

FLORIDA WORKERS' COMPENSATION NEWSLETTER

Vol. 2, Issue 19, 10/30/09

Here are summaries of the most recent decisions in Florida Workers' Compensation Law. Please contact us if we can be of any assistance in further interpreting these cases or applying them to your claims. We are available at the below contact points to discuss these or any other issues at your convenience. Remember, these opinions were just released and are not final until the time expires to file a motion for rehearing and that is ultimately ruled on. Feel free to contact us to determine when the opinions become final.



### Dismissing a PFB

In the case of Padilla v. Collins Contracting the 1st DCA reversed an order from the deputy chief judge that dismissed the claimant's PFB. The claimant alleged a workplace accident on August 5, 2006. He filed his first PFB on August 5, 2008. The deputy chief judge dismissed the PFB on August 27,

2008 citing the claimant's failure to sign the fraud statement and his failure to file a verified motion for assignment of substitute identification number. An amended PFB was filed on September 9, 2008 and included the request for a substitute identification number. The E/C filed a motion for summary final order arguing the statute of limitations barred the amended petition and the JCC granted the order.

In reversing the order, the Court found that the failure to sign the fraud statement did not allow the PFB to be dismissed. The statute only allows that benefits can be stopped until the fraud statement is signed; there is no requirement that it be signed to file a PFB. The Court further found that section 440.192(1), Florida Statutes, governs when a PFB can be dismissed. Although the 60Q Rules require the request for a substitute identification number, the failure to do so is not cause for dismissing the PFB. Therefore, the first PFB was reinstated as it was filed within the 2 year statute of limitations period.

**1st DCA  
Opinions Filed  
on October 30,  
2009**

Questions or comments?

Email us at [Riedhammer@masseylaw.com](mailto:Riedhammer@masseylaw.com) or call 954-527-3919.