

IN THE DISTRICT COURT OF APPEAL  
FIRST DISTRICT, STATE OF FLORIDA

EMMA MURRAY,  
Appellant/Cross-Appellee,

NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

v.

CASE NO. 1D06-0475

MARINERS HEALTH/ACE USA,  
Appellees/Cross-Appellants.

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Opinion filed December 1, 2006.

An appeal from the Judge of Compensation Claims.  
Dan F. Turnbull, Judge.

Brian O. Sutter, Port Charlotte; and Bill McCabe, Longwood, for Appellant/Cross-Appellee.

John R. Darin, II, of Wicker, Smith, O'Hara, McCoy, Graham & Ford, P.A., Orlando, for Appellees/Cross-Appellants.

PER CURIAM.

The claimant, Emma Murray, appeals the Judge of Compensation Claims' (JCC) order awarding an attorney's fee in strict accordance with the guideline formula set forth in section 440.34(1), Florida Statutes (2005). The appellant's constitutional

challenges to this statute, as significantly amended in 2003, were considered and rejected in our recent decisions in Lundy v. Four Seasons Ocean Grand Palm Beach, 31 Fla. L. Weekly D1663 (1st DCA June 20, 2006); and Campbell v. Aramark, 31 Fla. L. Weekly D1966 (1st DCA July 24, 2006). Accordingly, we are constrained to affirm the JCC's award of a reasonable attorney's fee based on the statutory guideline formula. See Wood v. Fla. Rock Indus., 929 So. 2d 542 (Fla. 1st DCA 2006), granting motion for certification, 929 So. 2d 545 (Fla. 1st DCA 2006).

As in Wood, Lundy, and Campbell, we certify the following as a question of great public importance:

DO THE AMENDED PROVISIONS OF SECTION 440.34(1), FLORIDA STATUTES (2003), CLEARLY AND UNAMBIGUOUSLY ESTABLISH THE PERCENTAGE FEE FORMULA PROVIDED THEREIN AS THE SOLE STANDARD FOR DETERMINING THE REASONABLENESS OF AN ATTORNEY'S FEE TO BE AWARDED A CLAIMANT?

We AFFIRM the JCC's order on trial attorney's fees and costs and DENY the motion for appellate attorney's fees. The issues on cross-appeal are affirmed.

WOLF, LEWIS, and THOMAS, JJ., CONCUR.