

STATE OF FLORIDA
DEPARTMENT OF CHILDREN AND FAMILIES

DEPARTMENT OF CHILDREN AND
FAMILIES,

Petitioner,

CASE NO. 14-4042
RENDITION NO. DCF-15-017-FO

v.

LIL' ANGELS CHILDCARE LLC.,

Respondent.

FILED
FEB 11 2015
DCF Department Clerk

FINAL ORDER

THIS CAUSE is before me for entry of a final order. The Recommended Order finds that the Department failed to prove the allegations of the administrative complaint by clear and convincing evidence. Neither party filed exceptions. I find that the Findings of Fact are supported by competent substantial evidence and that, with one exception, the Conclusions of Law are appropriate. Paragraph 35 refers to the rule addressing the administration of medication [Rule 65C-22.004(3)(c), Florida Administrative Code] as a disciplinary rule. This is an incorrect characterization. Rule 65C-22.004(3)(c), Florida Administrative Code, merely prescribes a regulatory standard for the protection of the health, safety and welfare of children and is not a disciplinary rule. Rule 65C-22.020, Florida Administrative Code, is a disciplinary rule. Accordingly, paragraph 35 of the Recommended Order is rejected.

With the exception of paragraph 35, the Recommended Order is approved and adopted.

Accordingly, the administrative complaint charging a violation of Rule 65C-22.004(3)(c), Florida Administrative Code, is DISMISSED.

DONE AND ORDERED at Tallahassee, Leon County, Florida, this 11 day of February, 2015.


Mike Carroll, Secretary

NOTICE OF RIGHT TO APPEAL

THIS ORDER CONSTITUTES FINAL AGENCY ACTION AND MAY BE APPEALED PURSUANT TO SECTION 120.68, FLORIDA STATUTES, AND RULES 9.110 AND 9.190, FLORIDA RULES OF APPELLATE PROCEDURE. A PARTY WHO IS ADVERSELY AFFECTED BY THIS 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 AT 1317 WINEWOOD BOULEVARD, BUILDING 2, ROOM 204, TALLAHASSEE, FLORIDA 32399-0700, AND A SECOND COPY ALONG WITH FILING FEE AS PRESCRIBED BY LAW, IN THE DISTRICT COURT OF APPEAL WHERE THE PARTY RESIDES OR IN THE FIRST DISTRICT COURT OF APPEAL. THE NOTICE OF APPEAL MUST BE FILED (RECEIVED) WITHIN 30 DAYS OF RENDITION OF THIS ORDER.¹

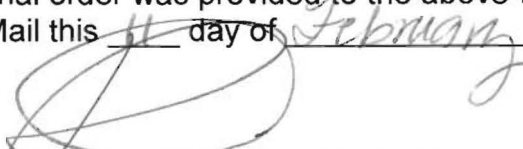
Copies furnished:

Jane Almy-Loewinger
Assistant General Counsel
Department of Children and Families
210 North Palmetto Avenue, Ste 430
Daytona Beach, Florida 32114-3284

Neshia Ogelsby, Director
Lil' Angels Childcare, Inc.
1087 Mason Avenue
Daytona Beach, Florida 32117

CERTIFICATE OF SERVICE

I HEREBY CERTIFY a copy of this final order was provided to the above-named individuals electronically or by U.S. Mail this 11 day of February, 2015.


Paul Sexton
Agency Clerk
Department of Children and Families
1317 Winewood Boulevard, Bldg. 2, Rm. 204
Tallahassee, Florida 32399

¹The date of the "rendition" of this Order is the date that is stamped on its first page.