

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D17-2036

STATE OF FLORIDA, DEPARTMENT
OF FINANCIAL SERVICES,

Appellant,

v.

CHOICE PLUS, LLC,

Appellee.

On appeal from a Final Order of the Division of Administrative
Hearings.

Yolanda Y. Green, Administrative Law Judge.

February 11, 2019

PER CURIAM.

AFFIRMED. *See State, Agency for Health Care Admin. v. Planned Parenthood of Sw. & Cent. Fla., Inc.*, 207 So. 3d 1032 (Fla. 1st DCA 2017; *Bank of America v. Turkanovic*, 204 So. 3d 595 (Fla. 1st DCA 2016) (holding trial court lacks jurisdiction to impose sanctions if the case is voluntarily dismissed within the safe harbor period in section 57.105(4), Florida Statutes, and before a motion for sanctions is filed); *Town of Davie v. Santana*, 98 So. 3d 262 (Fla. 1st DCA 2012) (holding that administrative law judge lacked jurisdiction to award attorney's fees under section 120.595(1), Florida Statutes, once the petition was dismissed, the case was closed and no motion for attorney's fees was pending).

B.L. THOMAS, C.J., and JAY and M.K. THOMAS, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

Lori Lynn Jobe, Assistant General Counsel of the Department of Financial Services, Tallahassee, for Appellant.

Michael J. Farrar of Michael J. Farrar, P.A., Aventura, for Appellee.