

# Supreme Court of Florida

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No. SC95925

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**FLORIDA DEPARTMENT OF TRANSPORTATION, et al.,**  
Petitioners,

vs.

**JIMMY HOGAN,**  
Respondent.

[February 22, 2001]

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. Hogan, 24 Fla. L. Weekly D1507 (Fla. 1st DCA June 22, 1999):

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, 755 So. 2d 597 (Fla. 1999), we answer the certified question in the negative and approve the First District's decision in this case.

It is so ordered.

WELLS, C.J., and SHAW, HARDING, 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. 1D98-3908

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