

FILED

SID J. WHITE

JUN 18 1991

CLERK, SUPREME COURT

By _____
Chief Deputy Clerk

THE SUPREME COURT OF FLORIDA

IN THE DISTRICT COURT OF APPEAL
OF THE STATE OF FLORIDA
FOURTH DISTRICT

77,997

MARIE Y. BIDON and
ELIZABETH MOMPLAISIR,

CASE NO. 90-02211

Appellants,

L.T. CASE NO. 90-03
BROWARD

vs.

Brief OK
RWD/gw

STATE OF FLORIDA DEPARTMENT
OF PROFESSIONAL REGULATION,
FLORIDA REAL ESTATE
COMMISSION,

Appellee.

JURISDICTIONAL BRIEF PURSUANT TO RULE 9.120(d)

JOHN B. ROGERS, P. A.
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I. INTRODUCTION

This is a jurisdictional brief in accordance with Rule 9.120 (d) of the Rules of Appellate Procedure, and is restricted to the issue of the Supreme Court's jurisdiction to hear this matter.

II. ARGUMENT

Pursuant to Rule 9.030 of the Rules of Appellate Procedure the Discretionary Jurisdiction of the Supreme Court may be sought to review conflicts in decisions between District Court's of Appeal. Rule 9.030(2)(A)(iv). Annexed hereto is an Appendix containing a conformed copy of the decision of the Fourth District Court of Appeal, wherein the Appellate Court stated:

"Accordingly, we affirm the ruling of the Florida Real Estate Commission but acknowledge that our decision expressly conflicts with the holding in Tucker."

The reference to Tucker, relates to the decision of the Fifth District Court of Appeal in the case of Tucker v. State Dept. of Prof. Regul. 521 so.2d 146 (Fla 5th DCA 1988).

CERTIFICATION

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed to Joselyn Price, Assistant Attorney General, Department of Professional Regulation, 400 West Robinson Street, Suite 107 South, Orlando, FL, 32801, this 3/5 day of May, 1991.

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BY: 