

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

CITIZENS PROPERTY INSURANCE)
CORPORATION, a Florida government)
entity,)
)
Petitioner,)
)
v.)
)
MARILYN AGUIAR BELLAS,)
)
Respondent.)
_____)

Case No. 2D13-5841

Opinion filed May 30, 2014.

Petition for Writ of Certiorari to the Circuit
Court for Pasco County; Stanley R. Mills,
Judge.

Kara Berard Rockenbach of Methe &
Rockenbach, P.A., West Palm Beach; and
R. Gavin Mackinnon of Kelley, Kronenberg
P.A., Orlando, for Petitioner.

Nancy A. Lauten and George A. Vaka of
Vaka Law Group, Tampa; and Joshua E.
Burnett and Marshall Thomas Burnett,
Tampa, for Respondent.

ALTENBERND, Judge.

Citizens Property Insurance Corporation seeks certiorari review of the trial
court's order that denied Citizens a stay of action based upon the court's finding that

Citizens waived its right to neutral evaluation of the sinkhole claim upon which Marilyn Aguiar Bellas's lawsuit was based. Citizens argues that the amended stay provision of the neutral evaluation statute that is set forth in section 627.7074(10), Florida Statutes (2011), mandates an automatic litigation stay; that the trial court erroneously concluded that Citizens' participation in litigation constituted a waiver of its right to a stay; that the trial court departed from the essential requirements of the law; and that the order causes it irreparable injury not remediable on plenary appeal.

For the reasons expressed in Citizens Property Insurance Corp. v. Trapeo, 39 Fla. L. Weekly D245 (Fla. 2d DCA Jan. 31, 2014), we (1) grant the petition for writ of certiorari, in part, and quash the trial court's order to the extent that it prohibits Citizens from invoking the neutral evaluation process and (2) convert the petition for writ of certiorari, in part, to a petition for writ of mandamus, grant mandamus, and direct the circuit court to stay the underlying proceedings pending the completion of the neutral evaluation process. See also Citizens Prop. Ins. Corp. v. Hanos, 39 Fla. L. Weekly D577 (Fla. 2d DCA Mar. 19, 2014); Citizens Prop. Ins. Corp. v. Finley, 39 Fla. L. Weekly D248 (Fla. 2d DCA Jan. 31, 2014).

Certiorari petition granted; order quashed; mandamus petition granted with directions.

NORTHCUTT and VILLANTI, JJ., Concur.