

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D19-2291

STATE OF FLORIDA, DEPARTMENT
OF BUSINESS AND PROFESSIONAL
REGULATION, DIVISION OF PARI-
MUTUEL WAGERING,

Petitioner,

v.

THE FLORIDA HORSEMEN'S
BENEVOLENT AND PROTECTIVE
ASSOCIATION, INC.; and CALDER
RACE COURSE, INC.,

Respondents.

Petition to Review Non-Final Agency Action—Original
Jurisdiction.

December 5, 2019

PER CURIAM.

Because Petitioner has not shown irreparable injury that cannot be adequately remedied on appeal, we dismiss the petition for review of non-final agency action for lack of jurisdiction. *State v. Planned Parenthood of Sw. & Cent. Fla., Inc.*, 207 So. 3d 1032, 1034 (Fla. 1st DCA 2017) (“In deciding whether to grant review of a non-final agency action, showing irreparable injury is a

jurisdictional hurdle that we address ‘before determining whether the [ruling] departed from the essential requirements of law.’”) (quoting *AVCO Corp. v. Neff*, 30 So. 3d 597, 601 (Fla. 1st DCA 2010)). Additionally, we realign Calder Race Course, Inc. as a Petitioner in this case and treat its notice of joinder as a petition for review of non-final agency action. For the reasons explained above, we also dismiss Calder Race Course, Inc.’s petition.

DISMISSED.

ROBERTS, MAKAR, and BILBREY, JJ., concur.

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

Ross Marshman, Chief Appellate Counsel, and James Lewis, Deputy Chief Attorney, Department of Business and Professional Regulation, Tallahassee, for Petitioner.

Bradford J. Beilly and John Strohsahl of Beilly & Strohsahl, P.A., Fort Lauderdale, for Respondent The Florida Horsemen’s Benevolent and Protective Association.

Kristen M. Fiore of Akerman LLP, Tallahassee, Tamara S. Malvin of Akerman LLP, Fort Lauderdale; Wilbur E. Brewton and Kelly B. Plante of Brewton Plante, P.A., Tallahassee, for Respondent Calder Race Course.