

# Supreme Court of Florida

**PK VENTURES, INC., et al.,**  
Petitioners,

vs.

**RAYMOND JAMES & ASSOCIATES,  
INC.,**  
Respondent.

No. 87,404

[April 3, 1997]

PER CURIAM.

This is a petition to review Raymond James & Associates v. PK Ventures, Inc., 666 So. 2d 174 (Fla. 2d DCA 1995), wherein the district court certified to the Supreme Court as a question of great public importance the same question certified in Woodson v. Martin, 663 So. 2d 1327 (Fla. 2d DCA 1995).<sup>1</sup> Although the district court observed that Woodson involved the sale of residential property and this case involves the sale of commercial property, the court found the difference to be insignificant. PK Ventures, 666 So. 2d at 175.

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<sup>1</sup> Is the buyer of residential property (the appellant) prevented by the "economic loss rule" from recovering damages for fraud in the inducement against the real estate agent and its individual agent (the appellees) representing the sellers?

In Woodson v. Martin, 685 So. 2d 1240 (Fla. 1996), we answered the certified question in the negative and quashed the district court decision.

We agree and rephrase the question from Woodson:

IS THE BUYER OF  
COMMERCIAL PROPERTY  
(PETITIONERS) PREVENTED  
BY THE "ECONOMIC LOSS  
RULE" FROM RECOVERING  
DAMAGES FOR NEGLIGENT  
MISREPRESENTATION  
AGAINST THE SELLER'S  
BROKER (RESPONDENT)?

We have jurisdiction.<sup>2</sup> Art. V, § 3(b)(4), Fla. Const.

Our decision in Woodson v. Martin, 685 So. 2d 1240 (Fla. 1996), controls.<sup>3</sup> We answer the certified question in the negative, quash the decision below, and remand for proceedings consistent with Woodson.

It is so ordered.

KOGAN, C.J., and OVERTON, SHAW,

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<sup>2</sup>Once a court obtains jurisdiction, it has the discretion to consider any issue affecting the case. Cantor v. Davis, 489 So. 2d 18, 20 (Fla. 1986); State v. Hutchins, 636 So. 2d 552, 553 (Fla. 2d DCA 1994). Here, both the Second District and this Court obtained jurisdiction and thus discretion to consider the economic loss rule issue, even though it was not raised before the trial court.

<sup>3</sup>Our decision in Woodson was controlled by HTP, Ltd. v. Lineas Aereas Costarricenses, S.A., 685 So. 2d 1238 (Fla. 1996), wherein we held that fraud in the inducement is an independent tort not barred by the economic loss rule.

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 Great  
Public Importance

Second District - Case No. 94-03885

(Hillsborough County)

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