

Supreme Court of Florida

No. SC03-207

AMERICAN HOME ASSURANCE COMPANY,
Petitioner,

vs.

APAC-FLORIDA, INC., etc.,
Respondent.

[September 22, 2005]

PER CURIAM.

We have for review American Home Assurance Co. v. APAC-Florida, Inc., 834 So. 2d 369 (Fla. 2d DCA 2003), which relied upon American Home Assurance Co. v. Plaza Materials Corp., 826 So. 2d 358 (Fla. 2d DCA 2002), review granted, 842 So. 2d 842 (Fla. 2003), which was pending review in this Court, and certified conflict with Florida Crushed Stone Co. v. American Home Assurance Co., 815 So. 2d 715 (Fla. 5th DCA 2002). We have jurisdiction. See art. V, § 3(b)(3)-(4), Fla. Const.; Jollie v. State, 405 So. 2d 418 (Fla. 1981).

The Court has determined that it should summarily accept jurisdiction in this case. It is ordered that the petition for review is granted, the Second District Court

of Appeal's decision in American Home Assurance Co. v. APAC-Florida, Inc., 834 So. 2d 369 (Fla. 2d DCA 2003), is quashed, and this matter is remanded for reconsideration upon application of this Court's decision in American Home Assurance Co. v. Plaza Materials Corp., 30 Fla. L. Weekly S553 (Fla. July 7, 2005). No motion for rehearing will be entertained by the Court.

It is so ordered.

PARIENTE, C.J., and WELLS, ANSTEAD, LEWIS, QUINCE, CANTERO, and BELL, JJ., concur.

NO MOTION FOR REHEARING WILL BE ALLOWED.

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

Second District - Case No. 2D01-4613

(Polk County)

Robert E. Morris and Robert A. Bauman of Robert E. Morris, P.A., Tampa, Florida,

for Petitioner

Dana G. Toole of Dunlap and Toole, P.A., Tallahassee, Florida,

for Respondent