

DISTRICT COURT OF APPEAL OF FLORIDA
SECOND DISTRICT

LUIS BROWN and MIRTA MORENO a/k/a MIRTA BROWN,

Appellants,

v.

SAFEPOINT INSURANCE,

Appellee.

No. 2D2023-1097

March 7, 2025

Appeal from the Circuit Court for Hillsborough County; Cheryl K. Thomas, Judge.

Erik T. Barnard of Watson et Barnard, PLLC, Miami, for Appellants.

Patrick M. Chidnese and Frieda C. Lindroth of Bickford & Chidnese, LLP, Tampa, for Appellee.

PER CURIAM.

Luis Brown and Mirta Moreno appeal the trial court's order dismissing their complaint filed against their insurer, Safepoint Insurance, with prejudice for failing to file it within the applicable statute of limitations. We reject without further discussion Mr. Brown and Ms. Moreno's argument that the trial court erred by failing to equitably toll

the statute of limitations. And in accordance with the reasoning in this court's recent decision in *Buis v. Universal Property & Casualty Insurance Co.*, 394 So. 3d 738 (Fla. 2d DCA 2024), we also reject their argument that section 627.70152(3), Florida Statutes (2022), retroactively applied to their 2017 insurance policy and tolled the statute of limitations. For the same reasons set forth in *Buis*, we certify conflict with *Cantens v. Certain Underwriters at Lloyd's London*, 388 So. 3d 242 (Fla. 3d DCA 2024), and *Cole v. Universal Property & Casualty Insurance Co.*, 363 So. 3d 1089 (Fla. 4th DCA 2023).

Affirmed; conflict certified.

VILLANTI, LUCAS, and ATKINSON, JJ., Concur.

Opinion subject to revision prior to official publication.