

# Supreme Court of Florida

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No. 64,381

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NEIL J. KARLIN, M.D., et al.,  
Petitioners,

vs.

DONNA DENSON, et vir.,  
Respondents.

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May 2, 1985

OVERTON, J.

This is a petition to review Karlin v. Denson, 447 So. 2d 897 (Fla. 4th DCA 1983), in which the Fourth District Court of Appeal, on the authority of its decision in Florida Medical Center, Inc. v. Von Stetina, 436 So. 2d 1022 (Fla. 4th DCA 1983), upheld the constitutionality of section 768.56, Florida Statutes (1981), which concerns the award of attorney fees in medical malpractice actions. We have jurisdiction. Art. V, § 3(b)(3), Fla. Const. Because the cause of action in this case accrued subsequent to the effective date of section 768.56, we approve the decision on the authority of Florida Patient's Compensation Fund v. Rowe, No. 64,459 (Fla. May 2, 1985), and Young v. Altenhaus, Nos. 64,504 and 64,589 (Fla. May 2, 1985), released simultaneously with this opinion.

It is so ordered.

BOYD, C.J., ADKINS, ALDERMAN, McDONALD and SHAW, JJ., Concur  
EHRlich, J., Did not participate in the consideration of this case.

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

Application for Review of the Decision of the District Court of  
Appeal - Statutory Validity

Fourth District - Case Nos. 82-1984 and 82-2085

Richard B. Collins of Perkins and Collins, Tallahassee, Florida;  
and Talbot D'Alemberte, Samuel J. Dubbin and Jeffrey B. Crockett  
of Steel, Hector and Davis, Miami, Florida,

for Petitioners

Milton Kelner and John D. Kelner of Kelner and Kelner, Miami,  
Florida,

for Respondents