

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

FELIPE CASTILLO,

Appellant,

v.

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

CASE NO. 1D10-4172

TOTAL SOURCE, INC., and
AIG,

Appellees.

_____ /

Opinion filed March 31, 2011.

An appeal from an order of the Judge of Compensation Claims.
Stephen L. Rosen, Judge.

Date of Accident: December 2, 1997.

Kimberly A. Hill of Kimberly A. Hill, P.L., Fort Lauderdale, for Appellant.

Carlos D. Cabrera of Conroy, Simberg, Ganon, Krevans, Abel, Lurvey, Morrow &
Schefer, P.A., Hollywood, for Appellees.

PER CURIAM.

In this workers' compensation case, Claimant appeals an order of the Judge
of Compensation Claims (JCC), which finds he is not entitled to a one-time change

of physician under section 440.13(2)(f), Florida Statutes, because he had already exercised that option. This was error because the event the JCC took to be the prior request, not to mention Claimant's alleged acquiescence in the E/C's choice of physician, took place in March 2001, before the procedural right to a one-time change of physician was created and went into effect. See Ch. 2001-91, § 12, at 773, Laws of Fla. (adding subsection (2)(f)); Ch. 2001-91, § 38, at 804, Laws of Fla. (making Chapter 2001-91 effective on October 1, 2001).

REVERSED and REMANDED for further proceedings.

WOLF, THOMAS, and ROWE, JJ., CONCUR.