH AND SANITATION**

**A. General Requirements**

8. 9.

a. ~~The Material Safety Data Sheet (MSDS) for cleaning supplies shall be maintained and accessible to staff.~~

**Rationale:** If a child ingests a chemical substance it is imperative that 911 or the Poison Control Center be contacted immediately. These telephone numbers must be posted on or near every telephone. Additionally, all cleaning solutions not in their original container must be labeled as to contents. Emergency responders will have access to MSDS forms and will be able to give correct medical instruction. Should children’s centers choose to maintain MSDS forms that would be their decision.

Implementation Date: February 15, 2012

Impact on Children’s Centers: Licensing specialists will no longer be looking for the center’s MSDS book. No violations will be cited for not having an MSDS for a particular cleaning supply.

**The third regulation approved by the Board as a decrease is as follows:**

**XV. Enforcement**

**C. Disciplinary Sanctions**

4. Disciplinary sanctions for licensing violations that occur within a two (2) year period shall be progressively enforced as follows:

**Fine Matrix (*Proposed Fine Amounts*)**

Violation	Class 1	Class 2	Class 3	Health/Immunization
1st	<del>\$500</del> <u>\$100 to \$500</u>	TS	TS	TS
2nd	<del>\$500</del> <u>\$100 to \$500</u>	\$50	TS with WL	TS with WL
3rd	<del>\$500</del> <u>\$100 to \$500****</u>	<del>\$60</del> <u>75</u> (per day)	\$25*	\$25*
4th	<del>\$500</del> <u>\$100 to \$500****</u>	<del>\$75</del> <u>400</u> (per day)	<del>\$30</del> <u>50</u> (per day)	<del>\$30</del> <u>50</u>
5th	<del>\$500</del> <u>\$100 to \$500****</u>	\$100 (per day) **	<del>\$40</del> <u>75</u> (per day)	<del>\$40</del> <u>75</u> -(per day)
6th	<del>\$500</del> <u>\$100 to \$500****</u>	\$100 (per day)	<del>\$50</del> <u>100</u> (per day)**	<del>\$50</del> <u>100</u> -(per day)***
<p>* This violation, and subsequent violations of the same standard within a two (2) year period will be classified as “Class 3.”</p> <p>** See sections b. Class 2 Violations and c. Class 3 Violations below for additional information on sanctions.</p> <p>*** See section d. Children’s Health/Immunization Records Disciplinary Sanctions for addition information on sanctions.</p> <p>**** <u>See section a.(3) Class 1 Violations below for additional information on sanctions</u></p>				

### **a. Class 1 Violations**

(1) For the first and second violation of a Class I standard violation, the Child Care Licensing Program shall issue an administrative complaint imposing a fine of not less than \$100 nor more than \$500 per day for each violation and may impose other disciplinary sanctions in addition to the fine.

~~(2) For the second Class I violation, the Child Care Licensing Program shall issue an administrative complaint imposing a fine of \$500 per day for each violation and may impose other disciplinary sanctions in addition to the fine.~~

(2) For the third and subsequent Class I violations, the Child Care Licensing Program shall issue an administrative complaint to suspend, deny or revoke the license for state mandated Class 1 Violations as identified by "1s" in the Standards Classification Summary. The Child Care Licensing Program shall issue an administrative complaint imposing a fine of not less than \$100 nor more than \$500 per day for each violation in addition to any other disciplinary sanction.

If a Children's Center receives three (3) State Class I fines in two (2) consecutive years, then the Child Care Licensing Program has no other course of action based on State mandate, but to suspend, deny, or revoke the center's license.

### **b. Class 2 Violations**

(3) For the third Class 2 violation, the Child Care Licensing Program shall issue an administrative complaint imposing a fine of ~~\$6075~~ **per day** for each violation.

(4) For the fourth Class 2 violation, the Child Care Licensing Program shall issue an administrative complaint placing the provider's license on probation status for a period not to exceed six (6) months, and the Child Care Licensing Program shall also issue an administrative complaint imposing an additional fine of ~~\$75400~~ **per day** for each violation.

(5) For the fifth and subsequent Class 2 violations, the Child Care Licensing Program shall issue an administrative complaint to suspend, deny, or revoke the license, and the Child Care Licensing Program shall also issue an administrative complaint imposing an additional fine of \$100 **per day** for each violation.

### **c. Class 3 Violations**

(4) For the fourth Class 3 violation, the Child Care Licensing Program shall issue an administrative complaint imposing a fine of ~~\$3050~~ **per day** for each violation.

(5) For the fifth Class 3 violation, the Child Care Licensing Program shall issue an administrative complaint placing the provider's license on probation status for a period not to exceed six (6) months, and the Child Care Licensing Program shall also issue an administrative complaint imposing a fine of ~~4075~~ **per day** for each violation.

(6) For the sixth and subsequent Class 3 violations, the Child Care Licensing Program shall issue an administrative complaint to suspend, deny, or revoke the license, and the Child Care Licensing Program shall also issue an administrative complaint imposing a fine of ~~\$50400~~ **per day** for each violation.

### **d. Children's Health/Immunization Records Disciplinary Sanctions**

(4) For the fourth Class 3 violation, the Child Care Licensing Program shall issue an administrative complaint imposing a fine in the amount of ~~\$3050~~ for each violation.

(5) For the fifth Class 3 Children's Health and or Immunization violation, the Child Care Licensing Program shall issue an administrative complaint imposing a fine in the amount of ~~\$4075~~ **per day** for each violation.

(6) For the sixth and subsequent Class 3 Children's Health and or Immunization violations, the Child Care Licensing Program shall issue an administrative complaint placing the provider's license or registration on probation status for a period not to exceed six (6) months, and the Child Care Licensing Program shall also issue an administrative complaint imposing an additional fine of ~~\$50400~~ **per day** for each violation.

**Rationale:** The Enforcement Plan clearly describes a specific progression of required actions to be taken in response to violations. With more than two years of local data since imposition of the current Enforcement Plan, staff believes the decrease in number of fines issued can be related to the re-introduction of extensive staff technical assistance given by the Child Care Licensing Program. The monetary amount does not change the prescribed progression of additional penalties.

Implementation Date: February 15, 2012

Impact on Children's Centers: Some fines issued on or after February 15, 2012 will be at the lower amounts. Class 1 fines will be staffed and consistent factors applied in determining the correct amount of the fine.

Sections pertaining to Definitions, Personnel, Screening and Records have been updated to meet Florida Statutes 402 and 435 and Chapter 65C-22. The regulations will be updated in Licensing Regulations Governing Pinellas County Children's Centers. These regulations are available for review and/or download at our website, [www.pclb.org](http://www.pclb.org). If you are unable to print the regulations from our website and would like to receive a copy please contact our office at (727) 507-4857.

We appreciate your care for children and your attention to regulations. Please feel free to contact us with any questions or suggestions that you may have. We appreciate your input.

