

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

BOARD OF MEDICINE,

Appellant,

v.

FRANCISCO VAZQUEZ, M.D.,

Appellee.

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

CASE NO. 1D08-1914

Opinion filed May 29, 2009.

An appeal from Division of Administrative Hearings.
Larry J. Sartin, Judge.

Bill McCollum, Attorney General; Edward A. Tellechea, Senior Assistant Attorney General; Garnett W. Chisenhall, Donna Canzano McNulty and Lisa Ann McGlynn, Assistant Attorneys General, Tallahassee, for Appellant.

Stephen T. Maher of Shutts & Bowen, LLP, Miami; Michael P. Gennett of Akerman Senterfitt, Miami, for Appellee.

PER CURIAM.

We affirm in all respects the finding of the administrative law judge that the challenged agency statement constitutes a rule which has not been adopted pursuant to section 120.54, Florida Statutes.

AFFIRMED.

KAHN, THOMAS, and ROBERTS, JJ., CONCUR.