

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT

JANUARY TERM, A.D. 2004

GERARDO GARCIA,

**

Appellant,

**

vs.

**

CASE NO. 3D03-421

HUMANA MEDICAL PLAN, INC.,

**

LOWER TRIBUNAL
CASE NO. 97-24740

Appellee.

**

Opinion filed February 18, 2004.

An Appeal from the Circuit Court of Miami-Dade County, Amy N. Dean, Judge.

Lyons & Farrar and L. Daniel Ferrer, for appellant.

Conrad & Scherer and Vanessa A. Reynolds and Susanne E. Reidhammer (Ft. Lauderdale), for appellee.

Before COPE, GODERICH, and FLETCHER, JJ.,

PER CURIAM.

We reverse the trial court's entry of final summary judgment and remand the cause for reconsideration by the trial court in light of Villazon v. Prudential Health Care Plan, Inc., 843 So. 2d 842 (Fla. 2003), which was not available to the trial court at the time of entry of the final summary judgment.

Reversed and remanded.