

Supreme Court of Florida

ORIGINAL

No. 76,750

CHERYL MORTENSON, Petitioner,

vs.

B. EDWIN JOHNSON, Respondent.

[June 11, 1992]

PER CURIAM.

We have for review Mortenson v. Johnson, 566 So.2d 579 (Fla. 2d DCA 1990), in which the Second District Court of Appeal certified the following question to be of great public importance:

WHETHER SECTION 742.031 OF THE FLORIDA STATUTES,
PROVIDING FOR AN AWARD OF ATTORNEY'S FEES IN AN
ORIGINAL PATERNITY ACTION, CAN BE CONSTRUED AS
ALSO SUPPORTING AN AWARD OF FEES IN A
POSTJUDGMENT PROCEEDING FOR MODIFICATION OF
CHILD SUPPORT IN A PATERNITY ACTION?

Id. at 580. We have jurisdiction pursuant to article V, section 3(b)(4), Florida Constitution. Our decision in P.A.G. v. A.F., No. 76,527 (Fla. June 11, 1992), is controlling in this case. Accordingly, we quash the decision below and remand this case for reconsideration in light of P.A.G.

It is so ordered.

SHAW, C.J. and OVERTON, McDONALD, BARKETT, KOGAN and HARDING,
JJ., concur.
GRIMES, J., dissents with an opinion.

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF
FILED, DETERMINED.

GRIMES, J., dissenting.

I dissent for the reasons expressed in my dissenting opinion in P.A.G. v. A.F., No. 76,527 (Fla. June 11, 1992).

Application for Review of the Decision of the District Court of
Appeal - Certified Great Public Importance

Second District - Case No. 89-02119

(Hillsborough County)

J. Michael Shea of Shea and Associates, P.A., Tampa, Florida,

for Petitioner

B. Edwin Johnson, pro se, Clearwater, Florida,

for Respondent