

Supreme Court of Florida

No. 70,200

LOUIS GERENTINE, ET AL., Petitioners,

vs.

COASTAL SECURITY SYSTEMS, ET AL.,
Respondents.

[January 7, 1988]

BARKETT, J.

We have for review Gerentine v. Coastal Security Systems, 502 So.2d 1356 (Fla. 5th DCA 1987), because of stated conflict with Sullivan v. Streeter, 485 So.2d 893 (Fla. 4th DCA 1986). We have jurisdiction. Art. V, § 3(b)(3), Fla. Const.

The Fifth District affirmed the dismissal of petitioner's wrongful death action upon the authority of Dessert v. Electric Mutual Liability Ins. Co., 392 So.2d 340 (Fla. 5th DCA 1981), review denied, 339 So.2d 1141 (Fla. 1981), and Kaplan v. Circuit Court of Tenth Judicial Circuit For Polk County, 495 So.2d 231 (Fla. 2d DCA 1986). Since accepting jurisdiction, we have approved the decision of the Fourth District in Sullivan and disapproved Dessert and Kaplan. Streeter v. Sullivan, 509 So.2d 268 (Fla. 1987).

Accordingly, we quash the decision below and remand this case to the district court for reconsideration in light of our decision in Streeter.

It is so ordered.

OVERTON, EHRLICH, SHAW, GRIMES and KOGAN, JJ., Concur
McDONALD, C.J., Dissents

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION, AND IF FILED, DETERMINED.

Application for Review of the Decision of the District Court of
Appeal - Direct Conflict of Decisions

Fifth District - Case No. 86-817

Mel R. Martinez, Orlando, Florida; and Gary L. Shockey of Spence,
Moriarity & Schuster, Jackson, Wyoming,

for Petitioners

Leslie King O'Neal and John A. Kirst, Jr. of Markel, McDonough
& O'Neal, Orlando, Florida,

for Respondents