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PENALTIES AND INTEREST - BENEFITS DUE ON DATE ORDER IS ENTERED

Dennis William Perry v. Ecolab Inc. and Broadspire, 37 Fla. L. Weekly D 147 (Fla. First DCA January 13, 2012)

The First DCA reversed an order of the Judge of Compensation Claims in which the JCC denied penalties and interest on the late payment of compensation benefits. The First DCA distinguished Section 440.25(5)(a) Florida Statutes from Section 440.20(7), Florida Statutes in holding that although the requisite 30 days had not passed to make the order final, an award of benefits is due on the date the order is entered and penalties and interest attach after 7 days (See 440.20(7)). The order was entered on 11/5/2010 and benefits were provided 11/26/2010. Thus, the claimant was owed penalties and interest as well as attorney's fees and costs when the benefits were provided more than seven days after the entry of the Order.

RWH