

Supreme Court of Florida

No. 71,853
No. 71,889
No. 71,908

AARON SCHNEIDER, M.D., ET AL., Petitioners,

vs.

UNDERWRITERS ADJUSTING COMPANY, ET AL., Respondents.

HUMANA OF FLORIDA, INC., ET AL., Petitioners,

vs.

UNDERWRITERS ADJUSTING COMPANY, ET AL., Respondents.

WILLIAM P. MAHAN, M.D., ET AL., Petitioners,

vs.

VINCO PLASTERING & DRYWALL, ET AL., Respondents.

[September 1, 1988]

PER CURIAM.

We review American Mutual Insurance Co. v. Decker, 518 So.2d 315 (Fla. 2d DCA 1987), to resolve certified direct conflict with American Motorists Insurance Co. v. Coll, 479 So.2d 156 (Fla. 3d DCA 1985), review denied, 488 So.2d 829 (Fla. 1986). Art. V, § 3(b)(4), Fla. Const. We recently disapproved American Motorists Insurance Co. and resolved the issue contrary to petitioners' position in Liberty Mutual Insurance Co. v. Chambers, 526 So.2d 66 (Fla. 1988). We approve the decision below.

It is so ordered.

EHRlich, C.J., and OVERTON, McDONALD, SHAW, BARKETT, GRIMES and KOGAN, JJ., Concur

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

Three Consolidated Cases:

Application for Review of the Decision of the District Court of
Appeal - Certified Direct Conflict of Decisions

Second District - Case Nos. 86-2774, 86-2866 and 86-1717

Nelly N. Khouzam of Fowler, White, Gillen, Boggs, Villareal
& Banker, P.A., St. Petersburg, Florida, for Aaron Schneider, M.D.
and Rodney W. Morgan of Shear, Newman, Hahn & Rosenkranz, P.A.,
Tampa, Florida, for Florida Patients' Compensation Fund;
A. Broaddus Livingston and S. Jane Mitchell of Carlton, Fields,
Ward, Emmanuel, Smith & Cutler, P.A., Tampa, Florida, for Humana
of Florida, Inc.; and James C. Blecke, Miami, Florida, for William P.
Mahan, M.D.,

Petitioners

Peter H. Dubbeld and Donald D. Kaelber of Peter H. Dubbeld, P.A.,
St. Petersburg, Florida, for Underwriters' Adjustice Company;
Robert L. Dietz of Zimmerman, Shuffield, Kiser & Sutcliffe, P.A.,
Orlando, Florida, for Florida Power Corporation; and H. George
Kagan of Miller, Hodges, Kagan & Chait, P.A., Deerfield Beach,
Florida, for Vinco Plastering & Drywall and Florida Employers
Insurance Service Corp.,

Respondents