

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

STEPHEN M. REYNOLDS,

Appellant,

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

v.

CASE NO. 1D11-0167

COMMERCIAL CARRIER
CORPORATION and
GALLAGHER BASSETT
SERVICES, INC.,

Appellees.

Opinion filed August 4, 2011.

An appeal from an order of the Judge of Compensation Claims.
Ellen H. Lorenzen, Judge.

Date of Accident: April 16, 1996.

Bradley Guy Smith of Smith, Feddeler, Smith & Miles, P.A., Lakeland, Susan W. Fox of Fox & Loquasto, P.A., Tampa, and Wendy S. Loquasto of Fox & Loquasto, P.A., Tallahassee, for Appellant.

Kevin E. Leisure and Bruno DeZayas of the Law Offices Harbsmeier DeZayas, LLP, Lakeland, for Appellees.

PER CURIAM.

In this workers' compensation case, Claimant appeals an order of the Judge of Compensation Claims (JCC) awarding prevailing party costs to the

Employer/Carrier (E/C). Claimant is entitled to relief. Specifically, prior to the 2003 amendment to section 440.34(3), Florida Statutes, only a prevailing claimant was permitted to tax “reasonable costs” against an E/C, whereas since that time any prevailing party may recover costs. See Ch. 03-412, § 26, at 3944, Laws of Fla. Here, it is not disputed that the accident happened in 1996, before the amendment took effect. Because the right to costs is substantive, the amendment is not retrospective, and the JCC erred in awarding the E/C prevailing-party costs. See Carrillo v. Case Eng’g, 53 So. 3d 1214 (Fla. 1st DCA 2011).

REVERSED.

WOLF, DAVIS, and MARSTILLER, JJ., CONCUR.