

Supreme Court of Florida

No. 87,123

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Petitioner,

vs.

DANIEL McCARTHY, JR.,

Respondent.

[September 12, 1996]

PER CURIAM.

We review State Farm Mutual Automobile Insurance Co. v. McCarthy, 664 So. 2d 317 (Fla. 1st DCA 1995), in which the court affirmed on the authority of Warren v. Travelers Insurance Co., 650 So. 2d 1082 (Fla. 1st DCA 1995), and certified conflict with Bulone v. United Services Automobile Ass'n, 660 So. 2d 399 (Fla. 2d DCA 1995). The court also certified the question which created the conflicting decisions as one of great public importance. McCarthy, 664 So. 2d at 317. We have jurisdiction

pursuant to article V, section 3(b)(4) of the Florida Constitution.

We recently quashed the decision in Warren and approved the result of the decision in Bulone. Travelers Insurance Co. v. Warren, 21 Fla. L. Weekly S315 (Fla. July 18, 1996). Therefore, we quash the decision below.

It is so ordered.

KOGAN, C.J., and OVERTON, SHAW, GRIMES, HARDING and WELLS, JJ., concur.
ANSTEAD, J., dissents.

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
First District - Case No. 94-3765

(Alachua County)

G. Michael Burnett and Christopher P. Boyd of Taylor, Day & Rio,
Jacksonville, Florida,

for Petitioner

Jack M. Ross, Gainesville, Florida,

for Respondent