

STATE OF FLORIDA  
DEPARTMENT OF MANAGEMENT SERVICES

DR. HARRY KOVELMAN on behalf of  
MARK MALISA

Petitioner,

v.

Final Order No: DMS-22-0044  
DOAH Case No: 22-2492

STATE OF FLORIDA,  
DEPARTMENT OF MANAGEMENT SERVICES,  
DIVISION OF STATE GROUP INSURANCE,

Respondent.

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**FINAL ORDER OF DISMISSAL**

**THIS MATTER** comes before the undersigned for the purpose of issuing a Final Order of Dismissal in accordance with the provisions of section 120.569(1), Florida Statutes.


1. June 20, 2022, pursuant to Rule 28-106.301, Florida Administrative Code, Dr. Harry Kovelman, on behalf of Mark Malisa (“Petitioner”) filed a Petition for Administrative Hearing (“Petition”) with the Florida Department of Management Services (“Department”) disputing the denial of certain medical benefits.
2. The matter was referred to the Division of Administrative Hearings, but no hearing had been set.
3. As provided for under the PPO health plan, an external review by an Independent Review Organization (“IRO”) commenced and upheld the denial of coverage on June 22, 2022.
4. On August 31, 2022, Petitioner and the Plan Member joined Respondent in filing a Joint Motion to Close File and Relinquish Jurisdiction.

5. On August 31, 2022, DOAH issued an Order Closing File and Relinquishing Jurisdiction, returning the case to the Department.
6. In administrative proceedings, agency jurisdiction ceases to exist when a petition is withdrawn or voluntarily dismissed. *Rudloe v. Florida Department of Environmental Regulation*, 517 So. 2d 731, 732 (Fla. 1st DCA 1987).
7. This matter is now moot and due to be dismissed because the Department's jurisdiction ceased when Petitioner voluntarily dismissed the petition.

It is hereby **ORDERED AND ADJUDGED:**


- A. Petitioner's request for administrative hearing is hereby **DISMISSED**; and this case is **CLOSED**.
- B. This Final Order shall become effective on the date of filing with the Agency Clerk of the Department of Management Services.

**DONE AND ORDERED** this date 9/23/2022 | 3:09 PM EDT .

DocuSigned by:  
  
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**Pedro Allende**, Agency Secretary  
Department of Management Services  
4050 Esplanade Way  
Tallahassee, Florida 32399

Copies Furnished via email to:

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**Mark Malisa (Jessica Malisa)**  


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**NOTICE OF RIGHT TO APPEAL**

Unless expressly waived by a party such as in a stipulation or in other similar forms of settlement, any party substantially affected by this final order may seek judicial review by filing an original Notice of Appeal with the Agency Clerk of the Department of Management Services, and a copy, accompanied by filing fees prescribed by law, with the Clerk of the appropriate District Court of Appeal. The Notice of Appeal must be filed within thirty (30) days of rendition of this order, in accordance with Rule 9.110, Fla. R. App. P., and section 120.68, Florida Statutes.

Certificate of Clerk:

Filed in the office of the Clerk of the  
Department of Management Services

on this 9/23/2022 | 3:35 PM EDT.

DocuSigned by:

*Lauren Douglas*

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Agency Clerk