

IN THE DISTRICT COURT OF APPEAL  
FIRST DISTRICT, STATE OF FLORIDA

CITIZENS PROPERTY INSURANCE  
CORPORATION,

Appellant,

v.

THOMAS UEBERSCHAER,

Appellee.

NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

CASE NO. 1D06-0291

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Opinion filed May 21, 2008.

An appeal from the Circuit Court for Santa Rosa County.  
R.V. Swanson, Judge.

G. Alan Howard and Robert M. Dees of Milam, Howard, Nicandri, Dees & Gillam,  
P.A., Jacksonville, for Appellant.

Eric P. Sventek of Thomas J. Ueberschaer, P.A., Pensacola; Louis K. Rosenbloum of  
Louis K. Rosenbloum, P.A., Pensacola, for Appellee.

**UPON REMAND FROM THE FLORIDA SUPREME COURT**

PER CURIAM.

Pursuant to the Florida Supreme Court's mandate in Citizens Property  
Insurance Corp. v. Ueberschaer, 33 Fla. L. Weekly S223 (Fla. Mar. 28, 2008), which

quashed and remanded our opinion in Citizens Property Insurance Corp. v. Ueberschaer, 956 So. 2d 483 (Fla. 1st DCA 2007), we have reconsidered the merits of this case under the principles announced in Florida Farm Bureau Casualty Insurance Co. v. Cox, 967 So. 2d 815 (Fla. 2007). Accordingly, the final summary judgment issued in favor of Appellee, Thomas Ueberschaer, is reversed, and this matter is remanded for further proceedings consistent with the Florida Supreme Court's decision in Cox. This reversal necessarily requires us to vacate our previous order partially granting Appellee's motion for appellate attorney's fees. Appellee's motion for appellate attorney's fees is hereby denied.

REVERSED and REMANDED.

PADOVANO, LEWIS, and THOMAS, JJ., CONCUR.