

Supreme Court of Florida

No. 72,563

REBERT JONES, ET AL., Petitioners,

vs.

ARTHUR E. THOMAS, ET AL., Respondents.

[April 6, 1989]

SHAW, J.

We have for review Thomas v. Jones, 524 So.2d 693 (Fla. 5th DCA 1988), based upon conflict with Lanca Homeowners, Inc. v. Lantana Cascade, No. 71,767 (Fla. Sept. 22, 1988). We have jurisdiction. Art. V, § 3(b)(3), Fla. Const. We quash the opinion of the district court.

Petitioners, mobile home owners (residents), filed a class action against respondents, mobile home park owners, alleging unconscionable lot rental increases. The trial court determined that the claim was maintainable as a class action and ruled in favor of the residents. The district court, on rehearing en banc, reversed, concluding that unconscionability claims are too individualized for treatment in the class action format. We disagree. In Lanca Homeowners, we ruled that a claim of unconscionable rental increase in a mobile home park setting is suitable for resolution in a class action. Accordingly, we quash the opinion of the district court.

It is so ordered.

SHRILICH, C.J., and OVERTON, McDONALD, 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
Appeal - Direct Conflict of Decisions

Fifth District - Case No. 86-1131
(Osceola County)

Jay Colling and Douglas B. Beattie of Colling & Beattie, P.A.,
Apopka, Florida,

for Petitioners

William A. McLeod of McLeod, McLeod & McLeod, P.A., Apopka, Florida,

for Respondents

T. Allen, Jr. and Christopher P. Jayson of John T. Allen, Jr.,
St. Petersburg, Florida,

Amicus Curiae for Federation of Mobile Home Owners of
Florida, Inc.

C. Sundberg, Sylvia H. Walbolt and Lacy R. Harwell, Jr.
Arlington, Fields, Ward, Emmanuel, Smith & Cutler, P.A.,
Tallahassee, Florida,

Amicus Curiae for Club Wildwood Mobile Home Village

M. Skelding, Jr. and David D. Eastman of Parker, Skelding,
Wyatt & Labasky, Tallahassee, Florida,

Amicus Curiae for Florida Manufactured Housing Association,
Inc.