

Supreme Court of Florida

No. SC96853

BONNIE BARNETT,
Petitioner,

vs.

HARRY BARNETT,
as Personal Representative of
the Estate of Elliot Barnett, deceased,
Respondent.

[August 31, 2000]

PER CURIAM.

We have for review the decision in Barnett v. Barnett, 743 So. 2d 105 (Fla. 4th DCA 1999), which held that the death of a party after the entry of a dissolution decree but during the time allotted for filing a motion for rehearing does not affect the dissolution decree and certified conflict with the decision in Johnson v. Feeney, 507 So. 2d 722 (Fla. 3d DCA 1987). We have jurisdiction. Art. V, § 3(b)(4), Fla. Const.

We recently answered this question in Gaines v. Sayne, Fla. L. Weekly S538

(Fla. July 13, 2000), wherein we held that the death of a party after entry of a written, signed judgment of dissolution but prior to the rendition of a decision on a timely motion for rehearing concerning matters collateral to the adjudication of dissolution did not affect the dissolution decree or divest the court of jurisdiction to decide the remaining issues between the parties. Accordingly, we approve the Fourth District's decision in this case.¹

It is so ordered.

WELLS, C.J., and SHAW, HARDING, ANSTEAD, PARIENTE, LEWIS and QUINCE, 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

Fourth District - Case No. 4D98-0798

(Broward County)

Nancy Little Hoffman, Fort Lauderdale, Florida,

for Petitioner

David A. Gart of Shutts & Bowen LLP, West Palm Beach, Florida; and Barbara J. Compiani of Caruso, Burlington, Bohn & Compiani, P.A., West Palm Beach, Florida,

¹We decline to address petitioner's second issue on appeal because it is beyond the scope of the certified conflict in this case.

for Respondent