

# Supreme Court of Florida

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No. 85,012

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JOHN RUSSO,

Petitioner,

vs.

SERA-TEC BIOLOGICALS, INC.,

Respondent.

[July 20, 1995]

PER CURIAM.

We review Russo v. Sera-Tec Biologicals, Inc., 650 So. 2d 1000 (Fla. 2d DCA 1994), in which the court affirmed on the basis of R.J. v. Humana of Florida, Inc., 625 So. 2d 116 (Fla. 5th DCA 1993). We accepted jurisdiction because the Humana case was pending before this Court. Art. V, § 3(b)(3), Fla. Const. See Jollie v. State, 405 So. 2d 418 (Fla. 1981). We have now decided the Humana case. R.J. v. Humana of Florida, Inc., 652 So. 2d 360

(Fla. 1995). Accordingly, we remand this case for disposition consistent with Humana.

It is so ordered.

GRIMES, C.J., and OVERTON, SHAW, 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. 94-00833

(Polk County)

Richard T. Kozek, Jr., Miami, Florida,

for Petitioner

Shelley H. Leinicke of Wicker, Smith, Tutan, O'Hara, McCoy,  
Graham, Lane & Ford, P.A., Ft. Lauderdale, Florida,

for Respondents