

Supreme Court of Florida

No. 71,969
No. 72,093

AARON SCHNEIDER, ETC., ET AL., Petitioners,

vs.

SUNCOAST HOMES, INC., ET AL., Respondents.

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

vs.

SUNCOAST HOMES, INC., ET AL., Respondents.

[September 1, 1988]

PER CURIAM.

We review Suncoast Homes, Inc. v. Humana of Florida, Inc., 519 So.2d 1124 (Fla. 2d DCA 1988), 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.

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

Second District - Case No. 87-1519

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

for Petitioners

A. Wade James of Hampp & Schneikart, P.A., St. Petersburg,
Florida, for Suncoast Homes, Inc., and Auto-Owners Insurance
Company,

Respondents

H. George Kagan of Miller, Hodges, Kagan & Chait, P.A.,
Deerfield Beach, Florida,

Amicus Curiae for Vinco Plastering & Drywall and FEISCO