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

SOUTH FLORIDA COMMUNITY CARE  
NETWORK, LLC d/b/a COMMUNITY  
CARE PLAN,

Petitioner,

v.

AHCA ITN NO. 010-17/18  
(Region 10 HIV/AIDS Specialty Plan)

STATE OF FLORIDA, AGENCY FOR  
HEALTH CARE ADMINISTRATION,

Respondent.

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**FINAL ORDER**

1. On May 22, 2019, Petitioner South Florida Community Care Network, LLC d/b/a Community Care Plan (“Petitioner” or “CCP”) filed a Notice of Withdrawal (“Notice”) as to DOAH Case No. 19-2346BID, which challenged Respondent the Agency for Health Care Administration’s (“Respondent” or “AHCA”)’s decision to not award CCP an HIV/AIDS Specialty Plan contract in Region 10. The Notice contained stipulations that were agreed to by AHCA. A copy of the Notice is attached as Exhibit A.

2. The Division of Administrative Hearings closed its file and relinquished jurisdiction to AHCA on May 24, 2019.


3. As agreed by the parties in the Notice, CCP’s withdrawal of the above-referenced protest is not a waiver, estoppel, or res judicata as to the matters which were raised in the currently pending First District Court of Appeal Case Number 1D19-1312, filed by Petitioner.

4. Respondent agrees to not argue or assert in the appeal that resolution of the matters raised in this proceeding are necessary to proceed forward with such appeal, or that the appellate court is incapable of rendering relief because the matters in this proceeding were not determined.

5. The parties agree that the issue for determination in CCP's Petition and the pending First District Court of Appeal case is the applicability of sections 409.974(1) and (3), Florida Statutes and whether such sections require a contract award to Petitioner as a provider service network. Should CCP prevail on appeal, CCP will offer contract terms consistent with its Best and Final Offer submitted to the Agency during the negotiations, which are acceptable to the Agency.

Based on the foregoing, this file is **CLOSED**.

DONE and ORDERED on this the 19 day of Sept, 2019, in Tallahassee, Florida.

  
MARY C. MAYHEW, SECRETARY  
Agency for Health Care Administration

**A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO A JUDICIAL REVIEW WHICH SHALL BE INSTITUTED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF AHCA, AND A SECOND COPY ALONG WITH FILING FEE AS 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 PROCEEDINGS SHALL BE CONDUCTED IN ACCORDANCE WITH THE FLORIDA APPELLATE RULES. THE NOTICE OF APPEAL MUST BE FILED WITHIN 30 DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.**

Copies furnished via email to:

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*Counsel for the Agency for Health Care Administration*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to the above named addressees by U.S. Mail or other designated method on this the 20<sup>th</sup> day of June 2019.



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