

FIRST DISTRICT COURT OF APPEAL OF FLORIDA

Brian Leighton v. Kratos Logistics, LLC and Ascendant Claims Services

No. 1D2024-2569 (Fla. 1st DCA May 6, 2026) · No. 1D2024-2569 · Decided May 6, 2026

SUMMARY

The Florida First District Court of Appeal held that Brian Leighton's petition for workers' compensation benefits was timely under section 440.19(2), Florida Statutes. Applying its en banc decision in *Estes v. Palm Beach County School District*, the court concluded that the furnishing of authorized medical care tolled the limitations period and set aside the amended final compensation order dismissing the petition as untimely.

CASE DETAILS

COURT	First District Court of Appeal of Florida
WRITING FOR THE COURT	Chief Judge Osterhaus; Judge Lewis; Judge Treadwell
JURISDICTION	Florida First District Court of Appeal
DECIDED	May 6, 2026
DOCKET	1D2024-2569
DISPOSITION	reversed
PROCEDURAL POSTURE	Claimant appealed an amended final compensation order of the Judge of Compensation Claims dismissing his petition for benefits as untimely under section 440.19(2), Florida Statutes.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Brian Leighton v. Kratos Logistics, LLC, Ascendant Claims Services

TOPICS

- workers compensation
- statutory interpretation
- appellate procedure
- administrative law

PRACTICE AREAS

- workers compensation
- employment law
- administrative law

QUESTIONS PRESENTED

1. Whether the petition for workers' compensation benefits was timely under section 440.19, Florida Statutes.
2. Whether the last provision of authorized medical care suspended the limitations period under section 440.19(2) and made the March 2024 petition timely.

HOLDINGS

1. Section 440.19(2), Florida Statutes, suspends or temporarily stops the two-year limitations period in section 440.19(1), rather than merely extending the period.
2. Leighton's March 2024 petition for benefits was timely because the last authorized medical care on August 2, 2022, suspended the limitations period until August 2023, after which the two-year period began to run.

KEY QUOTATIONS

“Payment of any indemnity benefit or the furnishing of remedial treatment, care, or attendance pursuant to either a notice of injury or a petition for benefits . . . for 1 year from the date of such payment.” (1)

“This is because, as the JCC found, and as the E/C acknowledges, the last provision of authorized medical care for Claimant occurred on August 2, 2022.” (2)

FACTUAL BACKGROUND

Brian Leighton sustained a compensable injury on February 9, 2022, while working as a delivery driver. The employer and carrier authorized treatment and paid disability benefits, and the last provision of authorized medical care occurred on August 2, 2022. Leighton filed a petition for benefits on March 1, 2024, after the employer and carrier had reimbursed him for medical care in May 2023.

PROCEDURAL HISTORY

Leighton sustained a compensable workplace injury and later filed a petition for benefits seeking, among other things, treatment from a neurosurgeon. The Judge of Compensation Claims found the petition barred by the statute of limitations because the employer and carrier's reimbursement for medical care did not constitute furnishing benefits under section 440.19(2). The First District Court of Appeal set aside the amended order because the limitations period had been tolled by the last provision of authorized medical care.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The amended final compensation order was set aside; the opinion provides no further specific remand instructions.

CASES CITED

- *Estes v. Palm Beach County School District*, 51 Fla. L. Weekly D536a, 2026 WL 796496 (Fla. 1st DCA Mar. 23, 2026) (en banc)

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