

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

FREEDOM LIFE INSURANCE  
COMPANY OF AMERICA,

Appellant,

v.

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

CASE NO. 1D04-4741

STATE OF FLORIDA,  
DEPARTMENT OF FINANCIAL  
SERVICES, OFFICE OF  
INSURANCE REGULATION,

Appellee.

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Opinion filed January 24, 2005.

An administrative appeal from the Department of Financial Services, Office of  
Insurance Regulation.

Michael J. Cherniga and Ronald C. Laface of Greenberg, Traurig, P.A.,  
Tallahassee, for Appellant.

Marc Herskovitz, Assistant General Counsel, Office of Insurance Regulation,  
Tallahassee, for Appellee.

PER CURIAM.

Upon consideration of the appellant's response to the Court's order of  
November 23, 2004, the Court has determined that the instant appeal is premature.

See Rowell v. Dep't of Law Enforcement, 700 So. 2d 1242 (Fla. 2d DCA 1997).

Accordingly, the appeal is hereby dismissed for lack of jurisdiction. The appellant's Unopposed Motion to Toll Briefing Schedule, filed on December 15, 2004, is denied as moot.

ERVIN, BROWNING and HAWKES, JJ., CONCUR.