

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D18-3743

FLORIDA DEPARTMENT OF
HEALTH,

Appellant,

v.

JOSEPH REDNER, an individual,

Appellee.

On appeal from the Circuit Court for Leon County.
Karen Gievers, Judge.

August 23, 2019

PER CURIAM.

The Department of Health appeals a judgment awarding costs to Joseph Redner as a prevailing party pursuant to § 57.041, Florida Statutes. While this costs-related appeal was pending, this court reversed the underlying merits judgment with directions to enter judgment in favor of the Department instead of Mr. Redner. *Fla. Dep't of Health v. Redner*, 44 Fla. L. Weekly D 873 (Fla. 1st DCA Apr. 3, 2019). Accordingly, we now reverse the final judgment awarding costs to Mr. Redner because he is no longer the prevailing party. *See William G. Graney, P.E. v. Caduceus Props., LLC*, 93 So. 3d 1243, 1244 (Fla. 1st DCA 2012) (reversing award of costs as a prevailing party, where the underlying final judgment had been reversed).

REVERSED and REMANDED.

LEWIS, OSTERHAUS, and M.K. THOMAS, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

Jason Gonzalez, Rachel Nordby, and Amber Stoner Nunnally of Shutts & Bowen LLP, Tallahassee, for Appellant.

Luke Lirot of Luke Charles Lirot, P.A., Clearwater, for Appellee.