

Supreme Court of Florida

No. SC94366

FLORIDA DEPARTMENT OF TRANSPORTATION, et al.,
Petitioners,

vs.

TONY JOHNS,
Respondent.

[January 20, 2000]

QUINCE, J.

We have for review a decision on the following question of great public importance certified by the First District Court of Appeal in Department of Transportation v. Johns, 23 Fla. L. Weekly D2519 (Fla. 1st DCA Nov. 10, 1998):

WHERE AN EMPLOYER TAKES A WORKERS' COMPENSATION OFFSET UNDER SECTION 440.20(15), FLORIDA STATUTES (1985), AND INITIALLY INCLUDES SUPPLEMENTAL BENEFITS PAID UNDER SECTION 440.15(1)(e)(1), FLORIDA STATUTES (1985), IS THE EMPLOYER ENTITLED TO RECALCULATE THE OFFSET BASED ON THE

YEARLY 5% INCREASE IN SUPPLEMENTAL
BENEFITS?

We have jurisdiction. See art. V, § 3(b)(4), Fla. Const. For the reasons expressed in City of Clearwater v. Acker, 24 Fla. L. Weekly S567 (Fla. Dec. 9, 1999), we answer the certified question in the negative and approve the First District's decision in this case.

It is so ordered.

HARDING, C.J., and SHAW, WELLS, ANSTEAD, PARIENTE, and LEWIS, 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. 1D98-1272

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