

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

AMERISURE INSURANCE
COMPANY-FL,

Appellant,

v.

MARTIN MEMORIAL
MEDICAL AND
DEPARTMENT OF
FINANCIAL SERVICES,
DIVISION OF WORKERS'
COMPENSATION,

Appellee.

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

CASE NO. 1D10-3794

Opinion filed July 18, 2011.

An appeal from the Department of Financial Services.

Cindy R. Galen, Eraclides, Johns, Hall, Gelman, Johannessen, & Goodman, L.L.P.,
for Appellant.

Mari McCully, Florida Department of Financial Services/Division of Workers'
Compensation, for Appellee.

PER CURIAM.

Appellant, a workers' compensation carrier, challenges a final order from
the Workers' Compensation Division of the Department for Financial Services (the

Department). The order found that Appellant did not properly reimburse Appellee, a hospital, for its care of an injured employee. We hold the Department lacked subject matter jurisdiction to rule on the Petition for Reimbursement as the medical benefits were denied based on the non-compensability of the worker's heart condition. See § 440.13(11)(c), Fla. Stat. (2010) (providing the Department with exclusive jurisdiction over reimbursement disputes and overutilization); see also Westinghouse Elec. v. Widlan, 623 So. 2d 511 (Fla. 1st DCA 1993) (holding a Judge of Compensation Claims (JCC) has jurisdiction over issues concerning compensability); Carswell v. Broderick Constr., 583 So. 2d 803 (Fla. 1st DCA 1991) (explaining the responsibilities and duties of the Department versus a JCC). Consequently, we REVERSE and REMAND to the Department for dismissal based on lack of subject matter jurisdiction.

HAWKES, THOMAS, and ROBERTS, JJ., CONCUR.