

Supreme Court of Florida

ORIGINAL

No. 80,986

NATIONWIDE MUTUAL FIRE
INSURANCE COMPANY, Petitioner,

vs.

KEVIN PHILLIPS, et al.,
Respondents.

[March 31, 1994]

OVERTON, J.

We have for review Nationwide Mutual Fire Insurance Co. v. Phillips, 609 So. 2d 1385 (Fla. 5th DCA 1992), in which the district court held that Kevin Phillips, who was injured while operating a motorcycle owned by him, was an insured and entitled to uninsured motorist benefits under a policy of insurance issued to his wife, even though that policy excluded from coverage any motor vehicle owned by him that was not specifically covered by the wife's policy. We find conflict with this Court's decision in Valiant Insurance Co. v. Webster, 567 So. 2d 408 (Fla. 1990), and the Second District Court of Appeal's decision in Bolin v.

Massachusetts Bay Insurance Co., 518 So. 2d 393 (Fla. 2d DCA 1987).¹ We expressly disapprove the district court's decision in the instant case for the reasons expressed in our decision in World Wide Underwriters Insurance Co. v. Welker, No. 80,478 (Fla. Mar. 31, 1994). Accordingly, we quash the decision of the district court with directions that this case be remanded to the trial court for entry of judgment for the petitioner.

It is so ordered.

MCDONALD, SHAW, GRIMES, KOGAN and HARDING, JJ., concur.
BARKETT, C.J., concurs specially with an opinion.

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

¹We have jurisdiction. Art. V, § 3(b)(3), Fla. Const.

BARCKETT, C.J., concurring specially.

I would have approved the decision of the district court for the reasons discussed in my dissent in World Wide Underwriters Insurance Co. v. Welker, No. 80,478 (Fla. March 31, 1994). In light of this court's decision in Welker, I concur with the majority.

Application for Review of the Decision of the District Court of
Appeal - Direct Conflict of Decisions
Fifth District - Case No. 92-270

(Seminole County)

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