

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

YEMA HOME HEALTH CARE,  
INCORPORATED,

Appellant,

v.

AGENCY FOR HEALTH CARE  
ADMINISTRATION,

Appellee.

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

CASE NO. 1D05-3376

Opinion filed February 16, 2007.

An appeal from an order of the Agency for Health Care Administration.  
Alan Levine, Secretary.

Donna H. Stinson of Broad & Cassell, Tallahassee, for Appellant.

Christa Calamas, General Counsel, and Garnett Chisenhall, Chief Appellate Counsel,  
Agency for Health Care Administration, Tallahassee, for Appellee.

PER CURIAM.

Upon consideration of the appellant's response to the Court's order of August 22, 2005, as well as the appellee's response to the Court's order of November 8, 2005, the Court has concluded that the letter from the Agency for Health Care

Administration declining to take action on the appellant's petition for formal administrative hearing does not constitute an appealable order. Simmons v. Agency for Health Care Administration, 1D06-4544 (Fla. 1st DCA January 24, 2007). Accordingly, the appeal is hereby dismissed for lack of jurisdiction. All pending motions are denied as moot.

ALLEN, PADOVANO, and LEWIS, JJ., CONCUR.