

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2011

THE ESTATE OF POWER ED MEUS, by and through POWER MEUS, as
Personal Representative,
Appellant,

v.

THE GEO GROUP, INC., f/k/a **WACKENHUT CORRECTIONS CORP.**,
d/b/a **MOORE HAVEN CORRECTIONAL FACILITY, THE STATE OF
FLORIDA, THE DEPARTMENT OF MANAGEMENT and THE
DEPARTMENT OF CORRECTIONS**,
Appellees.

No. 4D10-2137

[February 9, 2011]

PER CURIAM.

Appellee, The Geo Group, Inc., concedes that the trial court erred in failing to make the necessary findings of fact required by *Kozel v. Ostendorf*, 629 So. 2d 817 (Fla. 1993), and *Cook v. Custom Marine Distributing, Inc.*, 29 So. 3d 462 (Fla. 4th DCA 2010), when dismissing appellant's lawsuit as a sanction for failure to comply with the trial court's discovery orders and when denying appellant's motion for relief from judgment. Accordingly, we reverse the orders and remand this case for the trial court to enter an order based on the findings required by *Kozel* and *Cook*, consider imposing a lesser sanction, or take any other action it deems appropriate consistent with this opinion.

Reversed and Remanded.

WARNER, TAYLOR and CIKLIN, JJ., concur.

* * *

Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Edward H. Fine, Judge; L.T. Case No. 502009CA013670XXXXMBAH.

David A. Howard of David A. Howard, P.A., Miami, for appellant.

Brett M. Waronicki of Wiederhold & Moses, P.A., West Palm Beach, for Appellee-The GEO Group, Inc.

Not final until disposition of timely filed motion for rehearing.