

FILED

SID J. WHITE

DEC 4 1995

CLERK, SUPREME COURT
By [Signature]
Chief Deputy Clerk

IN THE SUPREME COURT OF FLORIDA

ESCAMBIA COUNTY SHERIFF'S DEPART-
MENT, ET AL.,

Petitioners,

vs.

CASE NO. 86,327
District Court of Appeal,
1st District - No. 94-1950

THOMAS GRICE,

Respondent.

**BRIEF OF AMICUS CURIAE,
SEMINOLE COUNTY, FLORIDA**

ROBERT A. McMILLAN
County Attorney
for Seminole County, Florida
Florida Bar No: 0182655
Seminole County Services Building
1101 East First Street
Sanford, Florida 32771
(407) 321-1130, Ext. 7254
Attorney for Seminole County,
Florida

By:

[Signature]
LONNIE N. GROOT
Deputy County Attorney
Florida Bar No. 0266094

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PRELIMINARY STATEMENT

The Petitioners, Escambia County Sheriff's Department and Escambia County Risk Management shall be referred to herein as the "Petitioners." Your amicus, Seminole County, shall be referred to herein as the "County."

STATEMENT OF THE CASE AND FACTS

The County accepts the statement of the case and facts submitted by the Petitioners.

ARGUMENT

The County hereby adopts and supports the argument set forth in the Brief of Amicus Curiae/State of Florida, Department of Insurance, Division of Risk Management.

Additionally, however, it should be noted that Seminole County employs several hundred public employees and these employees and the County could be affected by the Court's decision in this case. A decision adverse to the Petitioners in this cause could have significant fiscal impacts upon the County. Accordingly, the County requested and was granted leave by this Court to file a brief in support of the Petitioners' position in this cause.

Worker's compensation benefits were intended to protect a workers income and to make workers whole. For an injured worker to receive full pay and benefits while not on the job encourages the worker to not make any effort or an inadequate effort to recover and to return to work. For a worker to receive more than one hundred percent (100%) of his or her pay while injured would provide a windfall to the worker and a disincentive to return to

work. The incentive would be is to stay at home and away from the work place. Such a result is not a good or sound public policy.

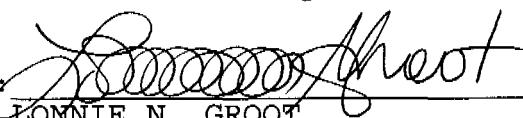
CONCLUSION

The County urges the Court to find that the judge of compensation claims did not err, to answer the certified question in the affirmative, and to reverse the decision of the First District Court of Appeal.

DATED this 1st day of December, 1995.

ROBERT A. McMILLAN
County Attorney
for Seminole County, Florida
Florida Bar No. 0182655
Seminole County Services Building
1101 East First Street
Sanford, Florida 32771
(407) 321-1130, Ext. 7254
Attorney for Amicus Curiae,
Seminole County

By:


LONNIE N. GROOT
Deputy County Attorney
Florida Bar No. 0266094

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to Michael J. Valen, Esquire, Post Office Box 13570, Pensacola, Florida 32591-3570, Attorney for Petitioners, James F. McKenzie, Esquire, 905 East Hatton St., Pensacola, Florida 32503, Attorney for Respondent, and David A. McCranie, Esquire, 3733 University Blvd., West, Suite 112, Jacksonville, Florida 32217, Attorney for Amicus Curiae this 15th day of December, 1995.

ROBERT A. McMILLAN
County Attorney for
Seminole County, Florida
Florida Bar No: 0182655
Seminole County Services Building
1101 East First Street
Sanford, Florida 32771
(407) 321-1130, Ext. 7254
Attorney for Amicus Curiae,
Seminole County

By: 

LONNIE N. GROOT
Deputy County Attorney
Florida Bar No. 0266094

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