

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2010

WALTER TRANSPORT CORPORATION a Florida corporation d/b/a
PALM BEACH MEDICAL TRANSPORT,
Appellants,

v.

PALM BEACH METRO TRANSPORTATION, L.L.C., a Florida
corporation, **PALM TRAN, INC.,** a Florida corporation, and **PALM
BEACH COUNTY, FLORIDA,**
Appellees.

No. 4D08-4842

[February 3, 2010]

PER CURIAM.

Walter Transport Corporation appeals a final order dismissing with prejudice all counts directed to appellees Palm Tran, Inc., and Palm Beach County. On appeal, Walter Transport relies heavily on *Technicable Video Systems, Inc. v. Americable of Greater Miami, Ltd.*, 479 So. 2d 810 (Fla. 3d DCA 1985), which we deem distinguishable. The contract in that case did not have a provision stating that the intent of the parties was not to benefit third parties. Therefore, that contract had an un rebutted presumption that the parties intended to confer a benefit on the minority business enterprise. Here, in contrast, the main contract made clear that the parties *did not* intend to benefit any third party, and the subcontract between the County and Walter Transport reaffirmed this intent, thereby rebutting any presumption that the parties to the main contract intended to confer any benefit on Walter Transport.

Affirmed.

GROSS, C.J., WARNER and LEVINE, JJ., concur.

* * *

Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Kenneth Stern, Judge; L.T. Case No. 2008CA002290MB.

Charles Wender, Boca Raton, for appellants.

Denise M. Nieman, Palm Beach County Attorney, and Andrew M. Pelino, Assistant County Attorney, West Palm Beach, for appellees.

Not final until disposition of timely filed motion for rehearing.