

Supreme Court of Florida

No. 71,594

CONDOMINIUM ASSOCIATION OF PLAZA
TOWERS NORTH, INC., Petitioner,

vs.

PLAZA RECREATION DEVELOPMENT CORP.,
Respondent.

[March 1, 1990]

OVERTON, J.

We have for review Condo Association of Plaza Towers North v. Plaza Recreation Development Corp., 514 So. 2d 381 (Fla. 3d DCA 1987), in which the Third District Court of Appeal held that an escalation clause in a recreation lease entered into prior to the effective date of section 711.231, Florida Statutes (1975),* was still enforceable. We have jurisdiction. Art. V, § 3(b)(3), Fla. Const. We approve the Third District Court of Appeal's decision.

* This statute was renumbered as section 718.4015 in 1988 and has been

The Third District Court of Appeal relied on its decision in the instant case in rendering its opinion in Association of Golden Glades Condominium Club, Inc. v. Security Management Corp., 518 So. 2d 967 (Fla. 3d DCA 1988), in which it certified the identical issue to this Court as one of great public importance. For the reasons we expressed in Association of Golden Glades Condominium Club, Inc. v. Security Management Corp., No. 71,909 (Fla. Mar. 1, 1990), which is being released simultaneously with this opinion, we hold that the escalation clause in the instant case is valid and enforceable.

Accordingly, we approve the Third District Court of Appeal's decision in this case.

It is so ordered.

**EHRlich, C.J., and McDONALD, GRIMES and KOGAN, JJ., Concur
SHAW and BARKETT, JJ., Concur in result only**

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

amended since 1975. For a review of the history of this statute, see Association of Golden Glades Condominium Club, Inc. v. Security Management Corp., No. 71,909 (Fla. Mar. 1, 1990).

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

Third District - Case No. 86-3097

(Dade County)

Jeffrey E. Streitfeld and Mark B. Schorr of Becker, Poliakoff
& Streitfeld, P.A., Fort Lauderdale, Florida,

for Petitioner

Alan C. Sundberg and Sylvia H. Walbolt, Tallahassee, Florida
and Christopher L. Griffin, Tampa, Florida of Carlton, Fields,
Ward, Emmanuel, Smith & Cutler, P.A.; Cypen & Cypen, Miami Beach,
Florida; and Ira M. Elegant and Carolina A. Echarte of Buchbinder
& Elegant, P.A., Miami, Florida,

for Respondent

Karl M. Scheuerman, Assistant General Counsel, Department of
Business Regulation, Tallahassee, Florida,

Amicus Curiae for Division of Florida Land Sales,
Condominiums and Mobile Homes