

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

PERCELL SHAW (DECEASED)
AND ANNIE DORIS HARRISON
(PERSONAL REPRESENTATIVE
OF ESTATE),

Appellants,

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

CASE NO. 1D05-3172

v.

ASSOCIATED GROCERS OF
FLORIDA AND ASSOCIATED
INDUSTRIES OF FLORIDA,

Appellees.

Opinion filed December 8, 2006.

An appeal from an order of the Judge of Compensation Claims.
Gerardo Castiello, Judge.

Richard E. Zaldivar of Richard E. Zaldivar, P.A., Miami, and Jay M. Levy of Jay M.
Levy, P.A., Miami, for Appellants.

Mary Ann Stiles of Stiles, Taylor & Grace, P.A., Tampa, and Rayford H. Taylor of
Stiles, Taylor & Grace, P.A., Atlanta, GA, for Appellees.

PER CURIAM.

This appeal is dismissed as being improperly brought from a nonfinal order
which granted a motion to dismiss, but which did not actually dismiss the action in the

lower tribunal. See Mintz v. Broward Correctional Institute, 800 So. 2d 343 (Fla. 1st DCA 2001). Furthermore, it appears that in the procedural context below a dismissal in the lower tribunal would be without prejudice.

ERVIN, ALLEN and WOLF, JJ., CONCUR.