

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS
OFFICE OF JUDGES OF COMPENSATION CLAIMS
FORT LAUDERDALE DISTRICT OFFICE**

EMPLOYEE:

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Lauderhill, FL 33313

ATTORNEY FOR EMPLOYEE:

Kevin Gallagher, Esquire
707 SE 3rd Avenue, Suite #201
Fort Lauderdale, FL 33316

EMPLOYER:

ARC of Broward
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Sunrise, FL 33351

ATTORNEY FOR EMPLOYER/CARRIER:

Derrick Cox, Esquire
1560 Orange Avenue, Suite #500
Winter Park, FL 32789

CARRIER:

FARA, A York Risk Services Co.
750 Park of Commerce Blvd.
Suite #205
Boca Raton, FL 33487

OJCC No: 17-028044DAL

D/A: 10/31/2017

JUDGE: Daniel A. Lewis

**ABBREVIATED FINAL ORDER ON EMPLOYER/CARRIER'S
AMENDED VERIFIED MOTION TO TAX COSTS**

THIS CAUSE came on to be heard before the undersigned Judge of Compensation Claims (JCC) on July 9, 2019 for an evidentiary hearing on the employer/carrier's Amended Verified Motion to Tax Costs pursuant to Section 440.34(3), Fla. Stat. The employer/carrier's Amended Verified Motion to Tax Costs was filed on May 13, 2019, and the claimant's Response thereto was filed on May 30, 2019.

At this hearing, documentary exhibits, including the employer/carrier's Amended Verified Motion to Tax Costs, the claimant's Response thereto, and the invoices for costs incurred, were considered; and argument of counsel was presented.

I make the following determinations:

1. This Abbreviated Final Order is entered pursuant to section 440.25, Fla. Stat., and Fla. Admin. Code R. 60Q-6.119.

2. The employer/carrier seeks reimbursement of litigation costs from the claimant pursuant to section 440.34(3), Fla. Stat., which entitles the prevailing party to the reasonable costs of the proceedings.

3. Fla. Admin. Code R. 60Q-6.124(3)(e) provides that the Statewide Uniform Guidelines for Taxation of Costs in Civil Actions shall be considered by the JCC in determining the reasonableness of an award of cost reimbursement.

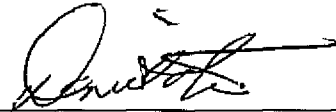
4. The claimant challenged certain of the costs incurred as not taxable. I have reviewed the employer/carrier's Amended Verified Motion and invoices reflecting the costs incurred. I agree with the claimant that the \$35 charge for the litigation package and the \$35 delivery/processing fee in relation to the claimant's deposition is not taxable. I also find that the \$35 delivery/processing charge in relation to the deposition of the representative of the subsequent employer is not taxable. I further find that the second \$55 fee for service of process over the representative of the subsequent employer is not taxable.

5. Consequently, I find that the following litigation costs incurred in the following amounts are taxable against the claimant as the nonprevailing party:

March 12, 2018	Court reporter fee - depo of claimant	\$132.50
March 12, 2018	Transcript - depo of claimant	\$200.90
June 26, 2018	Service of process - employer rep	\$55
August 10, 2018	Transcript – depo subsequent employer	\$146.45
	Total Costs	\$534.85

6. The employer/carrier's Amended Verified Motion to Tax Costs is hereby granted. The employer/carrier's litigation costs incurred in the amount of \$534.85 shall be, and the same are hereby, taxed and awarded against the claimant.

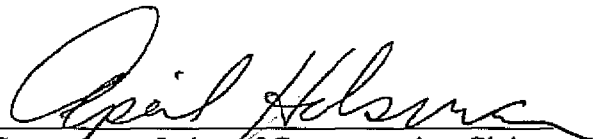
DONE AND ORDERED at Lauderdale Lakes, Broward County, Florida this 9th day of July, 2019.



Honorable Daniel A. Lewis
Judge of Compensation Claims

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true copy of the foregoing Abbreviated Final Order on Employer/Carrier's Amended Verified Motion to Tax Costs was furnished this 9th day of July, 2019 by electronic transmission to the parties' counsel of record and by U.S. mail to the parties



Secretary to Judge of Compensation Claims