

**STATE OF FLORIDA  
AGENCY FOR HEALTH CARE ADMINISTRATION**

FILED  
AHCA  
AGENCY CLERK

2019 AUG 21 P 1:01

ADVENTIST HEALTH SYSTEM/ SUNBELT,  
INC. d/b/a FLORIDA HOSPITAL ORLANDO,  
d/b/a FLORIDA HOSPITAL ALTAMONTE,  
d/b/a FLORIDA HOSPITAL APOPKA, d/b/a  
FLORIDA HOSPITAL CELEBRATION  
HEALTH, d/b/a FLORIDA HOSPITAL EAST  
ORLANDO, d/b/a FLORIDA HOSPITAL,  
ET AL.,

Petitioners,

CASE No. 19-0170 CON  
AHCA No. 2019000376  
CON 10547

vs.

STATE OF FLORIDA AGENCY FOR  
HEALTH CARE ADMINISTRATION,

Respondent.

---

OSCEOLA REGIONAL HOSPITAL, INC.,  
d/b/a OSCEOLA REGIONAL MEDICAL  
CENTER; AND CENTRAL FLORIDA  
HEALTH SERVICES, LLC,

vs.

CASE No. 19-0171 CON  
AHCA No. 2018018742  
CON 10547

ORLANDO HEALTH, INC., AND  
STATE OF FLORIDA, AGENCY FOR  
HEALTH CARE ADMINISTRATION,

Respondents.

---

**FINAL ORDER**

THIS CAUSE is before the State of Florida, Agency for Health Care Administration (“the Agency”) concerning the preliminary approval of Orlando Health, Inc.’s (“Orlando Health”) CON application No. 10547 to establish a 50-bed acute care hospital in District 7, Sub-district 2, Orange County, Florida.

1. The Agency published a notice of its decision granting the preliminary approval of CON application No. 10547 in the *Florida Administrative Register*, Volume 44, Number 238, on December 10, 2018.

2. On December 21, 2018, Osceola Regional Hospital, Inc. d/b/a Osceola Regional Medical Center and Central Florida Health Services, Inc. (collectively “Osceola Regional”) filed a petition contesting the approval of CON No. 10547 for Orlando Health.

3. On December 28, 2018, Adventist Health System/Sunbelt, Inc. d/b/a Florida Hospital Orlando (“Florida Hospital”) filed a petition contesting the approval of CON No. 10547 for Orlando Health.

4. Both petitions were referred to the Division of Administrative Hearings for a *de novo* review of the decisions through formal administrative hearing and consolidated for hearing by Order of Consolidation dated January 28, 2019. On May 28, 2019, the Administrative Law Judge entered an Order for each party to file a response setting forth its position on the impact to the case if CS/CS/HB 21 concerning “hospital licensure” was to become law by June 5, 2019. The parties sought and received an extension of time to July 1, 2019.

5. On July 1, 2019, the Agency filed a Motion to Dismiss and Memorandum of Law based on the lack of subject matter jurisdiction due to mootness as HB 21, now 2019-136, Laws of Florida, amended the Florida certificate of need law to remove general hospital projects such as those proposed in these matters from CON review.

6. On July 1, 2019, Orlando Health, Osceola Regional and Florida Hospital each filed responses to the Order dated May 28, 2019 stating that the cases appeared to have been made moot by the passage and signature of CS/CS/HB 21, now 2019-136, Laws of Florida.

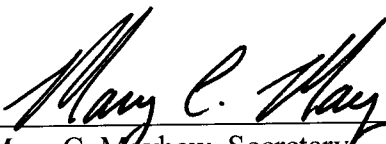
7. On July 11, 2019, Adventist Health filed a Notice of Voluntary Dismissal.

8. On July 19, 2019, the Administrative Law Judge entered an Order Closing Case File and Relinquishing Jurisdiction to the Agency.

It is therefore, **ORDERED**

1. The petitions for formal hearing are dismissed.
2. The approval of CON application No. 10547 is now moot. As of July 1, 2019, general acute care hospital projects are not subject to CON review. See Chapter 2019-136, Laws of Florida § 13.

**ORDERED** in Tallahassee, Florida, on this 21 day of August, 2019.

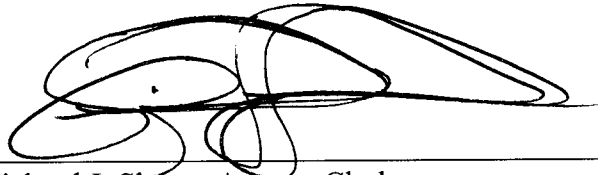
  
\_\_\_\_\_  
Mary C. Mayhew, Secretary  
Agency for Health Care Administration

**NOTICE OF RIGHT TO JUDICIAL REVIEW**

A party who is adversely affected by this Final Order is entitled to judicial review, which shall be instituted by filing the original Notice of Appeal with the Agency Clerk of AHCA, and a copy along with the filing fee prescribed by law with the District Court of Appeal in the appellate district where the Agency maintains its headquarters or where a party resides. Review of proceedings shall be conducted in accordance with the Florida appellate rules. The Notice of Appeal must be filed within 30 days of the rendition of the order to be reviewed.

**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Final Order has been furnished by the method designated to the persons named below on this 21<sup>st</sup> day of August, 2019.



---

Richard J. Shoop, Agency Clerk  
Agency for Health Care Administration  
2727 Mahan Drive, Mail Stop #3  
Tallahassee, Florida 32308  
(850) 412-3630

Robert S. Cohen  
Administrative Law Judge  
Division of Administrative Hearings  
(Electronic Filing)

Mia L. McKown, Esquire  
315 South Calhoun Street, Suite 600  
Tallahassee, Florida 32301  
mia.mckown@hklaw.com  
jennifer.gillis@hklaw.com  
(Electronic Mail)

Stephen Boone, Esquire  
1001 Avenida Del Circo  
Post Office Box 1596  
Venice, Florida 34284  
sboone@boone-law.com  
pwilliamson@boone-law.com  
(Electronic Mail)

Karen Putnal, Esquire  
Ian Waldick, Esquire  
118 N Gadsden St  
Tallahassee FL, 32301  
kputnal@moylelaw.com  
iwaldick@moylelaw.com  
mqualls@moylelaw.com  
(Electronic Mail)

Stephen A. Ecenia, Esquire  
Craig D. Miller, Esquire  
Jennifer Hinson, Esquire  
Gabriel Warren, Esquire  
Rutledge Ecenia, P.A.  
119 South Monroe Street, Suite 202  
Tallahassee, Florida 32301  
[steve@reuphlaw.com](mailto:steve@reuphlaw.com)  
[cmiller@rutledge-ecenia.com](mailto:cmiller@rutledge-ecenia.com)  
[jennifer@rutledge-ecenia.com](mailto:jennifer@rutledge-ecenia.com)  
[gwarren@rutledge-ecenia.com](mailto:gwarren@rutledge-ecenia.com)  
[Lauren@rutledge-ecenia.com](mailto:Lauren@rutledge-ecenia.com)  
[vicki@rutledge-ecenia.com](mailto:vicki@rutledge-ecenia.com)  
(Electronic Mail)

Julia E. Smith, Assistant General Counsel  
Office of the General Counsel  
Agency for Health Care Administration  
(Electronic Mail)

Janice K. Mills, Government Analyst II  
Facilities Intake Unit  
Agency for Health Care Administration  
(Electronic Mail)

Marisol M. Fitch, Unit Manager  
Certificate of Need Unit  
Agency for Health Care Administration  
(Electronic Mail)

Jack Plagge, Unit Manager  
Hospital and Outpatient Services Unit  
Agency for Health Care Administration  
(Electronic Mail)