

SUPREME COURT OF FLORIDA

Florida Forest & Park Service v. Eston Strickland

18 So. 2d 251 (Fla. 1944) · Decided May 19, 1944

SUMMARY

The Florida Supreme Court affirmed a circuit court judgment awarding workers' compensation to Eston Strickland, a fire-tower watchman who was injured in a gunfight with another forestry worker. The court held that a later decision changing the procedure for reviewing deputy commissioners' orders applied prospectively because Strickland had relied in good faith on the prior judicially approved procedure. On the merits, the court concluded that the appellants had not shown that the circuit court's finding in Strickland's favor was unsupported by the record.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Sebring; Buford; Terrell; Brown; Chapman; Thomas; Adams
JURISDICTION	Florida
DECIDED	May 19, 1944
DISPOSITION	affirmed
PROCEDURAL POSTURE	The employer and its insurance carrier appealed from a Taylor County Circuit Court judgment reversing a deputy commissioner's denial of Strickland's workers' compensation claim.
STANDARD OF REVIEW	On review of the administrative record, the circuit court was required to enter the order or judgment warranted by the law and facts. The administrative factual findings received approximately the weight given to a master's findings, without a presumption favoring their correctness. On appeal from the circuit court judgment, the judgment was presumed supported by competent evidence absent a contrary showing, and the appellants bore the burden of clearly demonstrating error.
PRECEDENTIAL VALUE	Published Florida Supreme Court opinion; precedential
PARTIES	Florida Forest & Park Service, Employer's insurance carrier v. Eston Strickland

TOPICS

workers compensation

exhaustion of remedies

appellate procedure

statutory interpretation

administrative law

PRACTICE AREAS

workers compensation

administrative law

appellate procedure

statutory interpretation

QUESTIONS PRESENTED

1. Whether the circuit court had authority to review the deputy commissioner's order directly despite the intervening decision in *Tigertail Quarries, Inc. v. Ward*.
2. Whether *Tigertail Quarries, Inc. v. Ward* should operate prospectively rather than retrospectively where the claimant relied on the prior judicially approved appellate procedure.
3. Whether the employer and carrier demonstrated that the circuit court's reversal of the deputy commissioner's denial of compensation was unsupported by the record.

HOLDINGS

1. As applied to Strickland's case, *Tigertail Quarries, Inc. v. Ward* operated prospectively only. A claimant who proceeded in reliance on the then-prevailing judicial construction of the workers' compensation statutes could not have that procedure and potentially valuable compensation right defeated by a later overruling decision.
2. The employer and carrier failed to show that the circuit court reached an erroneous conclusion unsupported by the record; the circuit court judgment reversing the deputy commissioner was affirmed.

KEY QUOTATIONS

"To this rule, however, there is a certain well-recognized exception that where a statute has received a given construction by a court of supreme jurisdiction and property or contract rights have been acquired under and in accordance with such construction, such rights should not be destroyed by giving to a subsequent overruling decision a retrospective operation." (477)

*"We hold, therefore, that as applied to the facts of this case, *Tigertail Quarries, Inc. v. Ward*, supra, must be given a prospective operation only; the facts bringing the case within the exception to the generally prevailing rule that court decisions will be given a retrospective as well as prospective operation."* (478)

"Consequently, the burden is on one appealing from a judgment of the circuit court in compensation proceedings to show clearly that the court has arrived at an erroneous conclusion not warranted by the record." (481)

FACTUAL BACKGROUND

Strickland worked as a fire-tower watchman for the Florida Forest Park Service. During a meeting concerning a disagreement about a fire report, he exchanged pistol shots with forest ranger Buck Slaughter; Slaughter was killed and Strickland was wounded. Strickland claimed workers' compensation, while the employer and carrier

asserted that the injury resulted from his willful intention to injure or kill another. The testimony conflicted regarding who initiated the gunfire and whether Strickland acted in self-defense.

PROCEDURAL HISTORY

A deputy commissioner denied Strickland's compensation claim under the willful-intent defense in section 440.09, Florida Statutes (1941). Strickland appealed directly to the circuit court under the then-prevailing construction of the workers' compensation statutes, and the circuit court reversed. While the appeal to the Florida Supreme Court was pending, *Tigertail Quarries, Inc. v. Ward* overruled the prior construction and held that a deputy commissioner's order was not directly appealable to the circuit court. The Supreme Court held that *Tigertail* applied prospectively to this case and affirmed the circuit court judgment.

DISPOSITION

affirmed

CASES CITED

- *Tigertail Quarries, Inc. v. Ward*, 154 Fla. 122, 16 So. 2d 812
- *Johnson v. Midland Constructors, Inc.*, 150 Fla. 353, 7 So. 2d 449
- *Walker v. Telfair Stockton Co.*, 152 Fla. 434, 12 So. 2d 177
- *State ex rel. Midwest Pipe Supply Co. v. Haid*, 330 Mo. 1093, 52 S.W. 2d 183
- *Gelpcke v. City of Dubuque*, 1 Wall. 175
- *Douglas v. County of Pike*, 101 U.S. 677, 687
- *Mountain Grove Bank v. Douglas County*, 146 Mo. 42, 47 S.W. 944
- *Culpepper v. Culpepper*, 147 Fla. 632, 3 So. 2d 330
- *South Atlantic S.S. Co. v. Tutson*, 139 Fla. 405, 190 So. 675
- *Chamberlain v. Florida Power Corporation*, 144 Fla. 719, 198 So. 486
- *Firestone Auto v. Bullard*, 141 Fla. 282, 192 So. 865
- *Dixie Laundry, et al. v. Wentzell*, 145 Fla. 569, 200 So. 860
- *City of St. Petersburg, et al. v. Mosedale*, 146 Fla. 784, 1 So. 2d 878
- *Williams v. Phiel*, 60 Fla. 272, 53 So. 638