

FLORIDA THIRD DISTRICT COURT OF APPEAL

Grace Christian Leadership Academy (3269) v. Manny Diaz, Jr.,
Commissioner of Education

No. 3D24-0061; Lower Tribunal No. 2023-4154 · No. 3D24-0061 · Decided April 30, 2025

SUMMARY

The Florida Third District Court of Appeal held that Grace Christian Leadership Academy’s letter substantially complied with the requirements for requesting an administrative hearing, despite omitting notice-receipt details and specific supporting rules or statutes. The court reversed the Florida Department of Education’s dismissal and remanded for further proceedings.

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	Miller, J.; Logue, C.J.; Lobree, J.
JURISDICTION	Florida Third District Court of Appeal
DECIDED	April 30, 2025
DOCKET	3D24-0061
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Grace Christian Leadership Academy appealed a final order of the Florida Department of Education revoking its eligibility to participate in state scholarship programs and finding that it waived its right to an administrative hearing.
STANDARD OF REVIEW	De novo review of dismissal of a petition for an administrative hearing; on such a dismissal, the agency must accept the petition's factual allegations as true and may not consider factual matters outside the petition.
PRECEDENTIAL VALUE	Published and precedential Florida district court of appeal opinion
PARTIES	Grace Christian Leadership Academy (3269) v. Manny Diaz, Jr., Commissioner of Education

TOPICS

administrative law

agency adjudication

judicial review of agency action

appellate jurisdiction

appellate procedure

PRACTICE AREAS

Administrative law

Appellate procedure

Education law

QUESTIONS PRESENTED

1. Whether Grace's letter requesting an administrative hearing substantially complied with the requirements of Florida Administrative Code rule 28-106.201(2) and sections 120.54(5)(b)(4) and 120.569(2)(c), Florida Statutes.
2. Whether the Department properly dismissed Grace's hearing request and found that Grace waived its right to an administrative hearing.

HOLDINGS

1. When reviewing dismissal of a petition for an administrative hearing under section 120.57, Florida Statutes, the agency must accept the petition's factual allegations as true and may not consider factual matters outside the petition; dismissal is reviewed de novo.
2. A petition for an administrative hearing need not strictly satisfy every requirement of rule 28-106.201(2); substantial compliance may be sufficient to trigger the right to a hearing.

KEY QUOTATIONS

“an agency must accept as true the factual allegations of the petitions and may not consider any factual matters outside the amended petitions.” (2)

“Perfection is not necessary.” (3-4)

“Under these circumstances, Grace’s timely petition denying the core allegations was commensurate with the complaint, and therefore sufficient to trigger a right to an administrative hearing.” (5)

FACTUAL BACKGROUND

The Florida Department of Education accused Grace Christian Leadership Academy of falsely confirming student enrollment during the 2021–2022 school year to obtain state scholarship funds. Grace denied the fraud allegations, asserted historical compliance and financial hardship, and requested an administrative hearing under chapter 28-106 of the Florida Administrative Code. The Department dismissed Grace's letter for failing to satisfy the technical requirements for a hearing petition and later entered a final order finding that Grace had waived its hearing right.

PROCEDURAL HISTORY

The Department issued an administrative complaint alleging that Grace fraudulently confirmed student enrollment to obtain scholarship funds. Grace responded by letter, denying fraud and requesting an administrative hearing. The Department treated the letter as a petition, dismissed it for failure to comply with

Florida Administrative Code rule 28-106.201(2), denied Grace's later request for an extension as untimely, and entered a final order finding waiver of the right to a hearing. The Third District Court of Appeal reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The Department's dismissal and final order finding waiver of Grace's right to an administrative hearing are reversed, and the matter is remanded for further proceedings consistent with the opinion, including recognition that Grace's submission was sufficient to trigger a right to an administrative hearing.

CASES CITED

- *Herbits v. Bd. of Trs. of Internal Improvement Tr. Fund*, 195 So. 3d 1149, 1153 (Fla. 1st DCA 2016)
- *Julio Banks, P.E. v. Fla. Eng'rs Mgmt. Corp.*, 53 So. 3d 1151, 1153-54 (Fla. 1st DCA 2011)
- *McIntyre v. Seminole Cnty. Sch. Bd.*, 779 So. 2d 639, 643 (Fla. 5th DCA 2001)
- *Brookwood Extended Care Center of Homestead, LLP v. Agency for Healthcare Administration*, 870 So. 2d 834, 836-37, 841 (Fla. 3d DCA 2003)