Supreme Court of Florida

ORIGINAL

No. 79,478

TRAVELERS INDEMNITY COMPANY, Petitioner,

vs.

RAUL GONZALEZ, etc., et al., Respondents.

[December 24, 19921

GRIMES, J.

We review <u>Travelers Indemnity Co. v. Gonzalez</u>, 593 So. 2d 330 (Fla. 3d DCA 1992), in which the court certified the following question as one of great public importance:

WHAT IS THE MINIMUM AMOUNT OF INSURANCE REQUIRED ON A PER-PERSON BASIS FOR PRIVATE SCHOOL BUSES WITH FEWER THAN TWENTY-FOUR SEATS WHICH ARE WITHIN THE

CLASS DESCRIBED BY SECTION 316.615, FLORIDA STATUTES (1989)?

Id at 330. We have jurisdiction. Art. V, § 3(b)(4), Fla. Const.

In reaching its conclusion, the court below relied upon its prior decision in <u>Suazo ex rel. Suazo v. Del Busto</u>, 587 So. 2d 480 (Fla. 3d DCA 1991). This Court has now approved that decision. <u>Travelers Indem. Co. v. Suazo</u>, No. 79,052 (Fla. Dec. 24, 1992).

The instant case meaningfully differs from <u>Del Busto</u> only in the fact that the nonpublic-sector school bus involved had a seating capacity of less than twenty-four pupils. However, as in <u>Del Busto</u>, the parties agree that the liability insurance required for the Gonzalez bus is that which is set forth in the regulations contained in **the** Florida Highway Patrol manual. The manual contains the same liability insurance requirements for buses with a seating capacity of less than twenty-four pupils as it does for those with a greater seating capacity, such as the **Del** Busto bus.

Therefore, consistent with <u>Del Busto</u>, we answer the certified question by holding that the amount of liability insurance required on a per-person basis for private school buses with fewer than twenty-four seats is the same as that required for multiple claimants, to wit: \$5,000 multiplied by the rated seating capacity of the bus, or \$100,000, whichever is greater.

It is so ordered.

BARKETT, C.J., and OVERTON, SHAW, KOGAN and HARDING, JJ., concur. McDONALD, J., dissents.

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION $\ensuremath{\mathsf{AND}},$ IF FILED, DETERMINED,

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

Third District - Case No. 91-366
(Dade County)

Christopher Lynch of Angones, Hunter, McClure, Lynch & Williams, P.A., Miami, Florida,

for Petitioner

• 6 C 2

Dsutsch & Blumberg, P.A., Miami, Florida; and James C. Blecke, Miami, Florida,

for Respondents