

Supreme Court of Florida

Nos. 79,941 & 79,942

HCA HEALTH SERVICES OF FLORIDA,
INC., etc., Appellant,

vs.

GUS BRANCHESI, etc., Appellee.

ORIGINAL

PERRY R. LLOYD, III, M.D., Appellant,

vs.

GUS BRANCHESI, etc., Appellee.

[May 13, 1993]

PER CURIAM.

We have on appeal HCA Health Services of Florida v. Branchesi, 597 So. 2d 414 (Fla. 4th DCA 1992), in which the Fourth District Court of Appeal upheld the trial court's ruling that sections 766.207 and 766.209, Florida Statutes (1989), violated the right of access to the courts. Art. I, § 21, Fla. Const. Both HCA Health Services and Perry Lloyd, III, M.D. appealed the district court's opinion. We have jurisdiction based on article V, section 3(b)(1) of the Florida Constitution, and we consolidate these cases for the purpose of this opinion.

In University of Miami v. Echarte, No. 78,210 (Fla. May 13, 1993), we held that sections 766.207 and 766.209 do not violate the right of access to the courts. Accordingly, we reverse the decision below and remand for proceedings consistent with our opinion in Echarte.

It is so ordered.

OVERTON, McDONALD, GRIMES and HARDING, JJ., concur.
KOGAN, J., concurs with an opinion.
BARKETT, C.J., dissents with an opinion.
SHAW, J., dissents with an opinion.

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

KOGAN, J., concurring.

I concur with the majority opinion in this case solely because of this Court's holding in University of Miami v. Echarte, No. 78,210 (Fla. May 13, 1993).

BARKETT, C.J., dissenting.

I dissent for the reasons stated in my dissenting opinion in University of Miami v. Echarte, No. 78,210 (Fla. May 13, 1993).

Shaw, J., dissenting.

For the reasons expressed in my dissenting opinion in University of Miami v. Echarte, No. 78,210 (Fla. May 13, 1993), I dissent.

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

Fourth District - Case Nos. 91-1263 & 91-1299

(St. Lucie County)

Janis Brustares Keyser of Gay, Ramsey & Lewis, P.A., West Palm Beach, Florida; and Julian Clarkson of Holland & Knight, Tallahassee, Florida and David W. Spicer of Bobo, Spicer, Ciotoli, Fulford & Bocchino, P.A., West Palm Beach, Florida,

for Appellants

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for Appellee

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Amicus Curiae for the Florida Hospital Association and the Florida Medical Association