

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D19-3320

THE FLORIDA HORSEMEN'S
BENEVOLENT & PROTECTIVE
ASSOCIATION, INC.,

Petitioner,

v.

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,
DIVISION OF PARI-MUTUEL
WAGERING, 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)).

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.

Bradford J. Beilly and John Strohsahl of Beilly & Strohsahl, P.A., Fort Lauderdale, for Petitioner.

No appearance for Respondent Department of Business and Professional Regulation.

Kristen M. Fiore of Akerman LLP, Tallahassee, and Tamara S. Malvin of Akerman LLP, Fort Lauderdale, for Respondent Calder Race Course, Inc.