

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

DEPARTMENT OF
CORRECTIONS / SUWANNEE
CORRECTIONAL INSTITUTE /
STATE OF FLORIDA,

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

CASE NO. 1D11-6860

Appellant,

v.

LARRY FERGUSON,

Appellee.

Opinion filed October 2, 2012.

An appeal from an order of the Judge of Compensation Claims.
John J. Lazzara, Judge.

Date of Accident: December 13, 2010.

William H. Rogner and Matthew W. Bennett of Hurley, Rogner, Miller, Cox,
Waranch & Westcott, P.A., Winter Park, for Appellant.

Bill McCabe, Longwood, and Martin L. Leibowitz, Jacksonville, for Appellee.

PER CURIAM.

The Employer/Carrier appeals an order of the Judge of Compensation
Claims (JCC), arguing that the JCC erred in calculating Claimant's average weekly

wage, that the JCC erred in awarding attorney's fees on a medical billing issue, and that the JCC erred in awarding a separate hourly attorney's fee for time spent proving entitlement to a fee. We AFFIRM the first two issues on appeal as they are without merit; however, we DISMISS for lack of jurisdiction the portion of the appeal challenging the hourly fee as the JCC reserved jurisdiction to determine the amount of that fee. Se. Recycling v. Cottingim, 728 So. 2d 342, 343 (Fla. 1st DCA 1999) (dismissing for lack of jurisdiction the portion of the order on appeal which determined entitlement to attorney's fees but reserved jurisdiction to set the amount of the fee); Wometco Enters. v. Cordoves, 650 So. 2d 1117, 1118 (Fla. 1st DCA 1995) (holding that an order adjudicating entitlement to attorney's fees but reserving jurisdiction on amount was neither a final order nor an appealable non-final order).

WOLF, DAVIS, and ROBERTS, JJ., CONCUR.