

Supreme Court of Florida

No. 75,544

JACK DREW, et al.,
Petitioners,
v.
GORDON T. COUCH, M.D.,
Respondent.

[August 30, 1990]

McDONALD, J.

We accepted review of Couch v. Drew, 554 So.2d 1185 (Fla. 1st DCA 1989), because of conflict with Turner v. D.N.E., Inc., 547 So.2d 1245 (Fla. 4th DCA 1989), and Aspen v. Bayless, 552 So.2d 298 (Fla. 2d DCA 1989). The issue is whether a prevailing party may recover costs and, when applicable, attorney's fees when an insurance company has paid such costs on behalf of the prevailing party. In Aspen v. Bayless, nos. 75,107, 75,559 (Fla. July 26, 1990), we quashed the district court's opinion and held that costs were recoverable. The decision under review is

consistent with our opinion in Aspen, and we therefore approve it and disapprove Turner.

It is so ordered.

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

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 - Direct Conflict of Decisions

First District - Case No. 88-3127

(Escambia County)

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