

Supreme Court of Florida

No. SC95750

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY,
Petitioner,

vs.

GREGORY GROVE,
Respondent.

[September 7, 2000]

QUINCE, J.

We have for review State Farm Mutual Automobile Insurance Co. v. Grove, 730 So. 2d 428 (Fla. 5th DCA 1999), in which the Fifth District Court of Appeal cited as controlling authority Cimino v. U.S. Security Insurance Co., 715 So. 2d 1092 (Fla. 1st DCA 1998), approved, 754 So. 2d 697 (Fla. 2000), which was then pending on review in this Court. We have jurisdiction. See art. V, § 3(b)(3), Fla. Const.; Jollie v. State, 405 So. 2d 418, 420 (Fla. 1981). Based on our decision in U.S. Security Insurance Co. v. Cimino, 754 So. 2d 697 (Fla. 2000), we approve

the Fifth District's decision.

It is so ordered.

WELLS, C.J., and SHAW, HARDING, ANSTEAD, PARIENTE and LEWIS, JJ.,
concur.

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

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

Fifth District - Case No. 5D98-2239

(Orange County)

Dale T. Gobel of Drage, Debeaubien, Knight, Simmons, Mantzaris & Neal, Orlando,
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for Petitioner

V. Rand Saltgaver, Orlando, Florida,

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