

FLORIDA WORKERS' COMPENSATION NEWSLETTER

Vol. 2, Issue 20, 11/11/09

Here are summaries of the most recent decisions in Florida Workers' Compensation Law. Please contact us if we can be of any assistance in further interpreting these cases or applying them to your claims. We are available at the below contact points to discuss these or any other issues at your convenience. Remember, these opinions were just released and are not final until the time expires to file a motion for rehearing and that is ultimately ruled on. Feel free to contact us to determine when the opinions become final.



Prevailing Party Taxable Costs

In the case of Hillsborough County Sheriff's Office and North American Risk Services v. Hilsman the E/C appealed the denial of its motion for taxable costs. The E/C filed a verified motion to tax costs listing

**1st DCA
Opinions Filed
on November
10, 2009**

vendors, dates paid, and the amount paid. The claimant filed an unverified response making rather general objections to the costs. The JCC ultimately denied all the taxable costs finding that the E/C did not establish that it actually paid for the listed costs. The 1st DCA found that this showing by the E/C was unnecessary in light of the fact that the costs were "advanced or incurred"; this what is required by Rule 60Q-6.124(3). The Court did find that some of the claimed costs were not sufficiently specific to support an award. However, at the hearing, the Claimant did concede that certain other costs were taxable and the Court found that these should be taxed. The Court also found that the costs associated with the testimony of a doctor used to support the E/C's defenses were taxable. The 1st DCA held that these taxable costs could not be denied simply because the E/C did not present a bill or invoice showing that the costs were actually paid.