

FIRST DISTRICT COURT OF APPEAL OF FLORIDA

Service American Indemnity Company/PMA Insurance Group and
Robert B. Hess Racing, Inc. v. Bulfrano Andres Bahena

No. 1D2024-2283 (Fla. 1st DCA Nov. 26, 2025) · No. 1D2024-2283 · Decided November 26, 2025

SUMMARY

The Florida First District Court of Appeal affirmed an amended final compensation order holding that Bulfrano Andres Bahena met the statutory definition of an employee and did not qualify as an independent contractor under Florida’s Workers’ Compensation Law. The court concluded that competent, substantial evidence supported the Judge of Compensation Claims’ findings.

CASE DETAILS

COURT	First District Court of Appeal of Florida
WRITING FOR THE COURT	Per Curiam; Chief Judge Osterhaus; Judge Roberts; Judge Bilbrey
JURISDICTION	Florida First District Court of Appeal
DECIDED	November 26, 2025
DOCKET	1D2024-2283
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an amended final compensation order of the Office of the Judges of Compensation Claims.
STANDARD OF REVIEW	Whether competent, substantial evidence supports the Judge of Compensation Claims' findings.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Service American Indemnity Company/PMA Insurance Group, Robert B. Hess Racing, Inc. v. Bulfrano Andres Bahena

TOPICS

- workers compensation
- appellate procedure
- standard of review
- employment law

PRACTICE AREAS

- Workers' compensation
- Employment law

QUESTIONS PRESENTED

- 1. Whether competent, substantial evidence supported the Judge of Compensation Claims' findings that Bahena met the statutory definition of an employee.
- 2. Whether competent, substantial evidence supported the finding that Bahena did not meet the statutory definition of an independent contractor.

HOLDINGS

- 1. The amended final compensation order was affirmed because competent, substantial evidence supported the finding that Bahena met the definition of employee under section 440.02(18)(a), Florida Statutes (2023).
- 2. The amended final compensation order was affirmed because competent, substantial evidence supported the finding that Bahena did not meet the definition of independent contractor under section 440.02(18)(d)1., Florida Statutes (2023).

KEY QUOTATIONS

“Because competent, substantial evidence in the record supports the Judge of Compensation Claims’ findings that Appellee met the definition of employee and did not meet the definition of independent contractor, the amended final compensation order is affirmed.”

FACTUAL BACKGROUND

The case arose from an employment-related accident occurring on July 23, 2023. The Judge of Compensation Claims determined that Bahena was an employee rather than an independent contractor under Florida's Workers' Compensation Law. The appellate court concluded that competent, substantial evidence supported those findings.

PROCEDURAL HISTORY

The Judge of Compensation Claims found that Bahena met the statutory definition of an employee and did not meet the statutory definition of an independent contractor. Appellants appealed the amended final compensation order, and the First District Court of Appeal affirmed.

DISPOSITION

affirmed

OPINION

PER CURIAM.

FIRST DISTRICT COURT OF APPEAL STATE OF FLORIDA
No. 1D2024-2283

SERVICE AMERICAN INDEMNITY COMPANY/PMA INSURANCE GROUP and ROBERT B.

HESS RACING, INC., Appellants, v. BULFRANO ANDRES BAHENA, Appellee.
_____ On appeal from the Office of the Judges of Compensation
Claims. Michael J. Ring, Judge.

Date of Accident: July 23, 2023. November 26, 2025 PER CURIAM. Because competent, substantial evidence in the record supports the Judge of Compensation Claims' findings that Appellee met the definition of employee and did not meet the definition of independent contractor, the amended final compensation order is affirmed. See § 440.02(18)(a), Fla. Stat. (2023) (defining employee under Workers' Compensation Law); § 440.02(18)(d)1. (defining independent contractor).

OSTERHAUS, C.J., and ROBERTS and BILBREY, JJ., concur.
_____ Not final until disposition of any timely and authorized
motion under Fla. R. App. P. 9.330 or 9.331. _____ Jodi K.
Middleton of Zimmerman, Kiser & Sutcliffe, P.A., Orlando; Richard N. Asfar of Almazan Law,
Tampa; K. Kay Dodd Anderson, and Rene E. Hidalgo of Almazan Law, Miami, for Appellants.

Michael J. Winer of Winer Law Group, Tampa; Richard James Dolan, II, Fort Lauderdale, for
Appellee. 2