

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D17-2602

ROBERT WILLOUGHBY,

Appellant/Cross-Appellee,

v.

MADISON CORRECTIONAL
INSTITUTE/DIVISION OF RISK
MANAGEMENT,

Appellees/Cross-Appellants.

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

Date of Accident: November 24, 2014.

May 3, 2018

PER CURIAM.

In this workers' compensation case, Claimant appeals, and the Employer/Carrier (E/C) cross-appeals, an order of the Judge of Compensation Claims (JCC) declining, in part, to approve a stipulated E/C-paid attorney's fee, approving a reduced fee amount, and ordering that the balance of the monies be remitted to Claimant personally. The JCC's ruling was based on his findings of fact regarding the reasonableness of the attorney's fee. The record before us does not support those findings. Therefore, just as in the recently published *Gomez v. Frank Crum, Inc.*, 228 So. 3d

735 (Fla. 1st DCA 2017), and *Banegas v. ACR Environmental, Inc.*, 228 So. 3d 734 (Fla. 1st DCA 2017), we find reversible error.

Accordingly, we REVERSE the portion of the order reducing the agreed upon attorney's fee, as well as the portion of the order reforming the stipulation, and REMAND for proceedings consistent with this opinion.

WOLF, OSTERHAUS, and WINSOR, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

Mark L. Zientz of Law Offices of Mark L. Zientz, P.A., for Appellant/Cross-Appellee.

Hinda Klein of Conroy Simberg, Hollywood, for Appellees/Cross-Appellants.