

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D17-2215

SHANDS JACKSONVILLE MEDICAL
CENTER, INC., d/b/a UF HEALTH
JACKSONVILLE,

Appellant,

v.

STATE OF FLORIDA, DEPARTMENT
OF HEALTH; and ORANGE PARK
MEDICAL CENTER, INC., d/b/a
ORANGE PARK MEDICAL CENTER,

Appellees.

On appeal from final order of the Department of Health.
W. David Watkins, Administrative Law Judge.

November 30, 2018

PER CURIAM.

Shands Jacksonville Medical Center, Inc., appeals from the order approving the provisional trauma center application of Orange Park Medical Center, Inc., asserting three issues: (a) that the need for the new trauma center may not be deferred until the final selection phase of the process; (b) that the Department of Health was operating pursuant to an unadopted rule; and (c) that the Department erred in allowing the new trauma center to begin its operations prior to the completion of Shands' administrative challenge. As to issue (a), we affirm based on *State, Dep't of Health*

v. Bayfront HMA Med. Ctr., LLC, 236 So. 3d 466 (Fla. 1st DCA Jan. 2, 2018). As to issue (b), we affirm based on *State, Dep't of Health v. Shands Jacksonville Medical Center*, No. 1D17-1713 (Fla. 1st DCA Nov. 13, 2018). As to issue (c), we conclude that the matter is moot.

AFFIRMED in part; DISMISSED in part.

WETHERELL, MAKAR, and WINSOR, JJ., concur.

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

Seann M. Frazier and Marc Ito of Parker Hudson Rainer & Dobbs, LLP, Tallahassee, for Appellant.

William Dean Hall, III, Marc W. Dunbar, and Daniel R. Russell of Jones Walker LLP, Tallahassee, for Appellee Department of Health.

Stephen A. Ecenia, J. Stephen Menton, and Gabriel F. V. Warren of Rutledge Ecenia, P.A., Tallahassee, for Appellee Orange Park Medical Center.