

PINELLAS COUNTY LICENSE BOARD FOR CHILDREN'S CENTERS  
AND FAMILY DAY CARE HOMES  
Minutes for the Special Board Meeting  
February 23, 2011

APPROVED MINUTES

The Special Board Meeting of the Pinellas County License Board for Children's Centers and Family Day Care Homes was scheduled and properly noticed for Wednesday, February 23, 2011, at 4175 East Bay Drive, FL to begin at 1:30 p.m.

Board Members Present: Elise Minkoff, Board Chair; Michael Bessette; Judith Bruckner; Commissioner Roche; Judi Vitucci, Secretary

Board Members Absent: Lourdes Benedict, Anne Brooks

Ex Officio Member Present: Charles Minor

Advisory Members Present: Lynn Bittner, Elizabeth Krakowski, Nina Meyers, Susan Weber

Advisory Members Absent: Terri Hajian, Ann Hofmeister, DaVee Henderlong, Merlita Jones

Attorney: Colleen Flynn and Evan Frayman

Staff Members Present: Patsy Buker, Executive Director; Jorie Massarsky, Supervisor Children's Centers; Kathy Krause, Supervisor Family Child Care Homes and other Health Department staff

Call to order: The meeting was called to order at 1:30 p.m.

Board Comment: Susan Weber requested clarification regarding a comment from an attorney that she would be removed from the Board if she testified at a hearing for a provider.

Attorney Response: Colleen Flynn stated that she never said that Ms. Weber would be removed from the Board, but that she would object to the testimony because Ms. Weber did not have first hand knowledge, etc. Ms. Flynn further stated that she did say that if the matter came before the Board for Final Agency Action that Ms. Weber would be conflicted and would not be able to participate in the discussion if Ms. Weber testified during the hearing. Ms. Flynn referenced an email between the two attorneys.

Board Chair Request: Elise Minkoff requested that Colleen Flynn present to Board and Advisory a training on conflict of interest at a future meeting.

II. A. A motion was made by Judy Vitucci and was seconded by Commissioner Roche to approve the Recommended Order as the Final Agency Action. Unanimously approved.

Board Chair Request: Prepare a statistical yearly average of the number and type of Final Agency Actions for providers.

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- III. A. Colleen Flynn presented Government in the Sunshine/Public Records Act training (Attachment #1).
- Notice of Other Mtgs. Colleen Flynn suggested that staff place on our website a notice of other meetings at which one or more of PCLB Board and/or Advisory Committee members attend.
- B. Patsy Buker, Executive Director, presented her report (Attachment #2).
- Motion to Adjourn: A motion was made by Commissioner Roche and seconded to adjourn the meeting at 2:25 p.m. Unanimously approved.

Respectfully Submitted by:

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Judi Vitucci, Board Secretary

**Government in the Sunshine/Public Records**

**I. Government in the Sunshine- Florida Statute 286.011**

- Requirements:
1. Meetings must be open to the public
  2. Reasonable notice of the meeting must be given
  3. Minutes of the meetings must be taken and promptly recorded

A. Who does it apply to in PCLB context?

B. What does it cover – any gathering, whether formal or casual, of two or more members of the same board to discuss some matter on which foreseeable action will be taken by the board.

1. Applies to all communications- oral, written, telephone, email, Facebook, twitter, instant messaging, text messaging
2. No one can serve as a liaison between board members to avoid sunshine law
3. Can we socialize with each other? Yes provided matters that may come before the board are not discussed.
4. Are there exemptions? Yes – but very narrow- rarely apply

C. What happens if we violate Sunshine?

1. Criminal Penalties: Anyone who knowingly violates the Sunshine Law is guilty of a misdemeanor of the second degree. They may be sentenced to a term of imprisonment not to exceed 60 days and/or fined up to \$500. (F.S. 286.011(3)(b))
2. Removal from office
3. Non-criminal penalties: Fine up to \$500 for violation. (F.S. 286.011(3)(a))
4. Civil action for injunctive declaratory relief

D. Can we fix it – Yes we can!

**II. Public Records Act – Florida Statute 119**

A. What is covered?

B. Retaining documents?

C. Penalties?

1. Civil Actions- attorney's fees and costs
2. Criminal penalties: 119.10(1)(b) a public officer who knowingly violates the provisions of 119.07(1) is subject to suspension and removal or impeachment and commits a misdemeanor of the first degree, punishable by possible criminal penalties of one year in prison or a \$1,000 fine.
3. Non-criminal penalties: 119.10(1)(a) violation of 119 by a public officer is a non-criminal infraction, punishable by fine not exceeding \$500.

**III. Questions**

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## **Executive Director's Report**

**February 23, 2011**

### **Legislative Updates**

Local Bill 01 has gone to Bill drafting and we have been included in the process of tweaking the language, along with Lynn Gibson. Colleen Flynn has reviewed each of the iterations and her comments have been relayed to Sharon Nehring at representative Nehr's office. None of the proposed changes have been substantive.

HB139 and companion bill SB 364, which propose changes to Florida Statute 402, are in committee for consideration. Our primary concerns and interests were in regards to the following points:

- 1) It adds language referring to household children including children living in the home on a temporary basis. We feel that temporary is a vague term and that its vagueness will hamper enforcement efforts.
- 2) It adds language that states that supervision of the operator's household children shall be left to their discretion, unless they receive a subsidy for their care.
- 3) It requires that advertising include the license or registration numbers for providers.
- 4) It provides for a licensing agency or other individual to have a cause of action against a provider who advertises w/o their license number.

We are aware that DCF Child Care Program Office in Tallahassee is working with the Legislature on these bills and I will update you when I get something concrete from them.

### **Quality Assurance Activities**

We are in the process of devising numerous quality assurance (QA) activities for the Child Care Licensing Program. Some of the QA measures are broad in scope. For example, we have created a complex system for monitoring the license renewal process in order to assure timely renewals. We are also reviewing all of the policies and procedures and rewriting the bulk of them to fit with present day practices. Supervisors are accompanying Licensing Specialists in the field and completing written and oral feedback for them. We are setting up a peer review system wherein Licensing Specialists will review a random sample of each other's files on a monthly basis, utilizing the DCF quality file review tool. By doing so, they will incorporate the items in the tool into their regular case file activities. Supervisors will also use this tool in file reviews.

We are scheduled to have DCF and JWB site visits during the week of April 25<sup>th</sup>. We have asked to have them co-occur in order to allow cross over of ideas and in order to minimize interruptions in staff members' regular activities. We will share the monitoring reports when they arrive.

### **Data Management**

We were notified last week that we had to cease utilizing CENTRAX, a State data system, and begin utilizing Environmental Health Database (EHD), another State system, for tracking demographic information, generating finance reports, and tracking license renewals. We were given warning many months ago that the transfer would need to happen. However, when the decision was finally made on a statewide basis, we had two days to get our data out of CENTRAX and we are now inputting into EHD. It was a challenge, but we received tremendous support from the other Health Dept. staff and we made it by the deadline. We think we will be caught up on data entry and reviews for accuracy within a couple of weeks.