

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

VALERIE SAPP,

Appellant,

v.

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

CASE NO. 1D12-2387

MIAMI-DADE POLICE
DEPARTMENT and MIAMI-
DADE COUNTY RISK
MANAGEMENT,

Appellees.

Opinion filed October 19, 2012.

An appeal from an order of the Judge of Compensation Claims.
Gerardo Castiello, Judge.

Date of Accident: August 3, 2003.

Mark L. Zientz of the Law Offices of Mark L. Zientz, P.A., Miami; Mario R. Arango of the Law Offices of De Varona, Arango & Weinstein, LLC, Miami, for Appellant.

R. A. Cuevas, Jr., Miami-Dade County Attorney, and Daron S. Fitch, Assistant County Attorney, Miami, for Appellees.

THOMAS, J.

We reverse and remand for the Judge of Compensation Claims (JCC) to enter an order awarding Claimant employer-paid attorney's fees in the amount of

\$45,990.00. See Sapp v. Miami-Dade Police Dep't, 82 So. 3d 212 (Fla. 1st DCA 2012) (Sapp I); Fla. Admin. Code R. 60Q-6.124(3)(b); cf. Smyth v. K-Mart Corp., 905 So. 2d 921 (Fla. 1st DCA 2005). Under this court's remand in Sapp I, once the JCC determined that no good cause existed to excuse the self-insured Employer's failure to comply with Florida Administrative Code Rule 60Q-6.124(3)(b), the JCC had no discretion to reduce the attorney fee award here, as the legal sufficiency of Claimant's fee petition was not at issue.

REVERSED and REMANDED.

WOLF and CLARK, JJ., CONCUR.