

NOT FINAL UNTIL TIME EXPIRES  
TO FILE REHEARING MOTION  
AND, IF FILED, DISPOSED OF.

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
THIRD DISTRICT  
JULY TERM, A.D. 2001

ELISEO FERRER and  
MARIA FERRER,

Appellants,

vs.

FGC ENTERPRISES, INC.,  
d/b/a FOUNTAINBLEAU GOLF  
COURSE HOMES, INC.,

Appellee.

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CASE NO. 3D00-964

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\*\* LOWER

TRIBUNAL NO. 99-11565

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Opinion filed November 21, 2001.

An appeal from the Circuit Court for Dade County, Herbert  
Stettin, Judge.

Leesfield, Leighton, Rubio & Mahfood; Jay M. Levy, for  
appellants.

Larson & King and Jeffrey S. Lapin and Lowry Barfield, for  
appellee.

Before COPE, GODERICH and SHEVIN, JJ.

PER CURIAM.

Eliseo Ferrer and Maria Ferrer appeal an adverse summary  
judgment in their personal injury case. We affirm.

Plaintiff-appellant Eliseo Ferrer was a member of a golf league at the Fontainebleau Golf Course. In return for the fees paid to the league, league members received reduced green fees and the use of golf carts. The golfers play in rotating groups each week.

In 1998, plaintiff and another league member, Fernando Calvo, were participating in league play. Plaintiff drove the golf cart with Calvo as the passenger. When plaintiff located his golf ball, he got out of the cart. Calvo moved into the driver's seat to move the cart to where Calvo's golf ball was located.

Calvo struck plaintiff with the golf cart. Plaintiff filed suit against FGC Enterprises, Inc. as operator of the golf course, arguing that FGC was liable to the plaintiff under the dangerous instrumentality doctrine.\* Maria Ferrer brought a claim for loss of consortium.

The trial court correctly entered summary judgment in favor of the golf course. League members using golf carts in this situation are properly viewed as being co-bailees or joint adventurers. Raydel, LTD. v. Medcalfe, 178 So. 2d 569, 570-72 (Fla. 1965).

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\* In Meister v. Fisher, 462 So. 2d 1071 (Fla. 1984), the Florida Supreme Court held that a golf cart is a dangerous instrumentality.

Affirmed.