

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D17-3171

BAYFRONT HMA MEDICAL
CENTER, LLC d/b/a BAYFRONT
HEALTH - ST. PETERSBURG,

Appellant,

v.

STATE OF FLORIDA, DEPARTMENT
OF HEALTH, and GALENCARE,
INC., d/b/a NORTHSIDE HOSPITAL,

Appellees.

On appeal from the Division of Administrative Hearings.
John D.C. Newton, II, Administrative Law Judge.

October 15, 2018

PER CURIAM.

The recent convergence of this Court's decision in *State, Department of Health v. Bayfront HMA Medical Center, LLC*, 236 So. 3d 466 (Fla. 1st DCA 2018), and chapter 2018-66, Laws of Florida, has rendered the instant appeal moot and subject to dismissal. *See Montgomery v. Dep't of Health & Rehab. Servs.*, 468 So. 2d 1014, 1016-17 (Fla. 1st DCA 1985) (explaining that "[a] case becomes moot, for purposes of appeal, where, by a change of circumstances prior to the appellate decision, an intervening event makes it impossible for the court to grant a party any effectual

relief,” and emphasizing that “[i]t is the function of a judicial tribunal to decide actual controversies by a judgment which can be carried into effect, and not to give opinions on moot questions, or to declare principles or rules of law which cannot affect the matter in issue”).

DISMISSED.

WOLF, BILBREY, and JAY, JJ., concur.

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

Geoffrey D. Smith, Timothy B. Elliott, and Corinne T. Porcher of Smith & Associates, Tallahassee, for Appellant.

Stephen A. Ecenia, David M. Maloney, and Gabriel F. V. Warren of Rutledge Ecenia, P.A., Tallahassee, for Appellee Galencare, Inc., d/b/a Northside Hospital.

Jason Gonzalez and Amber Stoner of Shutts & Bowen LLP, Tallahassee, for Appellee Florida Department of Health.