

Supreme Court of Florida

No. 66,854

HELENE HAFTTEL, ET UX., Petitioners,

vs.

FLORIDA PATIENT'S COMPENSATION FUND, Respondent.

(November 7, 1985]

PER CURIAM.

This case is before us to answer a certified question of great public importance.* We have jurisdiction. Art. V, § 3(b)(4), Fla. Const. We answer the question in the affirmative and approve the decision below on the authority of Taddiken v. Florida Patient's Compensation Fund, No. 65,690 (Fla. Oct. 24, 1985), and Fabal v. Florida Keys Memorial Hospital, No. 65,730 (Fla. Oct. 24, 1985).

It is so ordered.

BOYD, C.J., and ADKINS, OVERTON, McDONALD, EHRLICH and SHAW, JJ.,
Concur
NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF
FILED, DETERMINED.

* Haftel v. Florida Patient's Compensation Fund, 464 So.2d 249 (Fla. 3d DCA 1985):

Whether a claim against the Florida Patient's Compensation Fund arises at the time of the alleged medical malpractice, rather than when judgment is entered against the tortfeasor, and is governed by the two year statute of limitations provided by Section 95.11(4)(b), Florida Statutes (1977), so that the Fund must be made or joined as a party defendant within two years after the malpractice action accrues?

Application for Review of the Decision of the District Court
of Appeal - Certified Great Public Importance

Third District - Case No. 84-1209

William deForest Thompson, P.A., Fort Lauderdale, Florida, and
Edna L. Caruso, West Palm Beach, Florida,

for Petitioners

Thomas R. Post, P.A., Miami, Florida, and Evan J. Langbein of
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for Respondent