

FILED

APR 28 2020

**STATE OF FLORIDA
DEPARTMENT OF CHILDREN AND FAMILIES DCF Department Clerk**

**ST. PAUL'S CATHOLIC SCHOOL
EARLY LEARNING CENTER,**

**Petitioner,
v.**

**CASE NO. 19-5098
RENDITION NO. DCF-20-085-FO**

**DEPARTMENT OF CHILDREN AND
FAMILIES,**

Respondent.
_____ /

PALMER CATHOLIC ACADEMY PRESCHOOL,

**Petitioner,
v.**

CASE NO. 19-5750

**DEPARTMENT OF CHILDREN AND
FAMILIES,**

Respondent.
_____ /

ASSUMPTION EARLY LEARNING CENTER,

**Petitioner,
v.**

CASE NO. 19-6264

**DEPARTMENT OF CHILDREN AND
FAMILIES,**

Respondent.
_____ /

CHRIST THE KING CHILD CARE,

Petitioner,

CASE NO. 19-6638

v.

**DEPARTMENT OF CHILDREN AND
FAMILIES,**

Respondent.

FINAL ORDER CLOSING FILES

THIS CAUSE is before me for entry of a final order. The Order Closing Files and Relinquishing Jurisdiction, dated March 3, 2020, indicated the parties filed a Settlement Agreement. There are no further issues between the parties. This matter is closed.

DONE AND ORDERED in Tallahassee, Leon County, Florida, this 28 day of April, 2020.



Chad Poppell, Secretary

NOTICE OF RIGHT TO APPEAL

THIS ORDER CONSTITUTES FINAL AGENCY ACTION AND MAY BE APPEALED BY A PARTY PUSUANT TO SECTION 120.68, FLORIDA STATUTES, AND RULES 9.110 AND 9.190, FLORIDA RULES OF APPELLATE PROCEDURE. SUCH APPEAL IS 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 THE 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 to the following via U.S. Mail on date of Rendition of this Order.¹

Stefanie Camfield, Esq.
Assistant General Counsel
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1317 Winewood Blvd., Bldg. 2, Rm. 204
Tallahassee, FL 32399

Claudio Llado, Clerk
Division of Administrative Hearings
The DeSoto Building
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Tallahassee, FL 32399

Christopher A. White, Esq.
Harris, Guidi, Rosner, P.A.
1837 Hendricks Ave.
Jacksonville, FL 32207



Lacey Kantor, Agency Clerk

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

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

ST. PAUL'S CATHOLIC SCHOOL EARLY
LEARNING CENTER,

Petitioner,

vs.

Case No. 19-5098

DEPARTMENT OF CHILDREN AND FAMILIES,

Respondent.

_____/

PALMER CATHOLIC ACADEMY PRESCHOOL,

Petitioner,

vs.

Case No. 19-5750

DEPARTMENT OF CHILDREN AND FAMILIES,

Respondent.

_____/

ASSUMPTION EARLY LEARNING CENTER,

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vs.

Case No. 19-6264

DEPARTMENT OF CHILDREN AND FAMILIES,

Respondent.

_____/

CHRIST THE KING CHILD CARE,

Petitioner,

vs.

Case No. 19-6638

DEPARTMENT OF CHILDREN AND FAMILIES,

Respondent.

ORDER CLOSING FILES AND RELINQUISHING JURISDICTION

This cause having come before the undersigned on the parties' filing of the Settlement Agreement, filed March 2, 2020, and the undersigned being fully advised, it is, therefore,

ORDERED that the files of the Division of Administrative Hearings are closed. Jurisdiction is relinquished to the Department of Children and Families.

DONE AND ORDERED this 3rd day of March, 2020, in Tallahassee, Leon County, Florida.



UZANNE VAN WYK
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675
Fax Filing (850) 921-6847
www.doah.state.fl.us

Filed with the Clerk of the
Division of Administrative Hearings
this 3rd day of March, 2020.

COPIES FURNISHED:

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**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

**ST. PAUL'S CATHOLIC SCHOOL
EARLY LEARNING CENTER,**

Petitioner,

vs.

CASE NO.: 19-5098

**DEPARTMENT OF CHILDREN AND
FAMILIES,**

Respondent.

**PALMER CATHOLIC ACADEMY
PRESCHOOL,**

Petitioner,

vs.

CASE NO.: 19-5750

**DEPARTMENT OF CHILDREN AND
FAMILIES,**

Respondent.

CHRIST THE KING CHILD CARE,

Petitioner,

vs.

CASE NO.: 19-6638

**DEPARTMENT OF CHILDREN AND
FAMILIES,**

Respondent.

SETTLEMENT AGREEMENT

This settlement agreement is entered into by and between the Petitioner, **ST. PAUL'S CATHOLIC SCHOOL EARLY LEARNING CENTER** (herein after referred to as "St. Paul's") and Respondent, **DEPARTMENT OF CHILDREN AND FAMILIES** (herein after referred to as "DCF") in case number, 19-5098; and Petitioner, **PALMER CATHOLIC**

ACADEMY PRESCHOOL (herein after referred to as "Palmer") and Respondent, **DEPARTMENT OF CHILDREN AND FAMILIES** in case number, 19-5750, and Petitioner, **CHRIST THE KING CHILD CARE** (herein after referred to as "Christ the King"), and Respondent, **DEPARTMENT OF CHILDREN AND FAMILIES** in case number, 19-6638, for the purpose of settling, resolving, compromising and concluding the above styled administrative litigation, arising from the Denial of Religious Exemptions for each of the Petitioners in each of the above referenced cases and for the purpose of settling, resolving, compromising and concluding the above styled administrative litigation, arising from the currently pending requests for a Formal Hearing filed by each Petitioner as a result of DCF's denial of its application for religious exemption. The Petitioners and DCF hereby agree to the following:

1. Palmer is a daycare center under the domain of the Diocese of St. Augustine operating the Palmer Catholic Academy Preschool, located at 545 A1A North, Ponte Vedra Beach, Florida 32082.
2. Palmer operates under the license issued by DCF, number C07SJ00029, which was issued on March 31, 2019, and expires, March 30, 2020.
3. St. Paul's is a daycare center under the domain of the Diocese of St. Augustine operating the St. Paul's Catholic School Early Learning Center, located at 578 1st Avenue North, Jacksonville Beach, Florida 32250.
4. St. Paul's operates under the license issued by DCF, number C04DU0890, which was issued on August 3, 2019, and expires, August 2, 2020.
5. Christ the King is a daycare center under the domain of the Diocese of St. Augustine operating the Christ the King Child Care, located at 720 Arlington Road, Jacksonville, Florida 32211.
6. Christ the King operates under the license issued by DCF, number C04DU0780, which was issued on August 14, 2019 and expires, August 13, 2020.
7. On October 24, 2019, Petitioner, Palmer submitted to DCF its notification for religious exemption operation of a child care facility.
8. On October 25, 2019, DCF issued its Notice of Denial of that notification for religious exemption operation of a child care facility.

9. The denial was based on the fact that the child care facility is currently licensed by DCF, and on the basis of the language contained in Section 402.316(3), Florida Statutes, which states:

(3) Any child care facility covered by the exemption provisions of subsection (1), but desiring to be included in this act, is authorized to do so by submitting notification to the department. Once licensed, such facility cannot withdraw from the act and continue to operate.

10. On August 20, 2019, Petitioner, St. Paul's submitted to DCF its notification for operation of a child care facility under religious exemption.

11. On August 27, 2019, DCF issued its Notice of Denial of that notification for operation of a child care facility under religious exemption.

12. The denial was based on the fact that the child care facility is currently licensed by DCF, and on the basis of the language contained in Section 402.316(3), Florida Statutes which states:

(3) Any child care facility covered by the exemption provisions of subsection (1), but desiring to be included in this act, is authorized to do so by submitting notification to the department. Once licensed, such facility cannot withdraw from the act and continue to operate.

13. On October 28, 2019, Petitioner, Christ the King submitted to DCF its notification for operation of a child care facility under religious exemption.

14. On November 20, 2019, DCF issued its Notice of Denial of that notification for operation of a child care facility under religious exemption.

15. The denial was based on the fact that the child care facility is currently licensed by DCF, and on the basis of the language contained in Section 402.316(3), Florida Statutes which states:

(3) Any child care facility covered by the exemption provisions of subsection (1), but desiring to be included in this act, is authorized to do so by submitting notification to the department. Once licensed, such facility cannot withdraw from the act and continue to operate.

16. As a result of the denials, Palmer, St. Paul's, and Christ the King timely filed their Requests for Formal Hearing and referral of this matter to DOAH.
17. All three cases contain common, if not identical, issues of law and fact and in the interest of resolving those disputed issues, Palmer, St. Paul's, and Christ the King, and DCF choose to resolve and settle this case as set forth herein.
18. The parties agree that Palmer, St. Paul's, and Christ the King, at the expiration of their respective current DCF licenses, may apply for the religious exemption, pursuant to s. 402.316(3), Florida Statutes, and shall not be denied that exemption solely because the entity was previously licensed by DCF.
19. The Petitioners, Palmer, St. Paul's, and Christ the King, may submit their respective notification of religious exemption and all required supporting documents within the thirty (30) day period prior to the expiration date of their current licenses.
20. Petitioners do not intend to withdraw from licensure. The sole purpose of allowing the submission of the application for religious exemption during this period, is to ensure there is no interruption between the expiration of a license and the commencement of a religious exemption.
21. DCF reserves the right to deny the notification of religious exemption filed by licensed entities that fail to provide all supporting documentation to prove qualification for a religious exemption pursuant to s. 402.316(1), Fla. Stat.
22. Upon receipt of Petitioners' notification of religious exemption and all required supporting documents, DCF will immediately review the documentation. If any documents are missing, DCF will notify the Petitioners within one business day what documentation is missing.
23. So long as the Petitioners meet the qualifications pursuant to s. 402.316(1), Fla. Stat., the Department will approve the religious exemption effective the day after their current license expires so that there is no interruption between the expiration of the current license and the commencement of a religious exemption.
24. The parties agree that it is their intention that the exemption notification process set forth above shall also apply to other faith based qualified entities that are an


integral part of the Diocese of St. Augustine, assuming they are in compliance with all other DCF requirements.

25. DCF reserves the right to not recognize the operation of a child care facility under religious exemption filed by licensed entities that have a history of disciplinary action and/or are pending disciplinary action. This includes Petitioners should they commit a violation or violations before the end of their current licensing period that require disciplinary action be taken by DCF.
26. In consideration of the foregoing agreement and undertakings by the Petitioners, Palmer, St. Paul's, and Christ the King, and the Respondent, DCF, and upon receipt of the executed copy of this settlement agreement, the Petitioners agree to issue a voluntary dismissal and/or request the Administrative Law Judge to enter the appropriate Order of Dismissal of this matter.
27. This agreement encompasses the entire understanding between the parties to this matter, and there are no undertakings of the parties to each other relative to this matter that are not set forth herein.
28. Each party shall bear its own attorney's fees and costs.
29. This agreement shall become effective immediately upon the execution of the last signature.
30. The parties represent, each to the other, that the individuals executing this settlement agreement have the requisite authority to enter this agreement and bind their respective principals to its terms and conditions.

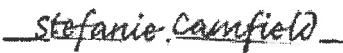
IN WITNESS WHEREOF, and intending to be legally bound, the parties have caused this Settlement Agreement to be executed by their duly authorized representatives.

Dated: February 27, 2020

Dated: February 27, 2020



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Dated: February 27, 2020



Hue Reynolds
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Department of Children and Families
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Representative for DCF

Dated: February 27, 2020



Deacon Scott J. Conway
Superintendent of Schools
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