

Supreme Court of Florida

ORIGINAL

DOCTORS' HOSPITAL OF SOUTH
MIAMI, LTD., etc., Appellant,

vs.

No. 78,727

JOSEPH OVADIA, M.D., Appellee.

WALTER JONES, M.D., Appellant,

vs.

No. 78,862

JOSEPH OVADIA, M.D., Appellee.

CRH PROPERTIES, etc., Appellant,

vs.

No. 78,861

JOSEPH OVADIA, M.D., Appellee.

[December 3, 1992]

PER CURIAM.

We have for appellate review Ovadia v. CRH Properties,
586 So.2d 440 (Fla. 3rd DCA 1991), in which the Third District
Court of Appeal held that sections 395.0115(8)(b) and

766.101(6)(b), Florida Statutes (1989), violate the constitution. We have jurisdiction based on article V section 3(b)(1) of the Florida Constitution.

We affirm the decision below on the authority of 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.

Three Consolidated Appeals from the District Court of Appeal -
Statutory or Constitutional Invalidity

Third District - Case Nos. 91-833, 90-1948, & 90-1246

Jennifer S. Carroll of Metzger, Sonneborn & Rutter, P.A., West
Palm Beach, Florida, on behalf of Doctors' Hospital of South
Miami, Ltd.; and Ronald J. Marlowe and George B. Hanna of Fowler,
White, Burnett, Hurley, Banick & Strickroot, P.A., Miami,
Florida, on behalf of CRH Properties and Walter Jones, M.D.,

for Appellants

R. Fred Lewis of Magill & Lewis, P.A., Miami, Florida,

for Appellee