

**RISSMAN, BARRETT, HURT,
DONAHUE & McLAIN, P. A.
ATTORNEYS AT LAW**

STEVEN A. RISSMAN
ROBERT C. BARRETT
JENNINGS L. HURT III
ROBERT A. DONAHUE
JOHN E. McLAIN III
RICHARD S. WOMBLE
JOHN P. DALY
STACIE B. GREENE
THEODORE H. GOLDSTEIN
RAYMOND A. LOPEZ
VANCE R. DAWSON
RICHARD B. MANGAN JR.
HENRY W. JEWETT II
DANIEL M. POLLACK
ART C. YOUNG
NICOLE D. RUOCCO
DANIEL T. JAFFE
BEATRIZ E. JUSTIN
J. GREGORY GIANNUZZI
DAVID K. BEACH
F. DEAN HEWITT
EDWARD M. COPELAND IV
DAVID R. KUHN
G. WILLIAM LAZENBY IV
R. CLIFTON ACORD II
ROBERT D. BARTELS
JILL M. SPEARS
JEFFREY J. KERLEY
KARISSA L. OWENS

OF COUNSEL
ROBERT J. JACK

EXECUTIVE DIRECTOR
W. SCOTT PETERSON

201 EAST PINE STREET
15TH FLOOR
P.O. BOX 4940
ORLANDO, FLORIDA 32802-4940
TELEPHONE (407) 839-0120
TELECOPIER (407) 841-9726
ORLANDO@RISSMAN.COM

TAMPA COMMONS
ONE NORTH DALE MABRY HIGHWAY
11TH FLOOR
TAMPA, FLORIDA 33609
TELEPHONE (813) 221-3114
TELECOPIER (813) 221-3033
TAMPA@RISSMAN.COM

207 S. 2ND STREET
FT. PIERCE, FLORIDA 34950
TELEPHONE (772) 409-1480
TELECOPIER (772) 409-1481
FTPIERCE@RISSMAN.COM

WWW.RISSMAN.COM

PLEASE REPLY TO: ORLANDO

AMY L. BAKER
SEAN M. CROCKER
CHRISTOPHER E. DENNIS
SARAH E. EGAN
JAMES E. FAVERO III
JOSHUA T. FRICK
SUSAN R. FULLER
PAUL B. FULMER
JANNINE C. GALVEZ
ELISE J. GEIBEL
CHRISTOPHER A. HANSON
VICTORIA S. LUNA
LAURA F. LYTLE
DARIEN M. MCMILLAN
ERIC F. OCHOTORENA
JEREMY T. PALMA
JEFFREY M. PATNEAUDE
WENDY L. PEPPER
D. BLAKE REHBERG
KELLEY A. RICHARDS
JUAN A. RUIZ
BRYAN R. SNYDER
LARRY D. SPENCER
MEREDITH M. STEPHENS
ELIZABETH M. STUART
F. PAUL TIPTON
NICOLETTE E. TSAMBIS
JASON R. URBANOWICZ
CHRISTINE V. ZHAROVA

FLORIDA LAW WEEKLY
Week of May 16, 2014

Rule Nisi

Roig v. Arturo Mosquera, D.M.D., 39 Fla. L. Weekly D959a (Fla. 3d DCA May 7, 2014)

The Judge of Compensation Claims issued an order in 2007 requiring the claimant's former employer to provide the claimant with orthopedic care in her county of residence. In 2009 a second Judge of Compensation Claims ruled that the employer had failed to comply with the 2007 order. Later that year the JCC issued another order finding that the 2007 order was in "full force and effect" and directed the claimant to seek enforcement of the order "from a tribunal that has authority to enforce same." This order was appealed and the 1st DCA affirmed, resolving the question of whether the employer had complied with the 2007 order. As a result, the issue was not subject to re-litigation.

The claimant filed a motion for rule nisi, asking the circuit court to enforce the 2007 order. The trial court dismissed the action, finding that it did not have jurisdiction

because there were factual disputes as to whether the employer complied with the 2007 order. The 3d DCA reversed, holding that the question of whether the employer had complied with the order had been previously resolved. Citing section 440.24(1), Fla. Stat., and *Alvarez v. Kendall Associates*, 590 So.2d 518 (Fla. 3d DCA 1991), the appellate court held that where there is a valid workers' compensation order in full force and effect establishing the claimant's entitlement to care, the circuit court trial judge has both jurisdiction and a responsibility to enforce that order.