

FIRST DISTRICT COURT OF APPEAL OF FLORIDA

Florida Department of Health v. Joseph Redner

No. 1D18-3743 · No. 1D18-3743 · Decided August 23, 2019

SUMMARY

The First District Court of Appeal reversed a judgment awarding costs to Joseph Redner as a prevailing party under section 57.041, Florida Statutes. Because the court had previously reversed the underlying merits judgment in Redner’s favor, it held that he was no longer the prevailing party and remanded for further proceedings.

CASE DETAILS

COURT	First District Court of Appeal of Florida
WRITING FOR THE COURT	Per Curiam; Lewis, J.; Osterhaus, J.; M.K. Thomas, J.
JURISDICTION	Florida
DECIDED	August 23, 2019
DOCKET	1D18-3743
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Department of Health appealed a circuit-court judgment awarding costs to Joseph Redner as the prevailing party under section 57.041, Florida Statutes.
PRECEDENTIAL VALUE	published
PARTIES	Florida Department of Health v. Joseph Redner

TOPICS

costs appellate procedure civil procedure remedies

PRACTICE AREAS

civil procedure appellate procedure remedies

QUESTIONS PRESENTED

1. Whether a costs award to a prevailing party must be reversed when the underlying judgment establishing that party's prevailing-party status is later reversed.

HOLDINGS

1. A costs award to a prevailing party must be reversed when the underlying final judgment is reversed and the party is no longer the prevailing party.

KEY QUOTATIONS

“Accordingly, we now reverse the final judgment awarding costs to Mr. Redner because he is no longer the prevailing party.”

FACTUAL BACKGROUND

The circuit court awarded Joseph Redner costs on the ground that he was the prevailing party under section 57.041, Florida Statutes. During the appeal from that costs judgment, the First District reversed the underlying merits judgment and directed that judgment be entered for the Department of Health. The reversal of the underlying judgment eliminated Redner's prevailing-party status.

PROCEDURAL HISTORY

The Circuit Court for Leon County entered a judgment awarding costs to Redner. While the costs appeal was pending, the First District reversed the underlying merits judgment and directed entry of judgment for the Department. Because Redner was no longer the prevailing party, the court reversed the costs judgment and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the final judgment awarding costs to Joseph Redner and remand for further proceedings consistent with the reversal.

CASES CITED

- Fla. Dep’t of Health v. Redner, 44 Fla. L. Weekly D 873 (Fla. 1st DCA Apr. 3, 2019)
- William G. Graney, P.E. v. Caduceus Props., LLC, 93 So. 3d 1243, 1244 (Fla. 1st DCA 2012)

OPINION

PER CURIAM.

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.