

## HEATHER BYRER CARBONE

SHAREHOLDER



### AREAS OF PRACTICE

Workers' Compensation

### CONTACT INFO

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Jacksonville, FL 32202

### ADMISSIONS

Florida  
2001

U.S. District Court Middle District  
of Florida  
2009

### EDUCATION

Indiana University School of Law-  
Indianapolis (J.D., 2001)

Florida State University (B.A.,  
1997)

### HONORS & AWARDS

AV® Preeminent™ by Martindale-  
Hubbell®

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

### OVERVIEW

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.

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## 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

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## YEAR JOINED

2018

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## CERTIFICATION

Board Certified in Workers' Compensation Law, The Florida Bar

## THOUGHT LEADERSHIP

### Marshall Dennehey Expands Florida Workers' Compensation Team With Addition of Erykah L. Jackson

Workers' Compensation

February 19, 2024

Marshall Dennehey is pleased to announce that Erykah L. Jackson has joined the firm's Jacksonville office as an associate in the Workers' Compensation Department.

[Read More](#)

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

Jacksonville

Workers' Compensation

September 1, 2023

Key Points: Defense Digest, Vol. 29, No.

### Case Law Update for TPD/TTD

Jacksonville

Workers' Compensation

October 23, 2020

### Special Alert—COVID-19 and Workers' Compensation Litigation Update for Florida

Workers' Compensation

June 11, 2020

Many businesses in Florida have now reopened with social distancing guidelines in effect What's Hot in Workers' Comp

### Managing Litigated Workers' Compensation Claims Through Advocacy & Empathy

Jacksonville

Workers' Compensation

June 1, 2020

## CLASSES/SEMINARS TAUGHT

*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

"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

## RESULTS

### Settlement Agreements Upheld in Florida Workers' Compensation Cases

#### Workers' Compensation

**January 31, 2024**

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.

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

#### Workers' Compensation

**February 16, 2022**

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.

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

#### Workers' Compensation

**March 1, 2020**

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.