

Supreme Court of Florida

No. 70,475

AQUILINA LAZO,
Petitioner,

vs.

BARING INDUSTRIES, INC., et al.,
Respondents.

[December 3, 1987]

PER CURIAM.

We review Lazo v. Baring Industries, Inc., 508 So.2d 1256, 1256 (Fla. 3d DCA 1987), to answer two certified questions of great public importance. Art. V, § 3(b)(4), Fla. Const. The certified questions are as follows:

- I. SHOULD THE LEGISLATIVE AMENDMENT OF SECTION 95.031(2), FLORIDA STATUTES (1983), ABOLISHING THE STATUTE OF REPOSE IN PRODUCTS LIABILITY ACTIONS, BE CONSTRUED TO OPERATE RETROSPECTIVELY AS TO A CAUSE OF ACTION WHICH ACCRUED BEFORE THE EFFECTIVE DATE OF THE AMENDMENT?
- II. IF NOT, SHOULD THE DECISION OF PULLUM v. CINCINNATI, INC., 476 SO.2D 657 (FLA. 1985), APPEAL DISMISSED, U.S., 106 S.CT. 1626, 90 L.ED.2D 174 (1986), WHICH OVERRULED BATTILLA v. ALLIS CHALMERS MFG. CO., 392 SO.2D 874 (FLA. 1980), APPLY SO AS TO BAR A CAUSE OF ACTION THAT ACCRUED AFTER THE BATTILLA DECISION BUT BEFORE THE PULLUM DECISION?

We recently answered the first question in the negative and the second question in the affirmative in Melendez v. Dreis & Krump Manufacturing Co., 12 F.L.W. 519 (Fla. Oct. 15, 1987). We approve the decision below on the authority of Melendez.

It is so ordered.

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

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 - Certified Great Public Importance

Third District - Case No. 86-2502

Alan T. Lipson of Stanley M. Rosenblatt, P.A., Miami, Florida,
for Petitioner

Law Offices of James O. Nelson, Miami, Florida, and Steven R. Berger
and William G. Liston of Steven R. Berger, P.A., Miami, Florida,
attorneys for Baring Industries, Inc.; and Rhea P. Grossman,
Miami, Florida, attorney for Chicago Dryer Company Laundry Machines,
for Respondents