Supreme Court of Florida

CORRECTED OPINION

No. 75,396

DEPARTMENT OF ADMINISTRATION,
OFFICE OF STATE EMPLOYEES'
INSURANCE, Petitioner,

vs.

TERRI J. GANSON, Respondent.

[September 13, 1990]

GRIMES, J.

Pursuant to article V, section 3(b)(3), Florida Constitution, we accepted jurisdiction in Ganson v. Department of Administration, 554 So.2d 522 (Fla. 1st DCA 1989), to resolve conflict with Standard Guarantv Insurance Co. v. Ouanstrom, 555 So.2d 828 (Fla. 1990).

Ganson successfully litigated a claim for state health insurance benefits in which the district court of appeal ordered

a hearing to determine an appropriate attorney's fee. Ganson v. Department of Admin., 554 So.2d 516 (Fla. 1st DCA 1989).* The hearing officer submitted a report, which the district court adopted in toto. In that report, the hearing officer recognized that there was a split of authority on the issue but concluded that a contingency-risk multiplier was required because there was a contingent-fee agreement between the client and her attorney.

A few weeks after the district court of appeal affirmed the fee award, we issued Quanstrom, which held that the multiplier is not automatically required in contingent-fee cases. Quanstrom, 555 So.2d at 831. Therefore, the opinion below is incorrect and must be quashed. We remand for reconsideration in light of Quanstrom.

It is so ordered.

SHAW, C.J., and OVERTON, McDONALD, EHRLICH, BARKETT and KOGAN, JJ., concur.

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

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* That decision is not under review here.

Application for Review of the Decision of the District Court of Appeal - Direct Conflict of Decisions

First District - Case No. 88-1568

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for Petitioner

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for Respondent