

IN THE SUPREME COURT OF FLORIDA

SUPREME COURT CASE NO. 2021-883

6TH DCA CASE NO. 6D23-0009

FORMERLY IN 2ND DCA, CASE NO. 2D20-2646

LOWER TRIBUNAL CASE NO. 11-2020-CA-001840-00001-XX

AMERICAN COASTAL INSURANCE
COMPANY,

Petitioner,

vs.

SAN MARCO VILLAS CONDOMINIUM
ASSOCIATION, INC.,

Respondent. _____/

PETITION FOR DISCRETIONARY REVIEW OF A DECISION
OF THE SECOND DISTRICT COURT OF APPEAL

APPENDIX TO PETITIONER'S BRIEF ON JURISDICTION

BERK, MERCHANT & SIMS, PLC

/s/ PATRICK E. BETAR

William S. Berk / FBN: 349828

Evelyn M. Merchant / FBN: 488577

Patrick E. Betar / FBN: 11073

Jonathan D. Tobin / FBN: 72910

2 Alhambra Plaza, Suite 700

Coral Gables, Florida 33134

Tel: (786) 338-2900/Fax: (786) 338-2888

Email: pbetar@berklawfirm.com

ikantro@berklawfirm.com

agenden@berklawfirm.com

kmendez@berklawfirm.com

lspaulding@berklawfirm.com

eibarra@berklawfirm.com

Counsel for Petitioner, Amer. Coastal Ins. Co.

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by e-mail on this 26th day of January, 2023, to:

Jeremy F. Tyler, Esq.
W. Wyndham Geyer, Jr., Esq.
Andrew Fuxa, Esq.
GEYER FUXA TYLER
490 Sawgrass Corporate Parkway, Suite 110
Sunrise, Florida 33325
Tel: (954) 990-5251 / Fax: (954) 990-4346
E-Mails: pleadings@gftlawfirm.com
jeremy.tyler@gftlawfirm.com

and

John H. Pelzer, Esq.
Florida Bar No. 376647
GREENSPOON MARDER LLP
200 E. Broward Boulevard, Suite 1800
Fort Lauderdale, Florida 33301
Tel: (954) 527-2469 / Fax: (954) 333-4069
E-Mail: john.pelzer@gmlaw.com
dotti.cassidv@gmlaw.com

Counsel for Respondent

/s/ PATRICK E. BETAR

A. 2

INDEX

Document	Appendix Pages
<i>Amer. Coastal Ins. Co. v. San Marco Villas Condo. Ass'n, Inc.</i> , Case No. 2D20-2646, Opinion (Fla. 2d DCA May 12, 2021)	A. 4 - 5

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

AMERICAN COASTAL INSURANCE)
COMPANY,)
)
Appellant,)
)
v.)
)
SAN MARCO VILLAS CONDOMINIUM)
ASSOCIATION, INC.,)
)
Appellee.)
_____)

Case No. 2D20-2646

Opinion filed May 12, 2021.

Appeal pursuant to Fla. R. App. P.
9.130 from the Circuit Court for Collier
County; Hugh D. Hayes, Judge.

Patrick E. Betar, William S. Berk, and Ilon
R. Kantro of Berk, Merchant & Sims, PLC,
for Appellant.

John H. Pelzer of Greenspoon Marder LLP,
Fort Lauderdale; and Jeremy F. Tyler and
Andy Fuxa of Geyer, Fuxa & Tyler, Sunrise,
for Appellee.

PER CURIAM.

We have determined that we are bound by previous opinions from this
court, and we therefore affirm. See Am. Cap. Assurance Corp. v. Leeward Bay at

Tarpon Bay Condo. Ass'n, 306 So. 3d 1238 (Fla. 2d DCA 2020), review granted, SC20-1766, 2021 WL 416684 (Fla. Feb. 8, 2021); see also Am. Cap. Assurance Corp. v. Cayman I at Tarpon Bay Condo. Ass'n, 46 Fla. L. Weekly D221 (Fla. 2d DCA Jan. 22, 2021); Villagio at Estero Condo. Ass'n v. Am. Cap. Assurance Corp., 46 Fla. L. Weekly D193 (Fla. 2d DCA Jan. 20, 2021). As this court did in Leeward Bay and Cayman I, we certify conflict with Citizens Property Insurance Corp. v. Demetrescu, 137 So. 3d 500 (Fla. 4th DCA 2014), Citizens Property Insurance Corp. v. Michigan Condominium Ass'n, 46 So. 3d 177 (Fla. 4th DCA 2010), and Sunshine State Insurance Co. v. Corridori, 28 So. 3d 129 (Fla. 4th DCA 2010).

Affirmed; conflict certified.

CASANUEVA, MORRIS, and STARGEL, JJ., Concur.