

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

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

ORANGE COUNTY, FLORIDA and
ALTERNATIVE SERVICE
CONCEPTS, INC.,

CASE NO. 1D07-4552

Appellants,

v.

THEDORA WILLIS,

Appellee.

Opinion filed September 26, 2008.

An appeal from the order of the Judge of Compensation Claims.
Thomas W. Sculco, Judge.

Date of Accident: June 15, 1996.

Barbara A. Eagan of Eagan Appellate Law, Orlando, for Appellants.

Douglas H. Glicken, Orlando, and Bill McCabe, Longwood, for Appellee.

BROWNING, C.J.

In this workers' compensation appeal, the employer/carrier (E/C) challenge the
Judge of Compensation Claims' (JCC) order requiring them to pay Claimant's

attorney's fees for securing payment of several doctor's bills. We reverse.

During the course of Claimant's treatment with Dr. Hanley, an authorized treating provider, the carrier fell behind on making payments to the doctor. The bills were for treatment that had already been rendered, and there was no danger of Claimant's losing access to care. The only evidence was that the E/C's failure to pay the bills was merely a "mix-up." Nonetheless, rather than contact the E/C, Claimant's attorney filed a petition for benefits seeking payment of the bills.

The claim for payment of bills was a reimbursement dispute, as that term is statutorily defined. See § 440.13(1)(r), Fla. Stat. (2006). Consequently, resolution of the claim was within the exclusive jurisdiction of the Agency for Health Care Administration. See § 440.13(11)(c), Fla. Stat. (2006); Avalon Ctr. v. Hardaway, 967 So. 2d 268 (Fla. 1st DCA 2007). Moreover, Claimant here did not have standing to enforce payment of the doctor's bill. See Hardaway, at 274. As the attorney's fee proceeding is ancillary to the reimbursement dispute proceeding, and the JCC has no jurisdiction to address the motion, the JCC's order awarding attorney's fees is REVERSED.

WOLF and ROBERTS, JJ., CONCUR.