

STATE OF FLORIDA
DEPARTMENT OF CHILDREN AND FAMILIES

DEPARTMENT OF CHILDREN AND
FAMILIES,

Petitioner,

CASE NO. 10-8248

RENDITION NO. DCF-11-~~102~~-FO

v.

NORTH FLORIDA DAYCARE, INC.,
d/b/a ALACHUA COUNTY CHILD CARE
CENTER,

Respondents.

FILED
MAR 10 2011

DCF Department Clerk

FINAL ORDER

THIS CAUSE is before me for entry of a final order. The recommended order finds that the Department established that respondent violated rule 65C-22.010(2)(d), Florida Administrative Code, by filing a late application to renew a child care facility license. The administrative law judge (ALJ) recommended that the Department impose a \$50 fine as provided in the subject rule.

Respondent filed an exception to the ALJ's finding of fact that the Department did not affirmatively authorize respondent to late-file her renewal application. Respondent, with its exception, submitted a record from its telephone provider to support its position. The exception must be rejected.

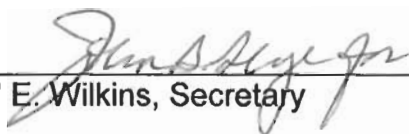
I can reject an ALJ's finding of fact only if I determine, after review of the entire hearing, including the transcript, that the finding is not supported by competent substantial evidence. *Department of Corrections v. Bradley*, 510 So. 2d 1122 (Fla. 1st DCA 1987). Respondent disagrees with the ALJ's finding, but

does not argue that the finding is not supported by competent substantial evidence. Respondent did not file a copy of the transcript of the final hearing. I cannot consider respondent's additional evidence filed with her exception.

The recommended order is approved and adopted.

Accordingly, a \$50 fine is imposed on respondent for the child care facility minimum standards violation described in the recommended order.

DONE AND ORDERED at Tallahassee, Leon County, Florida, this 10th day of MARCH, 2011.



David E. Wilkins, Secretary

RIGHT TO APPEAL

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW WHICH SHALL BE INSTITUTED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE DEPARTMENT OF CHILDREN AND FAMILIES, AND A SECOND COPY ALONG WITH FILING FEE AS PRESCRIBED BY LAW, IN THE DISTRICT COURT OF APPEAL WHERE THE APPELLANT RESIDES, OR IN THE FIRST DISTRICT COURT OF APPEAL. REVIEW PROCEEDINGS SHALL BE CONDUCTED IN ACCORDANCE WITH THE FLORIDA RULES OF APPELLATE PROCEDURE. THE NOTICE OF APPEAL MUST BE FILED WITHIN 30 DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

Copies furnished to:

Lucy Goddard-Teel
Assistant Regional Counsel
Department of Children and Families
1000 NE 16th Ave., Bldg. J, No. 3
Gainesville, FL 32601

Tami Hixon
North Florida Daycare, Inc.
d/b/a Alachua County Child Care Center
4138 NW 13th ctreet
Gainesville, FL 32601

Claudia Llado, Clerk
Division of Administrative Hearing
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, FL 32399-3060

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of this final order was provided to the above-named individuals electronically or by U.S. Mail, this 10 day of March, 2011.



Gregory D. Venz, Agency Clerk
Department of Children and Families
1317 Winewood Blvd.
Bldg. 2, Rm. 204
Tallahassee, FL 32399-0700
Ph: (850) 488-2381