

# Supreme Court of Florida

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No. 76,265

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PINE ISLAND LUMBER, INC., et al.,

Petitioners,

v.

MICHAEL FESTA, et ux.,

Respondents.

[February 28, 1991]

McDONALD, J.

In Festa v. Pine Island Lumber, Inc., 561 So.2d 345, 345-46 (Fla. 2d DCA 1990), the district court certified the following question as being of great public importance:

CAN A NONPARTY RECOVER COSTS IT HAS INCURRED ON BEHALF OF A NAMED PARTY UNDER THE RULE AND STATUTES REGARDING OFFERS OF JUDGMENT, OR ARE COSTS RECOVERABLE UNDER THOSE PROVISIONS ONLY BY PARTIES WHO HAVE PAID COSTS OR INCURRED LIABILITY TO DO SO?

We recently answered this question in Aspen v. Bayless, 564 So.2d 1081, 1082 (Fla. 1990), and held "that a party is not precluded from recovering costs . . . when someone other than the named

party pays or advances those costs." Therefore, we quash Festa and direct the district court to affirm the award of costs to Pine Island.

It is so ordered.

SHAW, C.J., and OVERTON, BARKETT, GRIMES, KOGAN and HARDING, JJ., concur.

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF FILED, DETERMINED.

Application for Review of the Decision of the District Court of  
Appeal - Certified Great Public Importance

Second District - Case No. 89-01230

(Lee County)

Gerald W. Pierce of Henderson, Franklin, Starnes & Holt, P.A.,  
Fort Myers, Florida,

for Petitioners

Richard L. Purtz of Goldberg, Goldstein & Buckley, P.A., Fort  
Myers, Florida,

for Respondents