

Supreme Court of Florida

No. 83,212

ORIGINAL

CITY OF MIAMI,

Petitioner,

vs.

JAMES P. GILBERT,

Respondent.

[October 27, 1994]

SHAW, J.

We have for review City of Miami v. Gilbert, 630 So. 2d 1241 (Fla. 1st DCA 1994). We have jurisdiction. Art. V, § 3(b)(4), Fla. Const. We quash Gilbert and remand for proceedings consistent with our decision in City of Miami v. Bell, 634 So. 2d 163 (Fla. 1994). As noted in Bell, the penalty provisions of section 440.20, Florida Statutes (1989), apply only to offsets taken by the city after July 14, 1989.

It is so ordered.

GRIMES, C.J., and OVERTON, KOGAN, HARDING, WELLS and ANSTEAD, 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 - Certified Great Public Importance
First District - Case No. 92-2684

A. Quinn Jones, III, City Attorney and Kathryn S. Pecko,
Assistant City Attorney, Miami, Florida,

for Petitioner

Richard A. Sicking, Miami, Florida,

for Respondent