

Supreme Court of Florida

No. 73,002

DONALD HARPSTER, ET UX., ET AL., Petitioners,

vs.

J.T.A., INC., ETC., Respondents.

[April 6, 1989]

SHAW, J.

We have for review J.T.A., Inc. v. Harpster, 529 So.2d 731 (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 increase. The trial court approved the class action and rendered judgment in favor of residents. The district court, on rehearing, reversed, citing its decision in Thomas v. Jones, 524 So.2d 693 (Fla. 5th DCA 1988), wherein it ruled that unconscionability claims are too individualized for presentation in the class action format. Based on our decision in Lanca Homeowners, we quashed the district court decision in Thomas v. Jones. Jones v. Thomas, No. 72,563 (Fla. April 6, 1989). Accordingly, we quash the decision of the district court and remand for proceedings consistent with this opinion.

It is so ordered.

EHRlich, 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
of Appeal - Direct Conflict of Decisions

Fifth District - Case Nos. 86-1825 & 87-1302
(Orange County)

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

for Petitioners

Johnie A. McLeod of McLeod, McLeod & McLeod, P.A., Apopka, Florida;
and Michael J. Barber, Kissimmee, Florida,

for Respondents

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

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

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

Amicus Curiae for Club Wildwood Mobile Home Village

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

Amicus Curiae for The Florida Manufactured Housing
Association, Inc.