

Supreme Court of Florida

ORIGINAL

No. 78,017

COMMUNITY HOSPITAL OF THE PALM
BEACHES, INC., etc., et al.,

Appellants,

vs.

LUIS GUERRERO, M.D.,

Appellee.

[December 3, 1992]

PER CURIAM.

We have for appellate review Community Hospital of the Palm Beaches, Inc., v. Guerrero, 579 So.2d 304 (Fla. 4th DCA 1991), in which the Fourth District Court of Appeal held that section 395.0115(8)(b), Florida Statutes (1989), and section 768.40(6)(b), Florida Statutes (1987),¹ violated article I,

¹ Section 768.40(6)(b), Florida Statutes (1987) was renumbered as section 766.101(6)(b), Florida Statutes (Supp. 1988).

section 21 of the Florida Constitution, right of access to the courts. We have jurisdiction based on article V, section 3(b)(1) of the Florida Constitution. We affirm the decision below based on Psychiatric Associates v. Siegel, Nos. 76,844 and 76,917 (Fla. December 3, 1992).

It is so ordered.

BARKETT, C.J., and SHAW, GRIMES, KOGAN and HARDING, JJ., concur.
OVERTON, J., dissenting: I dissent for the reasons expressed in Psychiatric Associates v. Siegel, Nos. 76,844 and 76,917 (Fla. December 3, 1992).
McDONALD, J., dissents.

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

An Appeal from the District Court of Appeal - Statutory or
Constitutional Invalidity

Fourth District - Case No. 90-3435

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for Appellants

Jack Sscarola of Searcy, Denney, Scarola, Barnhart & Shipley,
P.A., West Palm Beach, Florida; and Philip M. Burlington of Edna
L. Caruso, P.A., West Palm Beach, Florida,

for Appellee