

# **Third District Court of Appeal**

## **State of Florida**

Opinion filed August 12, 2020.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D19-1593  
Lower Tribunal No. 19-12609

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**State Farm Florida Insurance Company,**  
Petitioner,

vs.

**Phyllis C. Long,**  
Respondent.

On Petition for Writ of Certiorari from the Circuit Court for Miami-Dade County, John W. Thornton, Jr., Judge.

Marshall Dennehey Warner Coleman & Goggin, P.C., and Michael A. Packer and Veronica N. Daniel (Fort Lauderdale); Link & Rockenbach, P.A., and Kara Rockenbach Link and David A. Noel (West Palm Beach), for petitioner.

Alvarez, Feltman, Da Silva & Costa, P.L., and Paul B. Feltman, for respondent.

Before EMAS, C.J., and HENDON and LOBREE, JJ.

HENDON, J.

For the reasons stated in State Farm Florida Insurance Co. v. Sanders, 45 Fla. L. Weekly D870 (Fla. 3d DCA Apr. 15, 2020), we deny the petition for writ of certiorari. As in Sanders, we certify express conflict with the Fifth District Court of Appeal's decisions in State Farm Florida Insurance Co. v. Cadet, 290 So. 3d 1090 (Fla. 5th DCA 2020), and State Farm Florida Insurance Co. v. Crispin, 290 So. 3d 150 (Fla. 5th DCA 2020), as well as the decision of the Fourth District Court of Appeal in State Farm Florida Insurance Co. v. Valenti, 285 So. 3d 958 (Fla. 4th DCA 2019). Further, we also certify the same question certified in Sanders as one of great public importance:

CAN A FIDUCIARY, SUCH AS A PUBLIC ADJUSTER OR APPRAISER WHO IS IN A CONTRACTUAL AGENT-PRINCIPAL RELATIONSHIP WITH THE INSURED AND WHO RECEIVES A CONTINGENCY FEE FROM THE APPRAISAL AWARD, BE A DISINTERESTED APPRAISER AS A MATTER OF LAW?

Petition denied; conflict certified; question certified.