

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

REGGIE E. JERNIGAN,

Appellant,

v.

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

CASE NO. 1D09-2129

STATE OF FLORIDA,
DEPARTMENT OF MANAGEMENT
SERVICES, DIVISION OF
RETIREMENT,

Appellee.

Opinion filed October 30, 2009.

An appeal from an order of the State Retirement Commission.
Alice C. Myers, Chairman.

Teresa E. Liles and T. Rhett Smith of Smith & Liles, P.A., Pensacola, for
Appellant.

Bill McCollum, Attorney General, and Lee Ann Gustafson, Assistant Attorney
General, Tallahassee, for Appellee.

PER CURIAM.

Upon appellee's proper concession of error, the order awarding attorney's
fees and costs entered by the State Retirement Commission on April 1, 2009, is

hereby quashed. Appellee's motion for remand is granted. This matter is remanded to the State Retirement Commission for reconsideration by the Commission of a reasonable attorney's fee in light of the evidence presented at the previous hearing.

HAWKES, C.J., WOLF and WETHERELL, JJ., CONCUR.