

# Supreme Court of Florida

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No. 64,464

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DEPARTMENT OF BUSINESS REGULATION,  
Petitioner,

vs.

PATRICIA L. BRYAN, etc.,  
Respondent.

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[August 15, 1985]

PER CURIAM.

This cause is before us on petition to review Bryan v. State, Department of Business Regulation, 438 So. 2d 415 (Fla. 1st DCA 1983), in which the district court held that respondent could maintain an action against petitioner for the negligent inspection of an elevator. We find conflict with our recent decision in Trianon Park Condominium Association v. City of Hialeah, 468 So. 2d 912 (Fla. 1985),\* and we quash the decision of the district court in the instant case.

It is so ordered.

BOYD, C.J., and OVERTON, ALDERMAN and McDONALD, JJ., Concur  
EHRLICH, J., Dissents with an opinion in which ADKINS, J., Concur  
SHAW, J., Dissents with an opinion in which ADKINS, J., Concur

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF  
FILED, DETERMINED.

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\* We have jurisdiction. Art. V, § 3(b)(3), Fla. Const.

EHRlich, J., dissenting.

I dissent for the reasons set forth in my dissent in  
Tranon.

ADKINS, J., Conkurs

SHAW, J., dissenting.

I dissent for the reasons set forth in my dissents to Trianon Park Condominium Association v. City of Hialeah, 468 So.2d 912 (Fla. 1985), and Everton v. Willard, 468 So.2d 936 (Fla. 1985).

ADKINS, J., Concur

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

First District - Case No. AN-24

David M. Maloney, Deputy General Counsel, Department of Business  
Regulation, Tallahassee, Florida,

for Petitioner

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