

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JANUARY TERM, A.D. 2002

ROYAL CARIBBEAN CRUISES,
LTD., ETC.,

**

Petitioner,

**

**

vs.

CASE NO. 3D01-1804

**

OSCAR SINCLAIR,

LOWER

**

TRIBUNAL NO. 00-1305

Respondent.

**

Opinion filed January 23, 2002.

A Petition for Writ of Certiorari to the Circuit Court for Miami-Dade County, Paul Siegel, Judge.

McIntosh, Sawran, Peltz and Cartaya, and Robert D. Peltz, for petitioners.

Roy D. Wasson; Guilford & Rash, and David C. Rash, for respondent.

Before GREEN, SHEVIN, and RAMIREZ, JJ.

ON MOTION FOR REHEARING

PER CURIAM.

We deny the motion for rehearing. The petitioner takes issue with our denial of the petition for a writ of certiorari because the order only denied dismissal of one count in a multi-count complaint and, in any event, the defendant would continue to defend the other counts. Petitioner cites cases from other districts for

support of the proposition that certiorari has been granted where only some counts were affected. See Okaloosa County v. Custer, 697 So. 2d 1297 (Fla. 1st DCA 1997); Correa v. Robertson, 693 So. 2d 619 (Fla. 2d DCA 1997); Davis v. Orlando Regional Med. Ctr., 654 So. 2d 664 (Fla. 5th DCA 1995). While we find these cases persuasive, we nevertheless deny the motion because the petition was properly denied on the merits. This case is governed by general maritime law. Therefore, the plaintiff did not have to comply with Florida's mandatory pre-suit screening requirements. See Rand v. Hatch, 762 So. 2d 1001 (Fla. 3d DCA 2000).