

Third District Court of Appeal

State of Florida

Opinion filed December 18, 2019.
Not final until disposition of timely filed motion for rehearing.

No. 3D17-1578
Lower Tribunal No. 16-1908

FL 530 Hialeah, LLC,
Appellant,

vs.

Inocencio Cruz,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Thomas J. Rebull,
Judge.

Arnaldo Velez, P.A., and Arnaldo Velez, for appellant.

Gershman & Gershman, P.A., and Robert S. Gershman (Delray Beach), for
appellee.

Before LINDSEY, HENDON, and GORDO, JJ.

PER CURIAM.

Appellant FL 530 Hialeah, LLC, appeals an order denying its Motion for Imposition of Sanctions.¹ The trial court denied the motion for failure to strictly comply with the rules of service outlined in Florida Rule of Judicial Administration 2.516. In reaching its decision, the court relied on this Court's decision in Wheaton v. Wheaton, 217 So. 3d 125 (Fla. 3d DCA 2017) and the Fourth District's decision in Matte v. Caplan, 140 So. 3d 686 (Fla. 4th DCA 2014). Following rendition of the order below, the Florida Supreme Court quashed this Court's decision in Wheaton and explicitly disapproved of Matte. See Wheaton v. Wheaton, 261 So. 3d 1236, 1243-44 (Fla. 2019). We therefore reverse and remand for consideration of the motion consistent with the Supreme Court's ruling in Wheaton.

Reversed and remanded.

¹ Appellees did not file an answer brief in this appeal.