

FIRST DISTRICT COURT OF APPEAL  
STATE OF FLORIDA

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No. 1D17-2836

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THE FLORIDA LOTTERY,

Appellant,

v.

SENECA ONE, LLC, and RHONDA  
MORTIMER-BUCKNER,

Appellees.

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On appeal from the Circuit Court for Leon County.  
Charles Dodson, Judge.

June 4, 2018

PER CURIAM.

This appeal is dismissed for lack of jurisdiction because the non-final order under review did not explicitly determine, as a matter of law, that Appellant, The Florida Lottery, was not entitled to sovereign immunity, a point which Appellant concedes. *See Fla. Highway Patrol, a Div. of the Fla. Dep't of Highway Safety & Motor Vehicles v. Jackson*, 238 So. 3d 430 (Fla. 1st DCA 2018) (dismissing the appeal filed pursuant to Florida Rule of Appellate Procedure 9.130(a)(3)(C)(xi) where the non-final order being challenged did not explicitly determine, as a matter of law, that the appellant was not entitled to sovereign immunity); *see also Fla. Agency for Health Care Admin. v. McClain*, 1D16-474, 2018 WL 1833386, at \*2 (Fla. 1st DCA Apr. 18, 2018) (“Because the court

here did not explicitly indicate on the face of the order that it was denying sovereign immunity as a matter of law, the order is not appealable.”). The trial court may enter an amended order explicitly stating on its face that Appellant is not entitled to sovereign immunity, if that was the substance of the trial court’s determination. *See id.* at \*3.

DISMISSED.

LEWIS, MAKAR, and M.K. THOMAS, JJ., concur.

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***Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.***

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Pamela Jo Bondi, Attorney General, Rachel Nordby, Deputy Solicitor General, Tallahassee, for Appellant.

W. Mason and Megan A. McNamara of Fox Rothschild, LLP, West Palm Beach, for Appellee Seneca One, LLC.