

# Supreme Court of Florida

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No. SC07-1849

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**HEALTH CARE AND RETIREMENT CORPORATION OF AMERICA,  
INC., et al.,**  
Petitioners,

vs.

**PEGGY BRADLEY, etc.,**  
Respondent.

[December 11, 2008]

PER CURIAM.

We originally accepted jurisdiction to review the decision of the Fourth District Court of Appeal in Health Care & Retirement Corp. of America v. Bradley, 961 So. 2d 1071 (Fla. 4th DCA 2007), on the ground that it expressly and directly conflicts with the decision of the Third District Court of Appeal in Tuazon v. Royal Caribbean Cruises, Ltd., 641 So. 2d 417 (Fla. 3d DCA 1994), on a question of law. See art. V, § 3(b)(3), Fla. Const. After further consideration, we have determined that jurisdiction was improvidently granted. Accordingly, we hereby discharge jurisdiction and dismiss review.

It is so ordered.

QUINCE, C.J., and PARIENTE, LEWIS, CANADY, and POLSTON, JJ., concur.  
WELLS and ANSTEAD, JJ., dissent.

NO MOTION FOR REHEARING WILL BE ALLOWED.

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

Fourth District - Case No. 4D07-437

(Palm Beach County)

Sylvia H. Walbolt and Henry G. Gyden of Carlton Fields, P.A., Tampa, Florida,  
Barry A. Postman and Lee M. Cohen of Cole, Scott, and Kissane, P.A., West Palm  
Beach, Florida,

for Petitioners

Lynn G. Waxman of Lynn G. Waxman, P.A., West Palm Beach, Florida, and  
Daniel G. Williams of Gordon and Doner, P.A., Palm Beach Gardens, Florida,

for Respondent