

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

FILED
03 OCT 2003
DAY: 35

DEPARTMENT OF HEALTH,
BOARD OF MEDICINE,

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

Appellant,

v.

CASE NO. 1D03-2570

dmk-clas

LARRY DEE THOMAS, M.D.,

02-4843F

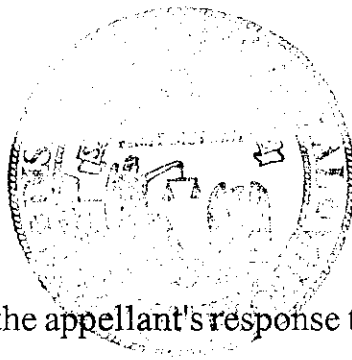
Appellee.

Opinion filed September 12, 2003.

An appeal from an order of the Division of Administrative Hearings.
Daniel M. Kilbride, Administrative Law Judge.

Pamela H. Page, Senior Attorney, Department of Health, William W. Large, General Counsel, Department of Health, and Larry G. McPherson, Jr., Chief Medical Attorney, Agency for Health Care Administration, Tallahassee, for Appellant.

William R. Huseman and Romualdo C. Marquinez, Jr., Jacksonville, for Appellee.



Jan. S. Wheeler
JAN S. WHEELER
CLERK DISTRICT COURT OF
FIRST DISTRICT

PER CURIAM.

Having considered the appellant's response to this Court's order, dated July 24, 2003, in which the appellant concedes that the instant order granting petition for attorney's fees and costs without setting the amount is a nonfinal nonappealable order, the appeal is hereby DISMISSED. See Winkelman v. Toll, 632 So. 2d 130 (4th

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1994). This dismissal is without prejudice to appellant's right to file a timely notice of appeal once a final order has been entered. All pending motions are denied as moot.

WEBSTER, DAVIS and BROWNING, JJ., CONCUR.