

THIRD DISTRICT COURT OF APPEAL OF FLORIDA

Ricardo A. Cabrera v. Department of Business and Professional Regulation

No. 3D25-1084 (Fla. 3d DCA Mar. 18, 2026) · No. 3D25-1084 · Decided March 18, 2026

SUMMARY

The Florida Third District Court of Appeal affirmed a Department of Business and Professional Regulation decision against Ricardo A. Cabrera. The court held that failure to timely request an administrative hearing waived the right to challenge the factual allegations, which were therefore deemed admitted.

CASE DETAILS

COURT	Third District Court of Appeal of Florida
WRITING FOR THE COURT	Per Curiam; Lindsey; Gordo; Gooden
JURISDICTION	Florida Third District Court of Appeal
DECIDED	March 18, 2026
DOCKET	3D25-1084
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a decision of the Florida Department of Business and Professional Regulation.
PRECEDENTIAL VALUE	precedential
PARTIES	Ricardo A. Cabrera v. Department of Business and Professional Regulation

TOPICS

- agency adjudication
- administrative law
- judicial review of agency action
- waiver
- appellate procedure

PRACTICE AREAS

- administrative law
- appellate procedure

QUESTIONS PRESENTED

- Whether the Department of Business and Professional Regulation's decision should be affirmed when the appellant failed to timely request an administrative hearing and thereby waived the right to contest

the agency allegations.

HOLDINGS

1. A person who receives written notice of an agency decision and fails to file a written request for a hearing within 21 days waives the right to request a hearing on the matter.
2. When a party waives the right to challenge the factual allegations of an administrative complaint, the allegations are deemed admitted.

KEY QUOTATIONS

“Any person who receives written notice of an agency decision and who fails to file a written request for a hearing within 21 days waives the right to request a hearing on such matters.” (at 2)

“When a party waives the right to challenge the factual allegations of an administrative complaint, either by requesting an informal hearing pursuant to section 120.57(2), Florida Statutes, or by failing to respond to the complaint at all, the facts of the complaint are deemed to be admitted.” (at 2)

FACTUAL BACKGROUND

The opinion concerns an agency decision by the Florida Department of Business and Professional Regulation. The court applied the rule that a person receiving written notice of an agency decision waives the right to request a hearing by failing to file a written hearing request within 21 days. The court also relied on the principle that failure to challenge the factual allegations of an administrative complaint results in those allegations being deemed admitted.

PROCEDURAL HISTORY

Cabrera appealed a decision of the Florida Department of Business and Professional Regulation to the Third District Court of Appeal. The appellate court affirmed without further explanation, relying on Cabrera's waiver of the right to request an administrative hearing and the resulting admission of the factual allegations.

DISPOSITION

affirmed

CASES CITED

- Nicks v. Dep't of Bus. & Pro., etc., 957 So. 2d 65, 66 n.1 (Fla. 5th DCA 2007)
- Applegate v. Barnett Bank of Tallahassee, 377 So. 2d 1150, 1152 (Fla. 1979)

OPINION

Ricardo A. Cabrera v. Department of Business and Professional Regulation

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed March 18, 2026. Not final until disposition of timely filed motion for rehearing. _____ No. 3D25-1084 Lower

Tribunal No. 2023-065684 _____ Ricardo A. Cabrera, Appellant, vs. Department of Business and Professional Regulation, Appellee. An Appeal from the State of Florida, Department of Business & Professional Regulation. Ricardo A. Cabrera, in proper person. Brooke Elizabeth Adams, Chief Appellate Counsel (Tallahassee), for appellee. Before LINDSEY, GORDO and GOODEN, JJ. PER CURIAM. Affirmed. See Fla. Admin. Code 28-106.111(4) (“Any person who receives written notice of an agency decision and who fails to file a written request for a hearing within 21 days waives the right to request a hearing on such matters.”); *Nicks v. Dep’t of Bus. & Pro., etc.*, 957 So. 2d 65, 66 n.1 (Fla. 5th DCA 2007) (“When a party waives the right to challenge the factual allegations of an administrative complaint, either by requesting an informal hearing pursuant to section 120.57(2), Florida Statutes, or by failing to respond to the complaint at all, the facts of the complaint are deemed to be admitted. “); § 489.129(1)(d), Fla. Stat. (2025); see also *Applegate v. Barnett Bank of Tallahassee*, 377 So. 2d 1150, 1152 (Fla. 1979). 2