

STATE OF FLORIDA  
DEPARTMENT OF CHILDREN AND FAMILIES

Mailed  
3/16/14  
P

To: Kidz n Kidz Academy LLC  
d/b/a Kidz n Kidz Academy LLC  
6229 Merrill Road  
Jacksonville, FL 32277

Certified Mail: 7012 3050 0002 0677 2367  
Return Receipt Requested

ADMINISTRATIVE COMPLAINT

YOU ARE HEREBY NOTIFIED the Department has imposed a Civil Penalty in the amount of **One Thousand Dollars (\$1,000.00)** and **REVOCATION OF THE CHILD CARE LICENSE**. The Department's authority and grounds to impose this sanction are explained below:

1. The Department of Children and Families is authorized by section 402.310, Florida Statutes, to sanction **Kidz n Kidz Academy LLC d/b/a Kidz n Kidz Academy LLC** for violations of child care licensing standards in sections 402.301 – 402.319, Florida Statutes, and chapter 65C-22, Florida Administrative Code.

2. **Kidz n Kidz Academy LLC** is licensed under chapter 402, Florida Statutes, and chapter 65C-22, Florida Administrative Code, to operate a child care facility known as **Kidz n Kidz Academy LLC** License #C04DU0811 located at **6229 Merrill Road, Jacksonville, FL 32277**. The facility license is currently a **REGULAR** License.

**Violation #1:**

3. During a Complaint Investigation conducted on January 27, 2016 DCF Licensing Counselor Katarina Diaz determined that:

**A six (6) year old child I.D. was not adequately supervised and left the facility premises without the knowledge or awareness of the staff. The child made it a half mile across the streets to an apartment complex and was on the verge of jumping into the community pool when he was found and later brought back to the center by JSO.**

4. The foregoing facts violate **Florida Administrative Code 65C-22.001(5)(a)** which states:

Direct supervision means actively watching and directing children's activities within the same room or designated outdoor play area, and responding to the needs of each child. Child care personnel at a facility must be assigned to provide direct supervision to a specific group of children, and be present with that group of children at all times. When caring for school-age children, child care personnel shall remain responsible for the supervision of the children in care, shall be capable of responding to emergencies, and are accountable for children at all times, including when children are separated from their groups.

5. The violation described above is a **Class I** violation of child care licensing standards. It is the facility's **first (1<sup>st</sup>) Class I violation of Child Care Facility Standards Classifications Summary #5 Supervision** within a two-year period. The fine imposed for this violation is **Five Hundred Dollars (\$500.00)**.

**Violation #2:**

6. During a Complaint Investigation conducted on January 27, 2016 DCF Licensing Counselor Katarina Diaz determined that:

**Child care personnel provided misrepresented and fraudulent information to the licensing authority. While conducting a head count of all the children present at the facility, five (5) school age children were discovered hidden in the closet and found there by the counselor K.D. The director R.M. did not deny that the children were placed in the closet to be concealed from being counted in the total capacity number.**

7. The foregoing facts violate **Administrative code 65C-22.001(11)(a)** which states: Acts or omissions that meet the definition of child abuse or neglect provided in Chapter 39, F.S., constitute a

violation of the standards in Sections 402.301-.319, F.S., and shall support imposition of a sanction, as provided in Section 402.310, F.S. and Florida Statutes 402.319(1)(f)(1) which states: It is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, for any person knowingly to: Make any other misrepresentation, by act or omission, regarding the licensure or operation of a child care facility or family day care home to a parent or guardian who has a child placed in the facility or is inquiring as to placing a child in the facility, or to a representative of the licensing authority, or to a representative of a law enforcement agency, including, but not limited to, any misrepresentation as to: The number of children at the child care facility or the family day care home.

8. The violation described above is a **Class I** violation of child care licensing standards. It is the facility's **first (1<sup>st</sup>) Class I** violation of **Child Care Facility Standards Classifications Summary #63 Access/Child Abuse or Neglect/Misrepresentation** within a two-year period. The fine imposed for this violation is **Five Hundred Dollars (\$500.00)**.

**Violation #3:**

9. During a Complaint Investigation conducted on January 27, 2016 DCF Licensing Counselor Katarina Diaz determined that:

**The owner, operator, employee, while caring for children, committed an act or omission that meets the definition of child neglect provided in Chapter 39, Florida Statutes in that a six (6) year old child I.D. escaped from the facility unbeknownst to the staff who was supposed to supervise the child.**

10. The foregoing facts violate **Administrative code 65C-22.001(11)(a) which states:** Acts or omissions that meet the definition of child abuse or neglect provided in Chapter 39, F.S., constitute a violation of the standards in Sections 402.301-.319, F.S., and shall support imposition of a sanction, as provided in Section 402.310, F.S.

11. The violation described above is a **Class I** violation of child care licensing standards. It is the facility's **first (1<sup>st</sup>) Class I** violation of **Child Care Facility Standards Classifications Summary #63 Access/Child Abuse or Neglect/Misrepresentation** within a two-year period. While no administrative fine is being assessed for this violation it is the Department's intent to seek **REVOCATION OF THE CHILD CARE LICENSE** as this is the **3<sup>rd</sup> Class I** violation within a two year period.

If you do not wish to contest the findings of this administrative complaint, **please submit a cashier's check or money order** made payable to the **Florida Department of Children and Families, Child Care Regulation Office, 5920 Arlington Expressway, P.O. Box 2417, Jacksonville, FL 32231.**

**RIGHT TO ADMINISTRATIVE PROCEEDING**

**IF YOU BELIEVE THE PROPOSED ACTION DESCRIBED IN THIS ADMINISTRATIVE COMPLAINT IS IN ERROR, YOU MAY REQUEST AN ADMINISTRATIVE HEARING IN ACCORDANCE WITH THE ENCLOSED "NOTIFICATION OF RIGHTS UNDER CHAPTER 120, FLORIDA STATUTES"**

## **NOTIFICATION OF RIGHTS UNDER CHAPTER 120, FLORIDA STATUTES**

**IF YOU BELIEVE THE DEPARTMENT'S DECISION IS IN ERROR, YOU MAY REQUEST AN ADMINISTRATIVE HEARING UNDER SECTIONS 120.569 AND 120.57, FLORIDA STATUTES, TO CONTEST THE DECISION. YOUR REQUEST FOR AN ADMINISTRATIVE HEARING MUST BE RECEIVED BY THE DEPARTMENT BY 5:00, P.M., NO LATER THAN 21 CALENDAR DAYS AFTER YOU RECEIVED THE DEPARTMENT'S ADMINISTRATIVE COMPLAINT.**

You must submit your request for an administrative hearing to the Department at the following addresses:

**David Tucker  
Chief Legal Counsel  
Department of Children & Families  
P. O. Box 2417  
Jacksonville, FL. 32231-0083**

**IF YOUR REQUEST FOR AN ADMINISTRATIVE HEARING IS NOT RECEIVED BY THE DEPARTMENT BY THE ABOVE DEADLINE, YOU WILL HAVE WAIVED YOUR RIGHTS TO A HEARING AND THE DEPARTMENT'S PROPOSED ACTION WILL BE FINAL. ANY DENIAL, SUSPENSION, REVOCATION OR OTHER ACTION CONCERNING YOUR LICENSE OR REGISTRATION WILL BE EFFECTIVE ON THAT DATE OR ON ANY LATER EFFECTIVE DATE STATED IN THE ADMINISTRATIVE COMPLAINT, AND ANY PENALTY OR FINE IMPOSED MUST BE PAID WITHIN 30 DAYS THEREAFTER OR ANY EARLIER TIME PROVIDED IN THE ADMINISTRATIVE COMPLAINT.**

If you disagree with the facts stated in the Department's administrative complaint, you may request a formal administrative hearing under section 120.57(1), Florida Statutes. At a formal hearing, you may present evidence and arguments on all issues involved, and question the witnesses called by the Department. You have the right to be represented by counsel or other qualified representative.

If you do not disagree with the facts stated in the Department's administrative complaint, you may request an informal administrative hearing under section 120.57(2), Florida Statutes. At an informal hearing, you may present your argument or a written statement for consideration by the Department. You have the right to be represented by counsel or other qualified representative.

Your request for an administrative hearing must meet the requirements of Rule 28-106.2015(5), Florida Administrative Code, must be prepared legibly on 8½ by 11 inch

white paper, and include all of the following items:

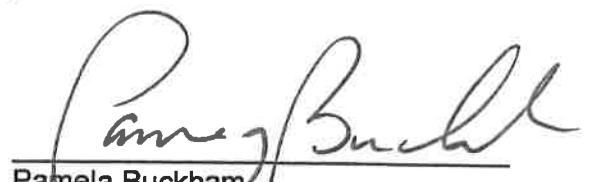
- (a) Your name, address, email address (if any) and telephone number.
- (b) The name, address, email address (if any) and telephone number of your attorney or qualified representative, if any.
- (c) A statement requesting an administrative hearing.
- (d) A statement of all facts in the administrative complaint with which you disagree. If you do not disagree with any of the facts stated in the administrative complaint, you must say so.
- (e) A statement of when and how you received the administrative complaint.
- (f) A statement identifying the file number of the administrative complaint, if shown on the administrative complaint.

Section 120.569, Florida Statutes, and rule 28-106.201(4), Florida Administrative Code, require the Department to dismiss your request for hearing if it is not in substantial compliance with the requirements above.

Mediation as described in section 120.573, Florida Statutes, is not available. However, other forms of mediation or informal dispute resolution may be available after a timely request for an administrative hearing has been received, if agreed to by all parties, and on such terms as agreed to by all parties. The right to an administrative proceeding is not affected when mediation or informal dispute resolution does not result in a settlement.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by certified mail return receipt no. 7012 3050 0002 0677 2367 to Kidz n Kidz Academy LLC d/b/a Kidz n Kidz Academy LLC, 6229 Merrill Road, Jacksonville, FL 32277 this 15<sup>th</sup> day of March 2016.



Pamela Buckingham  
Safety Program Manager