

Heather Byrer Carbone

Shareholder

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When Florida employers seek resolution of claims or controversies arising out of the Florida workers' compensation law, they often turn to Heather. Board Certified by The Florida Bar in Workers' Compensation, Heather leads Marshall Dennehey's Florida workers' compensation practice. She devotes the entirety of her practice to workers' compensation defense, representing businesses, third-party administrators and self-insureds across myriad industries. Heather's clients benefit from her insights and experience in dealing with the analysis and litigation of problems or controversies arising out of the Florida Workers' Compensation Law. She also has experience handling employment law matters.

Heather is an active writer and lecturer. She has authored multiple articles in the *Florida Workers' Comp Reporter*. She has lectured on behalf of the Workers' Compensation Section of The Florida Bar and at various continuing education seminars. Heather is also a Certified Instructor of Insurance Education for the State of Florida and often presents seminars to clients.

Prior to joining Marshall Dennehey, Heather was a partner at one of the leading defense firms in the southeast.

Away from work, she enjoys hiking, biking, traveling and spending time with her family. She is a committee member with the Jacksonville Humane Society, and volunteers for Jacksonville Area Legal Aid (JALA). She completed the 2008 New York City Marathon, and the National Breast Cancer Marathon, and often participates in road races that benefit various charitable organizations.

Education

- Indiana University Maurer School of Law (J.D., 2001)
- Florida State University (B.A., 1997)

Practices

- Workers' Compensation Defense

Admissions

- Florida, 2001
- U.S. District Court Middle District of Florida, 2009

Honors & Awards

- The Best Lawyers in America®, Workers' Compensation Law - Employers (2027)
- AV® Preeminent™ by Martindale-Hubbell®
- Florida Trend Legal Elite NOTABLE Women Leaders in Law (2024)
- John J. Schickel Professionalism and Excellence Award, E. Robert Williams Inn of Court (2024)
- American Lawyer Media, Top Rated Lawyer in Labor & Employment (2013, 2014, 2016)
- Florida Super Lawyers Rising Star (2010, 2013-2016)
- Jacksonville Magazine, "Jacksonville Legal Elite" (2015-2017)
- 904 Magazine "Top Lawyer," Workers' Compensation (2012, 2014)

Associations & Memberships

- Association of Builders & Contractors
- E. Robert Williams, Inns of Court, Executive Committee Member, Membership Co-Chair
- Florida Bar
- Friends of 440 scholarship organization, Co-Chair 2010-2012, Treasurer 2009-2010
- Jacksonville Bar Association, Co-Chair Workers' Compensation Section 2010, 2011
- Jacksonville Claims Association
- Jacksonville Humane Society, Committee Member
- Society for Human Resource Management, National and Jacksonville Chapter member

Classes & Seminars Taught

- *Afterthoughts that Undermine a Successful Mediation*, Association of Workers' Compensation Claims Professionals (WCCP) webinar, May 15, 2026
- *Musings on Mediation*, Workers' Compensation Institute Winter Seminar, Tallahassee, FL, February 27, 2026
- *Florida's New Rules of Civil Procedure and Impact on Workers' Compensation Claims*, The Florida Bar Workers' Compensation Section webinar, September 10, 2025
- *Legal Updates/Changes Impacting Florida*, 2024 Northeast Florida Disability Management Forum, October 4, 2024
- *Motions to Dismiss and Motions for Summary Final Order*, webinar, Florida Bar Workers' Compensation Section, May 8, 2024
- *Hot Topics for Attorneys*, WCI Annual Conference, Orlando, FL, August 22, 2023
- *Talking About Generations*, 2023 International Association of Rehabilitation Professionals Annual Southeast Florida Workers' Compensation Claims Conference, Sunrise, FL, March 10, 2023
- *Workers' Compensation Law and Ethics Update*, Marshall Dennehey webinar, May 13, 2022

- *Average Weekly Wage and Indemnity Benefits (Other than PTD)*, Florida Bar Workers' Compensation Forum, April 15, 2021
- *Pre-Existing Conditions, Major Contributing Cause and Apportionment*, Marshall Dennehey webinar, December 3, 2020
- *Ethical Requirements: Empathy and Ethics in Workers' Compensation*, WCCP Annual Holiday Conference, November 18, 2020
- *How Medical Marijuana Is Impacting Workers' Compensation*, Marshall Dennehey Workers' Compensation Seminar, October 24, 2019
- *Average Weekly Wage and Indemnity Benefits*, Florida Bar Workers' Compensation Forum, April 11, 2019
- *Roundtable: Don't Just Roll the Dice – Hot Topics in Evaluating Personal Injury Claims*, Marshall Dennehey Florida Claims Symposium – Casino Royale, Tampa, FL, September 20, 2018
- *Average Weekly Wage and Indemnity Benefits (Other than PTD)*, 2018 Florida Bar Workers' Compensation Forum, April 13, 2018
- *Stop Work Orders*, Association of Builders and Contractors, Jacksonville, FL, August 2017
- *Specialty Drugs in Workers' Compensation*, The CLM Business and Insurance Workers' Compensation Conference, Chicago, IL, May 2017
- *Average Weekly Wage and Indemnity Benefits (Other Than PTD)*, The Florida Bar Workers' Compensation Forum, Orlando, FL, April 2016, April 2017
- *Recent Changes to Florida Workers' Compensation Law*, The CLM, Jacksonville, FL, November 2016
- *Workers' Compensation Overview*, Fidelity National Financial Conference, April 2014
- *Workers' Compensation In Florida*, guest instructor for Florida Coastal School of Law, Construction Law Class, 2012, 2014
- *Social Security Disability Appeals*, Jacksonville Area Legal Aid, Jacksonville, FL, November 2014
- *Fundamentals of Workers' Compensation*, Sterling Education Seminar, Jacksonville, FL, April 2013
- *The Medicare Super Lien and Other Liens Simplified*, National Business Institute Seminar, Jacksonville, FL, 2013
- *Case Law Update*, IARP, Select Medical Workers' Compensation Roundtable, Florida State College of Jacksonville, April 2012
- *Credit Abuse Resistance Education*, Jacksonville Area Legal Aid Seminar, July 2010

Published Works

- "Viewpoint: Florida's New Heat Exposure Law May Impact Workers' Comp," *Jacksonville Business Journal*, September 13, 2024
- "Attorneys Behaving Badly: Sanctions, Attorney's Fees and Costs in Florida Workers' Compensation Claims," *Defense Digest*, Vol. 29, No. 3, September 2023
- "Case Law Update for TPD/TTD," The Florida Bar Workers' Compensation Section, *NEWS & 440 Report*, Fall 2020
- "Be Kind and Keep It Simple: Managing Litigated Workers' Compensation Claims Through Advocacy and Empathy," *CLM Magazine*, June 2020
- "COVID-19 and Workers' Compensation Claims: How Can a Person Prove They Contracted the Illness on the Job?," *Jacksonville Daily Record*, May 7, 2020
- "First Responder Benefits In, Attorney Fees Out," *Insurance Journal*, March 6, 2018
- "Average Weekly Wage and Indemnity Benefits (Other Than PTD)," *The Florida Bar*

Workers' Compensation Forum, 2016, 2017

- "The Florida Workers' Compensation Tight Rope Challenged," *ABA/Tort Trial and Insurance Practice Committee Newsletter*, 2008

Certification

- Board Certified Specialist, Workers' Compensation, The Florida Bar
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Results

Settlement Agreements Upheld in Florida Workers' Compensation Cases

We successfully argued that a settlement agreement, based upon a binding and enforceable agreement reached via email between the parties, is enforced. The claimant had given her attorney authority to settle, but subsequently changed her mind. Based upon case law, there was unequivocal authority to settle and it was too late for the claimant to negate the agreement previously reached. The judge of compensation claims agreed and upheld the settlement.

In another matter, we filed a motion to enforce a settlement agreement reached by the parties at mediation, which the judge of compensation claims granted. Despite attending mediation, reaching an agreement and having a mediation report drafted, the claimant did not sign the agreement. He then terminated the services of his attorney and retained new counsel. At the hearing held before the judge, Linda called the claimant's former attorney as a witness and also conducted a direct examination of the claimant. Ultimately, the judge found that the claimant had agreed to settle and changed his mind later. Therefore, the settlement agreement was enforced.

Judge doesn't buy that chemical exposure was major contributing cause for claimant's complaints.

We won a total controvert on a workers' compensation exposure claim and successfully defended a denial. The claimant alleged exposure to a toxic airplane paint thinner at a plant in Kentucky in December of 2019. He was a subcontractor of the airplane manufacturer, but a Florida employee. The claimant complained of breathing issues and skin rashes. He sought treatment at an emergency room in Kentucky on the date of alleged exposure, and again approximately 10 months later for skin rashes. However, the claimant was able to continue working without any wage loss the entire time. The employer/carrier denied and defended on the basis that the claimant could not prove causation by clear and convincing evidence pursuant to F.S. 440.02. The claimant obtained an IME, which opined that his breathing issues could be attributable to the alleged exposure, but that the rashes most likely were not. The claimant's IME physician opined that the claimant needed to undergo additional testing to determine causation. The employer/carrier's IME opined that the major contributing cause of the claimant's rashes and breathing issues was not the alleged exposure. The Judge of Compensation Claims accepted the employer/carrier's IME and held that the claimant failed to prove that a workplace chemical exposure was the major contributing cause of his complaints.

Successful defense of motion for summary judgment filed by another carrier in a disputed employer/employee issue.

The issue involved whether the injured employee was the statutory employee of our client, or of the subcontractor who actually hired him. The injured worker was hired by a subcontractor during the aftermath of the Category 5 storm, Hurricane Michael, that hit near Panama City, Florida on October 10, 2018. The subcontractor's company could not provide hiring paperwork that would have confirmed workers' compensation coverage by the employee leasing company due to lack of electricity, internet connections and cellular service. Therefore, the parties agreed that the hiring paperwork would be hand delivered to the risk manager for the employee leasing company. The worker was injured one day before the hiring paperwork was hand delivered, but after the parties had agreed on hand delivery of the paperwork. The court found this to be sufficient evidence of detrimental reliance and of a disputed issue of material fact that the motion for summary judgment was denied.

Thought Leadership

September 13, 2024

Viewpoint: Florida's New Heat Exposure Law May Impact Workers' Comp

September 1, 2023

Attorneys Behaving Badly: Sanctions, Attorney's Fees and Costs in Florida Workers' Compensation Claims