

Supreme Court of Florida

No. 66,426

SYLVESTER McKINNIE, Petitioner,

vs.

PROGRESSIVE AMERICAN INSURANCE CO., Respondent.

[MAY 29, 1986]

EHRlich, J.

We have for our review Progressive American Insurance Co. v. McKinnie, 460 So.2d 389 (Fla. 4th DCA 1984) in which the district court certified the following question of great public importance:

WHERE TWO TORTFEASORS ARE JOINTLY AND SEVERALLY LIABLE FOR DAMAGES CAUSED TO A THIRD PERSON IN AN AUTOMOBILE ACCIDENT, ALTHOUGH ONE TORTFEASOR IS UNINSURED, IF THE OTHER TORTFEASOR HAS LIABILITY INSURANCE WITH POLICY LIMITS EQUAL TO, OR GREAT THAN, THOSE CONTAINED IN UNINSURED MOTORIST COVERAGE POSSESSED BY THE INJURED THIRD PERSON, CAN THE INJURED THIRD PERSON RECOVER UNDER HIS OWN UNINSURED MOTORIST POLICY?

We have jurisdiction, article V, section 3(b)(4), Florida Constitution.

We have previously answered this question in the negative. State Farm Mutual Automobile Insurance Co. v. Bayles, 483 So.2d 402 (Fla. 1985).

Accordingly, the decision of the district court is approved.

It is so ordered.

BOYD, C.J., and ADKINS, OVERTON, McDONALD and SHAW, JJ., Concur

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

Application for Review of the Decision of the District Court
of Appeal - Certified Great Public Importance

Fourth District - Case Nos. 82-2235 & 83-60

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