

Supreme Court of Florida

No. 83,177

ORIGINAL

CITY OF SARASOTA, etc.,

Petitioner,

vs.

J. W. MIKOS, etc.,

Respondent.

[November 3, 1994]

SHAW, J.

We have for review City of Sarasota v. Mikos, 633 So. 2d 1075 (Fla. 2d DCA 1993) (table report of unpublished opinion), based on a conflict between Sebring Airport Authority v. McIntyre, 623 So. 2d 541 (Fla. 2d DCA 1993) and Page v. Fernandina Harbor Joint Venture, 608 So. 2d 520 (Fla. 1st DCA 1992), review denied, 620 So. 2d 761 (Fla. 1993). We have jurisdiction. Art. V, § 3(b)(3), Fla. Const. The court below affirmed the trial court based on the holding of Sebring Airport

Authority v. McIntyre, 623 So. 2d 541 (Fla. 2d DCA 1993). City of Sarasota v. Mikos, No. 92-04486 (Fla. 2d DCA Nov. 24, 1993) (unpublished opinion). We approve the decision of the court below, based on our approval of Sebring and our resolution of the above conflict. Sebring Airport Auth. v. McIntyre, 19 Fla. L. Weekly S389 (Fla. Aug. 11, 1994).

It is so ordered.

GRIMES, C.J., and OVERTON, KOGAN, HARDING, WELLS and ANSTEAD, 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
Second District - Case No. 92-04486

(Sarasota County)

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Florida,

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