Supreme Court of Florida

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No. SC96801

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FLORIDA HRS DISTRICT II, et al.,
Petitioners,

vs.

ANN L. PICKARD,
Respondent.

[February 15, 2001]

QUINCE, J.

We have for review a decision on the following question certified to be of great

public importance:[1]

> 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

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[1]   The First District specifically certified for review "the same question certified in
Acker." HRS District II v. Pickard, 24 Fla. L. Weekly D1749, 1750 (Fla.1st DCA July 19, 1999).

YEARLY 5% INCREASE IN SUPPLEMENTAL BENEFITS?

<u>HRS District II v. Pickard</u>, 24 Fla. L. Weekly D1749 (Fla.1st DCA July 19, 1999).

We have jurisdiction. Art. V, § 3(b)(4), Fla. Const. For the reasons expressed in <u>City of Clearwater v. Acker</u>, 755 So. 2d 597 (Fla. 1999), we answer the certified question in the negative and approve the First District's decision in this case.[2]

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. 1D98-1097

David A. McCranie of McCranie & Lower, P.A., Jacksonville, Florida,

for Petitioners

R. Jeremy Solomon of Solomon & Proctor, Tallahassee, Florida,

for Respondent

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[2] State of Florida, Division of Retirement ("FRS") appeared as amicus curiae before the First District Court of Appeal and in its brief asserted that "the use of benefits paid under the FRS to offset workers' compensation benefits abridges and reduces the right of FRS members to receive the full benefit of payments made to them." We do not address this issue because it was not raised by either party before this Court and FRS did not file an amicus brief before this Court.