

FIRST DISTRICT COURT OF APPEAL OF FLORIDA

Shands Jacksonville Medical Center, Inc., and University of Florida Board of Trustees v. Jennifer Chavez and Marlon Chavez, as Parents and Natural Guardians of G.C., a Minor Child, and Florida Birth-Related Neurological Injury Compensation Association

No. 1D2020-3605 (Fla. 1st DCA Aug. 7, 2025) · No. 1D2020-3605 · Decided August 7, 2025

SUMMARY

The First District Court of Appeal of Florida denied motions for rehearing and related relief, withdrew its December 11, 2024 opinion, and substituted an opinion dismissing the proceeding based on the appellants’ notice of voluntary dismissal. The case concerned whether healthcare-provider intervenors could obtain appellate review of an administrative law judge’s determination under Florida’s Birth-Related Neurological Injury Compensation Plan. Judge Tanenbaum concurred in the result and discussed standing, separation of powers, and the limits of the Division of Administrative Hearings’ jurisdiction.

CASE DETAILS

COURT	First District Court of Appeal of Florida
WRITING FOR THE COURT	Per curiam; Robert E. Roberts; Norby; Robert J. Tanenbaum
JURISDICTION	Florida First District Court of Appeal
DECIDED	August 7, 2025
DOCKET	1D2020-3605
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from a final order of an administrative law judge in the Division of Administrative Hearings concerning compensability under the Florida Birth-Related Neurological Injury Compensation Plan. While rehearing and related motions were pending, the court reconsidered the appellants' notice of voluntary dismissal and dismissed the proceeding.
STANDARD OF REVIEW	Appellate jurisdiction and standing were jurisdictional issues reviewed as threshold matters. The operative per curiam disposition did not reach the merits.

PRECEDENTIAL VALUE	Published opinion; the operative per curiam disposition is dismissal. The extensive standing, administrative-jurisdiction, statutory-interpretation, and separation-of-powers analysis is contained in a concurrence in result only.
PARTIES	Shands Jacksonville Medical Center, Inc., University of Florida Board of Trustees v. Jennifer Chavez, Marlon Chavez, as Parents and Natural Guardians of G.C., a Minor Child, Florida Birth-Related Neurological Injury Compensation Association

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QUESTIONS PRESENTED

1. Whether the proceeding should be dismissed based on the appellants' notice of voluntary dismissal.
2. Whether intervening healthcare providers had standing and suffered cognizable harm sufficient to invoke the district court's direct-review jurisdiction over the administrative order.
3. Whether an administrative law judge may conclusively determine, absent a live claim for compensation under the Plan, whether an infant's injury is a birth-related neurological injury for purposes of barring a future medical-malpractice action.
4. Whether the 1998 amendments to the Plan statutes abrogated the core holding of Florida Birth-Related Neurological Injury Compensation Association v. McKaughan.

HOLDINGS

1. The court dismissed the proceeding after reconsidering the appellants' notice of voluntary dismissal.
2. In the concurring opinion, Judge Tanenbaum concluded that Shands and the University of Florida lacked standing because they could not demonstrate cognizable harm from the administrative order.
3. In the concurring opinion, Judge Tanenbaum concluded that the administrative law judge's authority under the Plan was limited to adjudicating claims for compensation affirmatively filed by claimants and did not extend to issuing a binding determination concerning a future medical-malpractice action after the compensation claim had been withdrawn.
4. In the concurring opinion, Judge Tanenbaum concluded that the 1998 amendments did not abrogate McKaughan's core holding limiting ALJ authority to claims affirmatively seeking compensation under the Plan.

KEY QUOTATIONS

“Upon reconsideration of Appellants’ notice of voluntary dismissal filed on March 27, 2023, the Court dismisses this proceeding.” (1)

“DISMISSED.” (1)

“Simply put, the executive branch—again, if directed by the Legislature—can conclusively adjudicate, internally, disputed facts as between an agency or officer of the State and its citizens regarding the administration of public benefits that turn on those facts.” (3)

“At bottom, a hearing officer can exercise quasi-judicial power, but not judicial power.” (21)

“In the context of administrative appeals to the district courts, standing remains a threshold jurisdictional question that must be addressed before reaching the merits of any argument.” (40)

FACTUAL BACKGROUND

G.C. was born at Shands Jacksonville Medical Center and suffered a brain injury caused by oxygen deprivation around the time of birth, later developing severe cerebral palsy. The Chavezes initially sought compensation under the Florida Birth-Related Neurological Injury Compensation Plan, but later disclaimed any entitlement to Plan benefits and asserted that the injury was not compensable. Shands and the University of Florida Board of Trustees, which employed personnel involved in the delivery, intervened and sought a contrary determination that the injury qualified as a birth-related neurological injury.

PROCEDURAL HISTORY

The Chavezes initially petitioned for compensation under the Plan, but later amended their petition to disclaim entitlement to compensation and requested a determination that the injury was noncompensable. Shands and the University of Florida Board of Trustees had intervened and sought a determination that the injury was compensable. The administrative law judge entered a final order determining that G.C. had not suffered a compensable birth-related neurological injury. The appellants sought review, but filed a notice of voluntary dismissal; on rehearing the court withdrew its prior opinion and dismissed the proceeding.

DISPOSITION

dismissed

CASES CITED

- Coy v. Fla. Birth-Related Neurological Injury Comp. Plan, 595 So. 2d 943, 944 (Fla. 1992)
- Florida Birth-Related Neurological Injury Compensation Association v. Florida Division of Administrative Hearings, 948 So. 2d 705, 711-13 (Fla. 2007)
- Galen of Fla., Inc. v. Braniff, 696 So. 2d 308, 309-10 (Fla. 1997)
- McDonald v. Fla. Birth-Related Neurological Injury Comp. Ass’n, 396 So. 3d 891, 903 (Fla. 1st DCA 2024)
- Western 132 Feet v. City of Orlando, 86 So. 197, 198-99 (Fla. 1920)
- Polk County v. Sofka, 702 So. 2d 1243, 1245 (Fla. 1997)

- Florida Birth-Related Neurological Injury Compensation Association v. McKaughan, 668 So. 2d 974, 975-80 (Fla. 1996)
- Bennett v. St. Vincent's Medical Center, Inc., 71 So. 3d 828, 833-44 (Fla. 2011)
- Mandico v. Taos Construction, Inc., 605 So. 2d 850, 854 (Fla. 1992)
- English v. McCrary, 348 So. 2d 293, 298 (Fla. 1977)
- Puryear v. State, 810 So. 2d 901, 905 (Fla. 2002)
- Jones v. Chiles, 638 So. 2d 48, 51-52 (Fla. 1994)
- Canney v. Board of Public Instruction of Alachua County, 278 So. 2d 260, 262 (Fla. 1973)
- McRae v. Robbins, 9 So. 2d 284, 290-91 (Fla. 1942)
- Broward County v. La Rosa, 505 So. 2d 422, 423-24 (Fla. 1987)
- Biltmore Construction Co. v. Florida Department of General Services, 363 So. 2d 851, 854 (Fla. 1st DCA 1978)
- Securities and Exchange Commission v. Jarkesy, 603 U.S. 109, 120-32 (2024)
- Wellness International Network, Ltd. v. Sharif, 575 U.S. 665, 711, 713 (2015)
- Stern v. Marshall, 564 U.S. 462, 484, 490-94, 502-03 (2011)
- Den ex dem. Murray v. Hoboken Land & Improvement Co., 59 U.S. 272, 284 (1855)
- Crowell v. Benson, 285 U.S. 22, 51, 56-64 (1932)
- Granfinanciera, S.A. v. Nordberg, 492 U.S. 33, 51-52, 68 (1989)
- Commission on Ethics v. Sullivan, 489 So. 2d 10, 13 (Fla. 1986)
- Hewitt v. Helms, 482 U.S. 755, 761 (1987)
- State Road Department v. Crill, 128 So. 412, 414-15 (Fla. 1930)
- Hillsboro Plantation v. Plunkett, 55 So. 2d 534, 536 (Fla. 1951)
- Gordon v. Gordon, 59 So. 2d 40, 43 (Fla. 1952)
- State ex rel. B. F. Goodrich Co. v. Trammell, 192 So. 175, 177 (Fla. 1939)
- Sirmans v. Owen, 100 So. 734, 735 (Fla. 1924)
- Ex parte Chesser, 112 So. 87, 90 (Fla. 1927)
- Malone v. Malone, 368 So. 3d 1057, 1060 (Fla. 1st DCA 2023) (Tanenbaum, J., concurring)
- Ex parte Bakelite Corp., 279 U.S. 438, 449-52 (1929)
- Oil States Energy Services, LLC v. Greene's Energy Group, LLC, 584 U.S. 325, 334 (2018)
- Atlas Roofing Co. v. Occupational Safety & Health Review Commission, 430 U.S. 442, 450 n.7, 458 (1977)
- Smith v. Piezo Technology & Professional Administrators, 427 So. 2d 182, 184 (Fla. 1983)
- Humana of Florida, Inc. v. Department of Health & Rehabilitative Services, 500 So. 2d 186, 187-88 (Fla. 1st DCA 1986)
- Environmental Confederation of Southwest Florida, Inc. v. IMC Phosphates, Inc., 857 So. 2d 207, 210-11 (Fla. 1st DCA 2003)
- Psychiatric Associates v. Siegel, 610 So. 2d 419, 424 (Fla. 1992)
- Spafford v. Brevard County, 110 So. 451, 454 (Fla. 1926)

- *Maggio v. Florida Department of Labor & Employment Security*, 899 So. 2d 1074, 1081 n.5 (Fla. 2005)
- *Kluger v. White*, 281 So. 2d 1, 4 (Fla. 1973)
- *Flo-Sun, Inc. v. Kirk*, 783 So. 2d 1029, 1041 (Fla. 2001)
- *Humana of Florida, Inc. v. McKaughan*, 652 So. 2d 852, 860 (Fla. 2d DCA 1995), approved, 668 So. 2d 974 (Fla. 1996)
- *Burnett v. Greene*, 122 So. 570, 575 (Fla. 1929)
- *First National Bank v. Bebinger*, 128 So. 862, 863 (Fla. 1930)
- *Sarasota-Fruitville Drainage District v. Certain Lands Within Said District Upon Which Drainage Taxes for the Year 1952 Have Not Been Paid*, 80 So. 2d 335, 336 (Fla. 1955)

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