

Supreme Court of Florida

No. 87,346

DEPARTMENT OF TRANSPORTATION,

Petitioner,

vs.

ALYSE COHEN PARIS, et vir,
et al.,

Respondents.

[October 10, 1996]

PER CURIAM.

We have for review the decision in Department of Transportation v. Paris, 665 So. 2d 381 (Fla. 4th DCA 1996), which certified conflict with the opinion in Department of Transportation v. Wallis, 659 So. 2d 429 (Fla. 5th DCA 1995). We have jurisdiction. Art. V, § 3(b)(4), Fla. Const.

We recently disapproved Wallis in Department of Education v. Roe, 21 Fla. L. Weekly S311 (Fla. July 18, 1996). Accordingly, we approve the decision of the court below.

It is so ordered.

KOGAN, C.J., and OVERTON, SHAW, GRIMES, 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 - Certified Direct Conflict of Decisions
Fourth District - Case No. 95-1823

(Palm Beach County)

G. Bart Billbrough and Geoffrey B. Marks of Walton, Lantaff,
Schroeder & Carson, Miami, Florida,

for Petitioner

Theresa A. DiPaola of Theresa A. DiPaola, P.A., West Palm Beach,
Florida; and Edward M. Ricci of Ricci, Hubbard, Leopold &
Frankel, P.A., West Palm Beach, Florida,

for Respondents