

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

NAYMA VALERA,  
  
Appellant,

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

v.

CASE NO. 1D12-4692

FLORIDA KEYS AQUEDUCT  
AUTHORITY and FLORIDA  
MUNICIPAL INSURANCE,

Appellees.

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Opinion filed March 6, 2013.

An appeal from an order of the Judge of Compensation Claims.  
David W. Langham, Judge.

Date of Accident: October 14, 2009.

Kimberly A. Hill of Kimberly A. Hill, P.L., Fort Lauderdale; David S. Benn and  
Richard Zaldivar, Miami, for Appellant.

David M. Schweiger and Damian Albert of Johnson, Anselmo, Murdoch, Burke,  
Piper & Hochman, P.A., Fort Lauderdale, for Appellees.

PER CURIAM.

In this workers' compensation case, Claimant appeals an order of the Judge  
of Compensation Claims (JCC) finding both Claimant and the Employer/Carrier  
(E/C) are prevailing parties, determining the amount of each party's costs under

section 440.34(3), Florida Statutes (2009), and offsetting the two cost amounts, resulting in only one award of prevailing party costs to the E/C. Claimant's argument is that the JCC erred in offsetting the two cost amounts because doing so was beyond his statutory authority. We agree.

No party challenges the JCC's finding that each party prevailed on at least one claim in this proceeding. Section 440.34(3) states that "there shall be taxed against the nonprevailing party the reasonable costs of such proceedings." Matters of enforcement of compensation orders are appropriately resolved in circuit court. See Brown v. Clay Cnty. Bd. of Cnty. Comm'rs, 43 So. 3d 782, 784 (Fla. 1st DCA 2010) ("The court [in Orange County v. New, 39 So. 3d 423 (Fla. 5th DCA 2010),] . . . [held] an E/C may seek enforcement of the [cost] award as any other debt may be enforced in the appropriate court."). Accordingly, on remand the JCC will award costs (in the amount he determined to be appropriate) to each party without offsetting the two cost amounts.

REVERSED in part (as to offset), AFFIRMED in part, and REMANDED for entry of an order consistent with this opinion.

PADOVANO, ROBERTS, and CLARK, JJ., CONCUR.