

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

JULY TERM 2003

**FLORIDA MUNICIPAL INSURANCE
TRUST,**

Appellant,

v.

INVESTIGATION OF A CLAIM BEFORE
THE CLAIMANT HAS FILED A LAWSUIT?

FARMER, C.J., KLEIN, J., and LEVIN,
STEVEN J., Associate Judge, concur.

VILLAGE OF GOLF, a municipal corporation,

Appellee.

CASE NO. 4D01-4892

Opinion filed August 6, 2003

Appeal from the Circuit Court for the Fifteenth
Judicial Circuit, Palm Beach County; Timothy P.
McCarthy, Judge; L.T. Case No. CL 99-9669
AD.

Michael T. Burke of Johnson, Anselmo,
Murdoch, Burke & George, Fort Lauderdale, for
appellant.

Kenneth G. Spillias, Kevin S. Hennessy and Eric
Ash of Lewis Longman & Walker, P.A., West
Palm Beach, for appellee.

ON MOTIONS FOR REHEARING
& CERTIFICATION

PER CURIAM.

We deny appellant's motion for rehearing, but
certify the following question as one of great
public importance:

CAN THE ESTOPPEL THEORY
APPROVED IN DOE V. ALLSTATE
INSURANCE CO., 653 SO. 2D 371 (FLA.
1995), BE APPLIED TO CONDUCT
ARISING OUT OF THE INSURER'S