

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

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

SUNSHINE STATE INSURANCE )  
COMPANY, )  
 )  
Petitioner, )  
 )  
v. )  
 )  
PHANEZE BENJAMIN and )  
CARLA BENJAMIN, )  
 )  
Respondents. )  
\_\_\_\_\_ )

Case No. 2D11-3446

Opinion filed July 11, 2012.

Petition for Writ of Certiorari to the Circuit  
Court for Hillsborough County; James D.  
Arnold, Judge.

Steven G. Schwartz and David J. Pascuzzi  
of Schwartz Law Group, Boca Raton, for  
Petitioner.

Raymond T. Elligett, Jr., of Buell & Elligett,  
P.A., Tampa; and Matthew R. Danahy and  
Kimberly E. Low of Danahy & Murray, P.A.,  
for Respondents.

CRENSHAW, Judge.

Sunshine State Insurance Company (Sunshine State) petitions this court  
for certiorari review of the circuit court's nonfinal order ruling that section 627.7074,

Florida Statutes (2010), is unconstitutional and denying Sunshine State's motion to compel a neutral evaluation of homeowners Phaneze and Carla Benjamins' sinkhole claim. As we discuss in greater detail in State Farm Insurance Co. v. Buitrago, No. 2D11-4509 (Fla. 2d DCA June 29, 2012), we conclude the statute is not unconstitutional, and thus the circuit court departed from the essential requirements of law by finding section 627.7074 unconstitutional. Accordingly, we grant the petition and quash the circuit court's order. The case is hereby remanded for further proceedings consistent with this opinion.

Petition granted.

WALLACE and MORRIS, JJ., Concur.