

Supreme Court of Florida

**RICHARD KEITH MARTIN, et al.,
Petitioners,**

vs.

**DEPARTMENT OF
TRANSPORTATION, STATE OF
FLORIDA,
Respondent.**

No. 92,046

[August 20, 1998]

PER CURIAM.

We accepted jurisdiction to review Department of Transportation v. Robbins, 700 So. 2d 782 (Fla. 5th DCA 1997), in order to resolve what appeared to be express and direct conflict with Travieso v. Travieso, 474 So. 2d 1184 (Fla. 1985), Stokus v. Phillips, 651 So. 2d 1244 (Fla. 2d DCA 1995), and Straus v. Morton F. Plant Hospital Foundation, Inc., 478 So. 2d 472 (Fla. 2d DCA 1985). See Art. V, § 3(b)(3), Fla. Const. However, upon closer examination, we find no conflict and that review was improvidently granted. Accordingly, we dismiss the petition.

It is so ordered.

HARDING, C.J., and OVERTON, SHAW,
KOGAN, WELLS, ANSTEAD and
PARIENTE, JJ., concur.

NO MOTION FOR REHEARING WILL BE
ALLOWED.

Application for Review of the Decision of the
District Court of Appeal - Direct Conflict of
Decisions

Fifth District - Case No. 96-2163

(Volusia County)

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