

RISSMAN, BARRETT, HURT,  
DONAHUE & McLAIN, P. A.  
ATTORNEYS AT LAW

STEVEN A. RISSMAN  
ROBERT C. BARRETT  
JENNINGS L. HURT III  
ROBERT A. DONAHUE  
JOHN E. McLAIN III  
RICHARD S. WOMBLE  
JOHN P. DALY  
STACIE B. GREENE  
THEODORE N. GOLDSTEIN  
RAYMOND A. LOPEZ  
VANCE R. DAWSON  
RICHARD B. MANGAN JR.  
HENRY W. JEWETT II  
DANIEL M. POLLACK  
ART C. YOUNG  
NICOLE D. RUOCCO  
DANIEL T. JAFFE  
BEATRIZ E. JUSTIN  
J. GREGORY GIANNUZZI  
DAVID K. BEACH  
F. DEAN HEWITT  
EDWARD M. COPELAND IV  
DAVID R. KUHN  
G. WILLIAM LAZENBY IV  
R. CLIFTON ACORD II  
ROBERT D. BARTELS  
JILL M. SPEARS  
JEFFREY J. KERLEY  
KARISSA L. OWENS

201 EAST PINE STREET  
15TH FLOOR  
P.O. BOX 4940  
ORLANDO, FLORIDA 32802-4940  
TELEPHONE (407) 839-0120  
TELECOPIER (407) 841-9726  
ORLANDO@RISSMAN.COM

TAMPA COMMONS  
ONE NORTH DALE MABRY HIGHWAY  
11TH FLOOR  
TAMPA, FLORIDA 33609  
TELEPHONE (813) 221-3114  
TELECOPIER (813) 221-3033  
TAMPA@RISSMAN.COM

207 SOUTH SECOND STREET  
FT. PIERCE, FLORIDA 34950  
TELEPHONE (772) 409-1480  
TELECOPIER (772) 409-1481  
FTPIERCE@RISSMAN.COM

AMY K. BAKER  
SEAN M. CROCKER  
CHRISTOPHER E. DENNIS  
SARAH E. EGAN  
JAMES E. FAVARO III  
JOSHUA T. FRICK  
SUSAN R. FULLER  
PAUL B. FULMER  
JANNINE GALVEZ  
ELISE GEIBEL  
CHRISTOPHER A. HANSON  
JEFFREY J. KERLEY  
VICTORIA N. LUNA  
LAURA F. LYTLE  
DARIEN M. MCMILLAN  
ERIC F. OCHOTORENA  
JEREMY T. PALMA  
JEFFREY M. PATNEAUDE  
WENDY L. PEPPER  
D. BLAKE REHBERG  
KELLEY A. RICHARDS  
JUAN A. RUIZ  
BRYAN R. SNYDER  
LARRY D. SPENCER  
MEREDITH M. STEPHENS  
ELIZABETH M. STUART  
F. PAUL TIPTON  
NICOLETTE E. TSAMBIS  
JASON R. URBANOWICZ  
CHRISTINE V. ZHAROVA

WWW.RISSMAN.COM

PLEASE REPLY TO: TAMPA

OF COUNSEL  
ROBERT J. JACK  
EXECUTIVE DIRECTOR  
W. SCOTT PETERSON

Florida Law Weekly  
Week of February 25, 2011

**Special Disability Trust Fund-Reimbursement**

Special Disability Trust Fund v. Miami Airport Hilton/Hilton  
Hotels Corp., 36 Fla. L. Weekly D395 (Fla. 1st DCA February 22,  
2011).

The Special Disability Trust Fund challenged the JCC's finding that reimbursement of the employer/carrier's 2001 reimbursement request was not barred by the Statute of Limitations. In this case, the employer/carrier timely filed a Notice of Claim for their reimbursement request pursuant to Florida Statute §440.49(2)(g). The Fund then responded to the

claim. The second step in the reimbursement process was filed by the employer/carrier on August 3, 2001. The Fund did not respond to the employer/carrier until May 2008 when the Fund notified the employer that the Statute of Limitations expired regarding the claim for reimbursement.

The First DCA held that when no reimbursement was received within one year of the employer/carrier filing a reimbursement request, the employer/carrier's cause of action accrued. Because the employer/carrier's denied reimbursement request was based upon statutory liability, Florida Statute §95.031 provided that such an action must be instituted within four years. Over four years passed and accordingly, the JCC's Order requiring the Fund to reimburse the employer/carrier before the 2001 reimbursement request was reversed.

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