

2-13-02

Suzanne Hood

AT

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

FILED  
02 JUN 12 AM 9:56  
ADJUTANT GENERAL  
HEARINGS  
JUN 10 2002  
DCF Department Clerk

MATTIE CRAWFORD, d/b/a  
FRIENDSHIP HAVEN,  
Petitioner,

SFH-CLOS

vs.

Case No. 01-4259  
Hearing No. DCF-02-138-PO

DEPARTMENT OF CHILDREN AND  
FAMILY SERVICES,  
Respondent.

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**FINAL ORDER**

THIS CAUSE is before me as the result of the attached Recommended Order that was issued by an Administrative Law Judge (ALJ) who was assigned to hear the case by the Division of Administrative Hearings (DOAH). The order recommends the Department deny the Petitioner's request to be issued a standard developmental disability group home license. Both parties filed Proposed Recommended Orders. No exceptions were filed to the Recommended Order.

Upon review of the entire record, I conclude that prior to the purchase of the manufacture home, the Petitioner showed the Department's licensing specialist plans for the home, and obtained approval for her use of a manufactured home as a group home. The home meets all other licensing standards for developmental disabilities group homes except for the fact that it is a manufactured home. The Friendship Haven Group Home has been providing

quality residential services to persons with developmental disability in District three (3). Based upon these facts, a standard waiver license was issued to the Petitioner, under which the home is currently operating.

In its Petition for Hearing, the Petitioner requests, among other things, that the Petitioner be granted a "permanent certificate of license", and in its Proposed Recommended Order, that it be granted a "permanent license." There are four types of licenses for Developmental Services Programs residential facilities: (a) Standard license; (b) Standard license with waiver(s); (c) Conditional license with plan of correction; and, (d) Temporary license. However, each of these licenses must be renewed each year<sup>1</sup>. Upon review of the entire record, I conclude that the Petitioner has provided no authority under which a "permanent certificate of license" or "permanent license" may be granted.

As indicated by the Administrative Law Judge in paragraph 14 of the Recommended Order, there is no guarantee the petitioner will be issued a standard waiver license each year. However, this is true no matter what type of license the Petitioner is granted. Nevertheless, under these circumstances, I am directing that as long as the home continues to meet all other licensing standards for developmental disabilities group homes, Headquarters should approve any future requests for a waiver.

Except as otherwise indicated herein, I agree with and ADOPT the Findings of Fact and Conclusions of Law of the Recommended Order, which shall be incorporated herein by reference.

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<sup>1</sup> F.A.C. 65B-6.003(4). A license shall be revoked whenever an operator does not make his/her annual written application for license renewal.

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Accordingly, it is hereby ORDERED that as long as the Friendship Haven Group Home continues to meet all other licensing standards for developmental disabilities group homes, Headquarters should approve any future requests for a waiver.

Petitioner's request for a "permanent certificate of license" is DENIED.

A copy of this Final Order shall be included in the Petitioner's Waiver Request file at Headquarters and in the Licensing File at the District.

DONE AND ORDERED on this 6<sup>th</sup> day of June, 2002.

  
KATHLEEN A. KEARNEY, SECRETARY  
Department of Children and Family Services

Copies of this Notice have been furnished to:

Samuel Mutch, Esquire  
Mutch & Brigham, P.A.  
2114 Northwest 40th Terrace  
Gainesville, Florida 32605

Lucy Goddard, Esquire  
Department of Children and  
Family Services  
Post Office Box 390, Mail Stop 3  
Gainesville, Florida 32602

### NOTICE OF RIGHT TO APPEAL

A party who is adversely affected by this final order is entitled to judicial review. To initiate judicial review, the party seeking it must file one copy of a "Notice of Appeal" with the Agency Clerk. The party seeking judicial review must also file another copy of the "Notice of Appeal," accompanied by the filing fee required by law, with the First District Court of Appeal in Tallahassee, Florida, or with the District Court of Appeal in the district where the party resides. The Notices must be filed within thirty (30) days of the rendition of this final order.<sup>2</sup>

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that this Final Order was served by U.S. Mail or by hand delivery to the above named persons on this 10<sup>th</sup> day of June, 2002.



Paul Flounlacker, Acting Agency Clerk  
Department of Children and Family Services  
1317 Winewood Blvd., Bldg. 2, Room 204  
Tallahassee, FL 32399-0700

<sup>2</sup>The date of the "rendition" of this Final Order is the date that is stamped on its first page. The Notices of Appeal must be received on or before the thirtieth day after that date.