

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

ABC HOME HEALTH and AIG
CLAIM SERVICES, INC.,

Appellants,

v.

PATRICIA LAWSON,

Appellee.

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

CASE NO. 1D08-4152

Opinion filed May 26, 2010.

An appeal from an order of the Judge of Compensation Claims.
Doris E. Jenkins, Judge.

Date of Accident: October 8, 1993.

Wayne Johnson of DeCiccio & Johnson, Winter Park, for Appellants.

Willa M. Russell, Clearwater, for Appellee.

PER CURIAM.

In this workers' compensation appeal, the employer/carrier challenges an order of the Judge of Compensation Claims (JCC) which awards lawn care, a hot tub, and a dental evaluation. We affirm the award of the hot tub and dental evaluation because competent substantial evidence supports the JCC's findings regarding the medical necessity of this care. We reverse the award of lawn care

services because no evidence established a *medical* need for Claimant's yard to remain well-maintained or that there would be adverse medical consequences if the yard is not maintained. See S. Indus. v. Chumney, 613 So. 2d 74, 77 (Fla. 1st DCA 1993). Absent such a showing, the statute in effect for Claimant's date of accident expressly prohibits an award of services to assist an injured worker in performing "household duties." See 440.13(2)(g), Fla. Stat. (Supp. 1990) ("[A]ttendant or custodial care means care usually rendered by trained professional attendants and beyond the scope of household duties.").

AFFIRMED in part, REVERSED in part.

WOLF, KAHN, and ROBERTS, JJ., CONCUR.