

# 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

---

Patsy Buker, Executive Director  
Elise Minkoff, Chairman



## MEMORANDUM

To: Family Child Care Homes and Large Family Child Care Homes

From: Patsy Buker, Executive Director

Kathy Krause, Environmental Supervisor I

Date: January 24, 2012

Please be advised that the Pinellas County Licensing Board approved changes in regulations for Family Child Care Homes and Large Family Child Care Homes in Pinellas County at the January 19, 2012 Board Meeting. All changes were approved for February 15, 2012. The following will show you new language which is underlined, and any words that have been removed from the regulations are lined out.

### **The following addition was made to Chapter 402 for Family Child Care Homes and Large Family Child Care Homes and is now effective for Pinellas County :**

#### **Definition Added:**

#### **402.302(9)**

**Household Children** – Household children means children who are related by blood, marriage, or legal adoption to, or who are the legal wards of, the family day care home operator, the large family child care home operator, or an adult household member who permanently or temporarily resides in the home. Supervision of the operator's household children shall be left to the discretion of the operator unless those children receive subsidized child care through the School Readiness Program pursuant to s. 411.0101 to be in the home.

### ***Impact on Family Child Care Homes and Large Family Child Care Home Providers:***

This changes the requirement for supervision of the provider's household member children. It is now up to the provider how their household children are supervised when on the premises of the Family Child Care Home or Large Family Child Care Home. However, if any household member children are receiving any subsidized child care through the Early Learning Coalition, or any other School Readiness Program, they are required to follow the same rules for supervision as child care children.

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

### Former definition and citation with approved strike outs:

#### DEFINITIONS

F.S. 402.302(8)  
Ch. 61 S.2.(5)(a)  
8/1/07, 4/1/09, 10/6/10  
5/25/11, 6/27/11

**Family Child Care Home:** means an occupied residence in which child care is regularly provided for children from at least two unrelated households with or without compensation. A family child care home shall be allowed to provide care for one of the following groups of children, that shall include household ~~preschool aged children whether present or not,~~ and household school aged children under 13 years of age when on the premises of the family child care home or on a field trip with children enrolled in care.

#### Rationale:

This regulation may have been based on a belief that if a provider's own preschool aged child is at a center or in another setting and becomes ill, the provider will want to immediately respond and bring the child home. That situation has at least two potential challenges in the provider continuing to be in compliance:

- 1) If the child comes home, there needs to be an available slot for the child that will not put the home over capacity.
- 2) If the provider needs to leave to pick up his or her child, the other children in care would need to continue to be appropriately supervised according to PCLB regulations while the provider was gone to get his/her child.

On the other hand, a preschool aged child may be staying with relatives (aunt, uncle, grandparent, etc.) who will provide the care, even if the child becomes ill, so that child should not automatically count in the provider's capacity even when not present.

Additionally, while preschoolers may be more prone to illnesses, the same challenge exists if the provider's 12 year old breaks a leg at recess. The provider would want to respond in person.

There would also be a potential challenge to providing care if the provider has an infirm adult family member living nearby for whom the provider is responsible for providing care.

Therefore, staff recommended that the preschool aged household children only count in capacity when present in the Family Child Care Home or on field trip with child care children, as it currently is defined for school aged children.

Implementation Date: February 15, 2012

### ***Impact on Family Child Care Homes and Large Family***

***Child Care Homes:*** Now if you have preschool household children, they will only count in your capacity when they are on the premises or on a field trip with the child care children. If you decide to send your own preschool children to a relative, friend, or VPK etc., you would be able to care for another child care child in his or her place.

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

Former definition and citation with approved strike outs and additions:

### **C. Supervision**

*F.S. 402.302(8)  
Ch 61. S.6.(3)(c)  
8/1/07, 4/1/09, 10/6/10*

1. The number of children in a family child care home at any given time is limited to the maximums set forth in the definition of Family Child Care Home. ~~herein. Preschool household members, whether present or not, and Household children~~ under 13 years of age who are in the operator's care ~~and do not reside in the family child care home~~, are counted in the license capacity.

~~The license capacity of a family child care home is limited to five (5) children in care. No more than three (3) of the five (5) children may be under the age of 2, or with approved training, no more than three (3) of the five (5) children may be under 18 months of age.~~

~~In order to comply with F.S. 402.302(7) all household members under 13 years old must be included in the total number of children as follows:~~

- ~~a. When no more than two (2) of the five (5) children in care are under one (1) year of age, then the total of children in care and those household members under 13 years of age who are present may not exceed ten (10) children.~~
- ~~b. When three (3) of the five (5) children in care are under one (1) year of age, then the total of children in care and those household members under 13 years of age who are present may not exceed six (6) children.~~
- ~~c. When household school age children under 13 years of age are present, the supervision of these children must comply with section I.C.6. of Licensing Regulations.~~

### **Rationale:**

This regulation needed to be updated due to the recent decrease in capacity regulation approved by the Pinellas County License Board to be effective July 1, 2011.

Implementation Date: February 15, 2012

## ***Impact on Family Child Care Homes and Large Family Child Care Homes:***

This means that the providers can make their own decisions on the supervision for any household children. You will still need to have all paperwork required for them by age as in the past. All other regulations regarding household children remain in effect. This only changes the requirements for supervision of your children on your premises. However, if any household member children are receiving any subsidized child care through the Early Learning Coalition, or any other School Readiness Program, they are required to follow the same rules for supervision as child care children. Also as a friendly reminder, the supervision would still have to meet all applicable child safety laws for the State of Florida. Please ask your Specialist for any clarifications.

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

Former definition and citation with **approved** strike outs and additions:

**XV. Enforcement**

**C. Disciplinary Sanctions – Current language with proposed strike outs**

*Ch 65C-20.012(3)(e)*

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> 75 (per day)	\$25*	\$25*
4th	<del>\$500</del> <u>\$100 to \$500****</u>	<del>\$75</del> 100 (per day)	<del>\$30</del> 50 (per day)	<del>\$30</del> 50
5th	<del>\$500</del> <u>\$100 to \$500****</u>	\$100 (per day) **	<del>\$40</del> 75 (per day)	<del>\$40</del> 75-(per day)
6th	<del>\$500</del> <u>\$100 to \$500****</u>	\$100 (per day)	<del>\$50</del> 100 (per day)**	<del>\$50</del> 100-(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>**** See section a.(3) Class 1 Violations below for additional information on sanctions</p>				

*Ch 65C-20.012(3)(d)(1.)*

**a. Class 1 Violations**

*Ch 65C-20.012(3)(e)1.a. & 9/11/09*

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

~~*Ch 65C-20.012(3)(e)1.a. & 9/11/09*~~

~~(2) For the second violation of a Class I standard, 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.~~

*Ch 65C-20.012(3)(e)1.b. & 9/11/09*

(2) For the third and subsequent violations of a Class standard, 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 not less than \$100 nor more than ~~of~~ \$500 **per day** for each violation in addition to any other disciplinary sanction.

*Ch 65C-20.012(3)(e)2.*

**b. Class 2 Violations**

*Ch 65C-20.012(3)(e)2.c. & 9/11/09*

(3) For the third violation of a Class 2 standard, of the same standard within a two (2) year period, the Child Care Licensing Program shall issue an administrative complaint imposing a fine of \$60 ~~75~~ **per day** for each violation.

*Ch 65C-20.012(3)(e)2.d. & 9/11/09*

(4) For the fourth violation of a Class 2 standard, of the same standard within a two (2) year period, 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 \$75 ~~400~~ **per day** for each violation.

*Ch 65C-20.012(3)(e)3*

**c. Class 3 Violations**

*Ch 65C-20.012(3)(e)3.d. & 9/11/09*

(4) For the fourth violation of a Class 3 standard, of the same standard within a two (2) year period, the Child Care Licensing Program shall issue an administrative complaint imposing a fine of \$30 ~~50~~ **per day** for each violation.

*Ch 65C-20.012(3)(e)3.e. & 9/11/09*

(5) For the fifth violation of a Class 3 standard, of the same standard within a two (2) year period, 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 \$40 ~~75~~ **per day** for each violation.

*Ch 65C-20.012(3)(e)3.f. & 9/11/09*

(6) For the sixth and subsequent violations of a Class 3 standard, of the same standard within a two (2) year period, 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 \$50 ~~400~~ **per day** for each violation.

*Ch 65C-20.012(3)(e)4.*

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

*Ch 65C-20.012(3)(e)4.d. & 9/11/09*

(4) For the fourth violation of the same Class 3 Children's Health or Immunization standard violation, the Child Care Licensing Program shall issue an administrative complaint imposing a fine in the amount of \$30 ~~50~~ for each violation.

Ch 65C-20.012(3)(e)4.e. & 9/11/09

(5) For the fifth violation of the same 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 ~~\$40~~ **75 per day** for each violation.

Ch 65C-20.012(3)(e)4.f. & 9/11/09

(6) For the sixth and subsequent violation of the same 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 ~~\$50~~ **400 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 Family Child Care Homes and Large Family***

***Child Care Homes:*** All fine amounts have been decreased to match the State Enforcement Plan amounts. For Class 2 and 3 violations, fines will continue to be issued according to the State Enforcement Plan, but the fine amounts have been lowered. All Class 1 fines will be between \$100 and \$500. We recognize that all Class 1 violations are serious in nature, but we will take in to account the severity of the violations. An example that would affect the fine amount would be whether a child had to go to the hospital or doctor for treatment or if the child did not require medical treatment. All Class 1 fines will be staffed and consistent factors will be applied in determining the appropriate amount of the fine. Please remember that the "per day" requirements for some fines are still as they were in the past and they match the State's Enforcement Plan.

## The fourth regulation approved by the Board for decrease is in Large Family Child Care Homes is as follows:

Former definition and citation with approved strike outs and additions:

### DEFINITIONS

~~Ch 402.302(11)(b)(a)(b)~~

~~3/6/06, 5/25/11~~

**Large Family Child Care Home** – A large family child care home for the purposes of this regulation means a home that is licensed under section 402.3131, F.S. A large family child care home means an occupied residence in which child care is regularly provided for children with or without compensation from at least two (2) unrelated households and which has at least two (2) full-time child care personnel on the premises during the hours of operation. One (1) of the two (2) full-time child care personnel must be the operator or the operator's substitute. A large family child care home must first have operated as a licensed family child care home for two (2) consecutive years, with an operator who has had a child development associate credential or its equivalent for one (1) year, before seeking licensure as a large family child care home. The two consecutive years of operation as a licensed family child care home must have been in the state of Florida and within five years of the date of application to operate a large family child care home. A large family child care home shall be allowed to provide care for one of the following groups of children, which shall include household preschool aged children whether present or not, and household school aged children under 13 years of age when on the premises of the large family child care home or on a field trip with children enrolled in care:

A) A maximum of 8 children from birth to 24 months of age

B) A maximum of 12 children, with no more than 4 children under 24 months of age

Large family child care homes must meet and comply with all standards of this regulation at all times unless there are insufficient numbers of children in care to meet the definition of a large family child care home in which case an additional employee is not required.

~~Ch 65C-20.013(1)(a)~~

~~A large family child care home, for the purposes of this rule, means a home that is licensed under Section 402.3131, F.S. A large family child care home must first have operated as a licensed family child care home for two consecutive years, with an operator who has had a child development associate credential or its equivalent for one year. The two consecutive years of operation as a licensed family child care home must have been within five years of the date of the application to operate a large family child care home.~~

~~Ch 65C-20.013(1.)~~

~~Large family child care homes must meet and comply with all standards of this rule at all times unless there are insufficient numbers of children in care to meet the definition of a large family child care home in which case an additional employee is not required.~~

**Rationale:**

This regulation needed to be updated due to the decrease in capacity regulation approved by the Pinellas County License Board to be effective July 1, 2011. The staff recommended that the language regarding preschool aged household children counting in calculating capacity, whether present or not, also be removed from this section with the same rationale as stated for regular Family Child Care Homes.

Implementation Date: February 15, 2012

***Impact on Large Family Child Care Homes:*** This changes the requirement to only include household preschool aged children in capacity when they are present in the home or on a field trip with child care children.



## **The fifth regulation approved by the Board for decrease is in Large Family Child Care Homes is as follows:**

Former definition and citation with approved strike outs and additions:

### **C. Supervision**

*Ch 402.302(11)(a)(b)*

1. A large family child care home shall be allowed to provide care for one of the following groups of children which shall include household children under 13 years of age when on the premises of the large family child care home or on a field trip with children enrolled in care, which shall include those children under 13 years of age who are related to the caregiver:

- a. a maximum of 8 children from birth to 24 months of age
- b. a maximum of 12 children, with no more than 4 children under 24 months of age

*65C-20.013(7)(a)  
402.302(11)*

2. In a large family child care home direct supervision must be maintained at all times during the hours of operation. Direct supervision means watching and directing children's activities within the area designated as usable indoor floor space or outdoor play space and responding to each child's needs. However, supervision of the Operator's Household Children shall be left to the discretion of the Operator unless those children receive subsidized child care through the School Readiness Program pursuant to s.411.0101 to be in the home.

### **Rationale:**

This change is needed to comport with the State's decrease on household children supervision in FS 402 as amended in 2011.

Implementation Date: February 15, 2012

***Impact on Large Family Child Care Homes:*** This changes the requirement for supervision of the provider's household member children. It is now up to the provider how their household children are supervised when on the premises of the Large Family Child Care Home. However, if any household member children are receiving any subsidized child care through the Early Learning Coalition, or any other School Readiness Program, they are required to follow the same rules for supervision as child care children.

## **The sixth regulation approved by the Board for decrease is in Large Family Child Care Homes is as follows:**

Former definition and citation with approved strike outs and additions:

### **I. Personnel**

65C-20.013(7)(b)(1)  
Ch 65C-20.013(7)(b)1.

11/7/07

3. In addition to the number of staff required to meet staff to child ratios, if there are more than six (6) ~~five (5)~~ children participating on a field trip away from the large family child care home, there must be one (1) additional adult present on the field trip per each six (6) ~~five (5)~~ children, or any fraction thereof, to provide direct supervision to the children. If some children remain in the home, the adult supervision as required by these regulations shall apply and must be maintained. In addition, one staff member on the field trip and one staff member remaining on the premises with children must have valid and current certificate(s) of course completion for infant and child cardiopulmonary resuscitation (CPR) procedures and first aid training. ~~Where some children remain in the home, the adult supervision shall be maintained and if more than 5 children are being cared for in total, both on the field trip and in the large family child care home, two child care personnel must be on the premises of the large family child care home.~~ At no time shall the total number of children in attendance at any given time exceed the licensed capacity.

### **Rationale:**

Large Family Child Care Homes can lower to Family Child Care Home regulations and capacities that are outlined in the Family Child Care Home definition when fewer children are in care. This also includes times when some of the children are on field trips and some are present in Large Family Child Care Homes.

Implementation Date: February 15, 2012

***Impact on Large Family Child Care Homes:*** This is changing the number of adults that are required to supervise children on field trips to match the State, so that the new capacity in Family Child Care Homes does not negatively affect Large Family Child Care Home field trips. Basically, if you can now have 6 children on a field trip with out an extra adult. Once you have 7 children on a field trip, you would need to have the extra adult with you. This does not affect other field trip regulations, like water related field trips, which always require an extra adult.

### **The remaining changes are as follows:**

Sections pertaining to Definitions, Personnel, Screening and Records, etc. have been updated to meet Florida Statutes 402 and 435 and Chapter 65C-20. The regulations will be updated in Licensing Regulations Governing Pinellas County Family Child Care Homes and Large Family Child Care Homes. These regulations are available for review and/or download at our website, [www.pclb.org](http://www.pclb.org). Please look under Board Meetings and the attachments for the January 19, 2012 proposed regulations. If you are unable to print or find 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.