

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 1926

SPONSOR: Banking and Insurance Committee and Senator King

SUBJECT: Workers' Compensation

DATE: April 9, 2001 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Deffenbaugh	BI	Favorable/CS
2.	_____	_____	JU	_____
3.	_____	_____	AGG	_____
4.	_____	_____	AP	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The committee substitute eliminates certain reporting requirements for carriers, authorizes outsourcing of certain functions of the Division of Workers' Compensation, and provides other changes, as noted below, that are designed to streamline the dispute resolution process and increase the overall efficiency of the administration of the workers' compensation system.

Mandatory managed care for the provision of medical treatment for employees is eliminated for employers and carriers. The committee substitute reestablishes and authorizes carriers to provide a credit for employers that institute a safety program in the workplace, pursuant to the provisions of the rating plan. Previously, the Division of Safety was responsible for approving safety programs; however, the division was abolished in 2000.

The bill also provides that a person who performs services as a sports official for an entity sponsoring interscholastic sports event is an independent contractor, rather than an employee. A person that serves as a sports official as required by a school district is exempted from this provision.

The Office of the Judges of Compensation Claims is responsible for hearing and resolving disputed workers' compensation issues under the authority of ch. 440, F.S. The committee substitute transfers the workers' compensation hearings function, as a unit, from the Department of Labor and Employment Security to the Division of Administrative Hearings within the Department of Management Services. The current number and location of the judges, the mediators, and the district offices of the judges would be maintained. The judges of compensation claims and the Deputy Chief Judge (currently the Chief Judge) would continue to be appointed by the Governor. The deputy chief judge would report to the director of the Division of Administrative Hearings.

The petition for benefits would be filed directly with the Office of the Judges of Compensation Claims. By eliminating the role of the Division of Workers' Compensation as the quasi-clerk for receiving and processing petitions for the Office of Judges of Compensation Claims, it is anticipated that the judges will receive the petitions in a more timely manner.

In addition, the proposed committee substitute provides the following changes to ch. 440, F.S., relating to the appointment and accountability of the judges of compensation claims:

- Authorizes the Director of the Division of Administrative Hearings to investigate complaints against the Deputy Chief Judge and the judges of compensation claims and recommend to the Governor whether a judge should be disciplined or removed.
- Requires the statewide nominating commission to consider certain statutory requirements in evaluating a judge's performance and requires the Office of the Judges of Compensation Claims to collect information from the judges of compensation claims necessary for the judicial nominating commission to conduct its review of the judges' performance.
- Requires the Deputy Chief Judge to submit to the Legislature an annual report regarding the formal dispute resolution process for the prior fiscal year, including workload statistics for the office and a summary of any statutory requirements that the judges are generally unable to meet.
- Requires a nominee for a judge's positions to be a member of the Florida Bar for the prior 5 years and experienced in the practice of workers' compensation. In addition to this requirement, a nominee for the deputy chief judge would be required to demonstrate 5 years of administrative experience.

Finally, the bill provides the following changes to ch. 440, F.S., relating to the workers' compensation hearings process that are designed to expedite the process:

- Authorizes the Governor to appoint a temporary judge of compensation claims in the event of a vacancy for a period not to exceed 120 successive days.
- Authorizes the judges of compensation claims to dismiss portions of petitions for benefits upon receipt of the petition for benefits if the petition does not specifically identify or itemize certain information required by s. 440.192, F.S. The dismissal of any petition or any portion of such petition under this provision would be without prejudice and would not require a hearing.
- Requires the judges of compensation claims to issue final orders on the merits of disputed issues within 30 days of closure of the hearing record, unless otherwise agreed upon by the parties.
- Transfers 18 positions from the Division of Workers' Compensation to the Office of the Judges of Compensation Claims to assist the Office in establishing an agency clerk and custodian of records functions internally.
- Eliminates the docketing review by the judges of compensation claims.
- Clarifies when the 120-day investigatory period for payment of claims commences, either 14 days within the receipt of the notice of injury or 120 days from the receipt of the

petition. The carrier has 120-day period after this initial payment of benefits to investigate a claim and admit or deny benefits.

- Revises the 120-day requirement for lump sum settlements in order for the tolling of time to begin when the employer is notified of the injury rather than the date of the injury.
- Eliminates the requirement for a hearing on lump sum settlements under s. 440.20(11)(a), F.S., if legal counsel represents the claimant and all parties agree to forego a hearing.
- Requires the written consent of the client after the first continuance of a final hearing.
- Authorizes the judges of compensation claims to enter an abbreviated final order in cases where compensability is not disputed, with the parties having an option to request separate findings of fact and conclusions of law. This change would assist the judges in meeting the 14-day deadline for entering a final order, as required in s. 440.25(d), F.S.
- Authorizes a qualified rehabilitation provider to have access to a claimant's medical records.

This bill substantially amends the following sections of the Florida Statutes: 112.3145, 121.055, 381.004, 440.02, 440.09, 440.105, 440.12, 440.13, 440.134, 440.14, 440.185, 440.192, 440.20, 440.22, 440.25, 440.271, 440.29, 440.34, 440.345, 440.38, 440.44, 440.442, 440.45, 440.47, 440.59, 440.593, 61.14, 61.30, 489.114, 440.510, 489.115, 489.515, 627.311, 627.0915, and 627.914.

II. Present Situation:

Pursuant to s. 440.015, F.S., the Division of Workers= Compensation, within the Department of Labor and Employment Security, is charged with administering the Workers= Compensation Law in a manner which facilitates the self-execution of the system and the process of ensuring a prompt and cost-effective delivery of payments. The legislation was intended to create A . . an efficient and self-executing system . . .which is not an economic or administrative burden.@

The Division of Workers= Compensation and the Office of the Judges of Compensation Claims are primarily funded through assessments on insurance companies, self-insurance funds, assessable mutual companies, the Workers= Compensation Joint Underwriting Association, and self-insurers. The assessments are deposited into the Workers= Compensation Administrative Trust Fund. For FY 1999-2000, the assessment rate was 3.48 percent. For the period of July 1, 2000, through December 1, 2000, the assessment rate was 3.74. For the period of January 1, 2001, through July 1, 2001, the assessment rate will be 2.75 percent, which is the statutory cap effective January 1, 2001.

Division of Workers' Compensation

Presently, the division is organized into the following program/function areas: Monitoring and Audit, Employee Assistance and Ombudsman Office, Rehabilitation and Medical Services, Operations Support (including the Special Disability Trust Fund), Compliance, Research and Education, Information Management, and the Director's Office.

The Bureau of Monitoring and Audit is primarily responsible for monitoring the accuracy and timeliness of benefit payments, assessing penalties for late payments or reporting, and auditing carriers and individual, self-insurers (or their servicing company, if applicable) to determine

compliance with statutory requirements for timeliness and accuracy of payment. The bureau is also responsible for administering the permanent total supplemental benefits provided to workers injured prior to July 1, 1984.

The Bureau of Compliance is charged with the responsibility of ensuring that employers, subject to the Workers= Compensation Law, maintain workers= compensation coverage for their employees and maintains records relating to proof of coverage and exemption from coverage. Presently, the collection and processing of the proof of coverage documentation are very paper intensive and time-consuming procedures, since each proof of coverage form must be reviewed and entered into the computer system. The Bureau of Compliance has not implemented the electronic filing of proof of coverage information. Rating organizations, such as the NCCI also collect and maintain a database that provides information concerning proof of coverage.

The Bureau of Operations Support administers the Special Disability Trust Fund, calculates and collects the assessments for the Workers= Compensation Administrative Trust Fund and the Special Disability Trust Fund, regulates individual self-insurers, and provides administrative support to the division.

The Bureau of Rehabilitation and Medical Services certifies and decertifies health care providers, promulgates reimbursement manuals, resolves reimbursement disputes, monitors carriers= compliance with reimbursement policies, evaluates carrier-provided re-employment services and training, and provides screening, re-employment, and training for injured workers.

The Bureau of Employee Assistance and Ombudsman Office (EAO) is charged with the responsibility of informing and assisting employers/carriers, injured workers, and health care providers in fulfilling their respective responsibilities under ch. 440, F.S., the Workers= Compensation Law. Section 440.191, F.S., also directs EAO to take all steps necessary to educate and disseminate information to employees and employers. To effect the self-executing features of the law, s. 440.191, F.S., provides that ch. 440, F.S., is construed to permit injured workers and employers/carriers to resolve disputes . . . without undue expense, costly litigation, or delay in the provisions of benefits. As a result, EAO investigates disputes and attempts to resolve disputes between injured workers and the carrier/employer in an informal manner through the Request for Assistance process. Rules 38F- 26.002 and 26.004, F.A.C., require such a request to be submitted on a division Request for Assistance form.

According to the division, since 1994, the number of requests for assistance received on an annual basis has increased from 45,466 to more than 119,000, with over 95 percent of all requests for assistance being filed by attorneys. Over 82 percent of the disputed issues on the requests are either not due or owing, or are not within the jurisdiction of the EAO to resolve.

In 1999, EAO implemented a statewide program, known as the Early Intervention Program, which is aimed at notifying injured workers regarding their rights under the law soon after the division receives the notice of injury. An evaluation of preliminary data (as of July 1, 2000) indicates that EAO has experienced a 30 percent reduction in the rate of requests for assistance filed and a 33 percent reduction in the rate of petition for benefits submitted for workers injured in 1999 that have participated in the program.

An employee may not file a petition for benefits unless the employee has exhausted this informal dispute resolution process. If resolution is not made in 30 days, EAO may assist the employee in drafting a petition for benefits. Under the provisions of s. 440.192, F.S., the employee is required to serve the petition upon the employer, the employer's carrier, and the division. The division refers the petition to the Office of the Judges of Compensation Claims for ultimate disposition.

The Formal Dispute Resolution Process

The judges of compensation claims are responsible for hearing and resolving disputed workers' compensation issues under the authority of ch. 440, F.S. Under the provisions of s. 440.192, F.S., the employee is required to serve the petition upon the employer, the employer's carrier, and the division. Within 14 days of receipt of a petition for benefits, the carrier must either pay the requested benefits without prejudice to its right to deny within 120 days of receipt of the petition or file a notice of denial with the division. The carrier is then required to commence an investigation of the employee's entitlement to benefits under ch. 440, F.S., and must admit or deny compensability within the 120 days after the initial provision of benefits or compensation.

The division acts as the quasi-agency clerk and custodian of records for the Office of the Judges of Compensation Claims. Ten full-time positions are responsible for receiving the petitions, entering data, and generating the docketing order. After imaging or copying the petition, the division prepares a docketing order for each petition and refers the petition to the docketing judge. Once the filed petitions for benefits are available online, the turnaround time should be reduced significantly.

Upon receipt of the petition for benefits, the judge is authorized to dismiss the petition if the petition does not specifically identify or itemize certain information required by the section, including information regarding the employee, employer, the injury, employee's work responsibilities, benefits being requested, type of care being requested, and any other disputed issues, as delineated in s. 440.192, F.S. Presently, the statute does not specifically authorize the judge to dismiss a portion of the petition. If the petition is not dismissed, it is referred to the appropriate district.

Section 440.25, F.S., requires a mediation conference to be held within 21 days after a petition for benefits is filed with the division. Only the Chief Judge is authorized to waive a mediation conference. Within 7 days after the petition filing, the judge of compensation claims is required to notify the parties that a mediation conference will be held. According to the Office of the Judges of Compensation Claims, for FY 1999-00, the average turnaround time from the receipt of the petition by the division and the scheduled mediation date was 145 days. If the issues have not been resolved within 10 days following the commencement of the mediation, the judge is required to hold a pretrial hearing.

The judge is required to provide the parties with at least 7 days advance notice of the pretrial hearing. At the pretrial hearing the judge sets a date for the final hearing that allows the parties at least 30 days to conduct discovery, unless the parties consent to an earlier hearing date. The final hearing is required to be held and concluded within 45 days after the pretrial. The judge is authorized to grant continuances, if the requesting party demonstrates that the reason for the delay arises from circumstances beyond the party's control. According to the Office of the

Judges of Compensation Claims, 11,938 continuances for final hearings were issued for FY 1999-00. The judge is required to provide the parties with at least 7 days advance notice of the final hearing.

The judge is required to determine the dispute in a summary manner within 14 days after the final hearing. If the case is not determined within 14 days of the final hearing, the judge is required to formally notify the Chief Judge. According to the Office of the Judges of Compensation Claims, the average number of days from the date of receipt of the petition by the division to the final disposition (final merit, settlement, or stipulation) is 220 days.

The Office of the Judges of Compensation Claims is the only agency located in the executive branch that is exempt from the rulemaking provisions of chapter 120, the Administrative Procedures Act. Although, s. 120.50, F.S., exempts only the Legislature and the courts from the provisions of chapter 120, s. 440.021, F.S., specifically exempts workers' compensation adjudications from chapter 120.

In 1993, s. 440.45, F.S., was amended to require the Chief Judge to promulgate procedural rules applicable to workers' compensation claim resolution and uniform criteria for measuring the performance of the office, including the number and timeliness of cases assigned and disposed, the age of pending and disposed cases, timeliness of decision making, extraordinary fee awards and other performance indicators. The section also provides that workers' compensation rules of procedure approved by the Supreme Court will apply until such rules promulgated by the Chief Judge become effective. However, s. 440.29(3), F.S., was not amended in 1993 and it provides that the practice and procedure before the judges would be governed by rules adopted by the Supreme Court, except to the extent those rules conflict with chapter 440, F.S. Therefore, the Chief Judges' Committee on Uniformity of Procedures decided that the new procedural rules would complement the rules drafted by the Workers Compensation Section of the Florida Bar and adopted by the Supreme Court. The rules adopted by the Supreme Court are incorporated into the draft uniform procedures. It is unclear whether the Legislature intended to continue to allow for this delegation of rulemaking to the Supreme Court, once the Chief Judge promulgated rules. The Workers' Compensation Uniform Practices and Procedures were adopted in November 1, 2000.

The Administration of the Office of the Judges of Compensation Claims

Section 440.45, F.S., provides that the Office of the Judges of Compensation Claims is a separate budget entity, established within the Department of Labor and Employment Security, and not subject to the direction, supervision, or control of the department. The Chief Judge of the Office of Compensation Claims is responsible for the coordination of judges of compensation claims and mediators located in 17 district offices and serves as a liaison between the judges of compensation claims, the department, the Division of Workers' Compensation, and the courts.

Appointment Process

The process for selecting and appointing judges of compensation claims is delineated in s. 440.45, F.S. The Office of the Judges of Compensation Claims is administered by the Chief Judge of Compensation Claims who is appointed by the Governor for a term of 4 years from a

list of nominees submitted by the statewide nominating commission. The Governor is also responsible for appointing district office judges of compensation claims from a list of three persons nominated by the statewide nominating commission. Section 440.45, F.S., provides for the appointment and terms of office for members of the statewide nominating commission. The statewide nominating commission is comprised of 5 attorneys appointed by the Board of Governors of the Florida Bar, 5 persons appointed by the Governor, and 5 laypersons elected by majority vote of the other members.

The nomination process for the judges is bifurcated by requiring that the nominating commission first determine if a current judge's performance is satisfactory, and if applicable, recommend reappointment of the judge to the Governor. If the Governor does not reappoint the judge, the commission submits a list of three nominees.

In order for a person to be eligible to serve as a judge of compensation claims, a person must be a member of the Florida Bar in good standing and be knowledgeable in the practice of law of workers' compensation. Presently, the law does not require a nominee to have any minimum number of years of experience or certification by the Florida Bar in the practice of workers' compensation. However, mediators employed by the Office of the Judges of Compensation Claims are required to be a member of the Florida Bar for at least 5 years and complete a mediation-training program approved by the chief judge. Any person applying for the office of a circuit court judge or a county judge must have been a member of the Florida Bar for the preceding 5 years to be considered eligible for the office (Section 8, Art. V, State Constitution).

The Chief Judge and judges must abide by the Code of Judicial Conduct, established in s. 440.442, F.S. Any material violation of the provisions of the code constitutes either malfeasance or misfeasance and is grounds for suspension or removal by the Governor. However, there is no statutory mechanism, such as the Judicial Qualifications Commission, to receive and independently investigate complaints and recommend the removal or the discipline of any judge that violates the provisions of s. 440.442, F.S.

The Judicial Qualifications Commission, created by Section 12, Art. V, State Constitution, is responsible for investigating and recommending to the Supreme Court of Florida the removal from office or the discipline of any justice or judge whose conduct demonstrates a present unfitness to hold office or whose conduct warrants such discipline. The commission is comprised of an investigative panel and a hearing panel, as established by rules of the commission. Upon a simple majority vote of the hearing panel, the panel may recommend to the Supreme Court that a justice or judge be subject to appropriate discipline. The Supreme Court may accept, reject, or modify the findings, conclusions, and recommendations of the commission and order a justice or judge to be subjected to appropriate discipline or be removed from office.

Staffing and Workload

For the current fiscal year, the office has 179 full-time positions (the chief judge, 31 judges, 31 mediators, and 116 administrative support positions). Each judge is assigned 2 support positions. The judge that serves as the senior or administrative judge is assigned 2-support positions, and the responsibility for supervising the position that serves as the receptionist. Generally, every mediator is assigned one support position.

During the preceding 2 years, the Division of Workers' Compensation received an average of 100,073 petitions per year. Of these petitions, an average of 91,296 (or 91 percent) were forwarded to the presiding judges during the same period. The Office of the Judges of Compensation Claims estimates that 3 petitions are filed per injury and will be ultimately consolidated into one petition. For the same period, an average of 3,277 final hearings were held, 2,622 final orders were issued, and 35,013 lump sum settlements were entered per year. An average of 19,701 mediations were also held per year. The average resolution rate for all issues, except for attorney fees, for concluded mediations, was 46.2 percent for the 2-year period.

Review of any order of a judge of compensation claims must be by appeal to the District Court of Appeal, First District. For 1999, the First District Court of Appeals disposed of 502 total cases, of which 274 were affirmed (54 percent), 54 reversed (11 percent) and 174 were disposed by administrative orders. The Clerk of the First District Court of Appeals reported that a total of 328 workers' compensation merit decisions were issued in 1999 of which 54 cases (16 percent) were reversed and 274 (84 percent) were affirmed. Two cases listed as unknown were nondispositive orders that did not finalize the case.

Workers' Compensation Managed Care

As a result of the 1993 reforms, workers= compensation managed care was authorized (on a voluntary basis) on January 1, 1994, and mandated, effective January 1, 1997. Section 440.13(11), F.S., authorizes the division to determine A. . . whether providers are complying with ch. 440, F.S., and with rules adopted by the division, whether the providers are engaging in over utilization, and whether providers are engaging in improper billing practices.@Specifically, the division is provided with A. . . exclusive jurisdiction to decide any over utilization dispute under s. 440.13(7), F.S., and to decide any question concerning over utilization under subsection (8), which question or dispute arises after January 1, 1994.@The division is also directed to monitor and audit carriers to determine if medical bills are being paid in accordance with s. 440.13, F.S., and rules promulgated by the division. Section 440.13, F.S. also requires health care providers are required to furnish medical records and discuss relevant medical facts with the employer, the carrier, or the attorney for either party. Rehabilitation providers are not expressly authorized as having this ability.

The Agency for Health Care Administration is responsible for authorizing carriers to offer or utilize a worker's compensation managed care arrangement, if the carrier meets the conditions of s. 440.134, F.S., and regulating workers' compensation managed care arrangements. Managed care arrangements are required to resolve the grievance in a Atimely manner.@Rules promulgated by the Agency for Health Care Administration require a determination of a grievance within 60 calendar days after receipt. Presently, the Division of Workers' Compensation has 30 days to resolve disputes. This timing difference may cause problems coordinating the resolution of medical and indemnity issues.

Election of Exemption from Workers' Compensation Coverage

Under the provisions of s. 440.38, F.S., employers are required to provide workers= compensation, unless they obtain an exemption from coverage. Employers secure workers= compensation coverage by purchasing insurance or meeting the requirements to self-insure.

Corporate officers, partners, and sole proprietors actively engaged in the construction industry may elect to be exempt from the workers= compensation system by filing a notice of election to be exempt and providing certain information to the Division of Workers= Compensation along with a \$50 filing fee. For each employer seeking an exemption, the division requires the following information to be submitted: (1) listing of the names of the individuals seeking an exemption, (2) federal identification number, (3) social security number, (4) all certified or registered licenses issued pursuant to ch. 489, F.S., held by the person(s) seeking the exemption, (5) a copy of relevant documentation as to employment status filed with the Internal Revenue Service as specified by the division, (6) a copy of the relevant occupational license in the primary jurisdiction of the business; and (7) for corporate officers and partners, the registration number of the corporation or partnership filed with the Division of Corporations of the Department of State.

Upon determining that the requirements for exemption are met, the Division of Workers= Compensation issues a certificate of election of exemption which is valid for a 2-year period. However, the Division of Workers= Compensation has the authority to revoke the exemption if the person does not meet the requirements for an exemption or if the information is invalid.

Under the provisions of s. 489.114, F.S., any person engaged in the business of construction contracting in Florida is required as a *precedent* to the issuance or renewal of a certification or registration to provide to the Construction Industry Licensing Board (of the Department of Business and Professional Regulation), evidence of workers' compensation coverage, pursuant to ch. 440, F.S. The failure to obtain and maintain workers' compensation coverage is grounds for the board to revoke, suspend, or deny the issuance or renewal of a certification or registration. Pursuant to s. 489.510, F.S., electrical contractors are required to provide evidence of workers' compensation coverage to the Electrical Contractors' Licensing Board. This creates a conflict, since the Division of Workers' Compensation requires a sole proprietor, partner, or officer in a corporation who is actively engaged in the construction business to submit a copy of the registration or certifications issued under ch. 489, F.S., as a *precedent* to issuing an exemption for workers' compensation coverage. This conflict prevents an individual from meeting the requirements of ch. 489 or 440, F.S.

In an attempt to address this issue, the Division of Workers' Compensation was issuing a 30-day, temporary election of exemption from workers' compensation coverage to individuals who had applied for, but not yet been issued, their contractors license from the Department of Business and Professional Regulation. However, the division recently ceased issuing temporary exemptions. According to the Department of Business and Professional Regulation, a contractor's certification generally is issued within 3 months from the date of application.

Financial Requirements for Self-Insured Employers

The division may authorize an employer to self-insure, if the employer provides satisfactory proof of its ability to pay workers' compensation claims. As a condition to such authorization, the

division may require an employer to deposit an indemnity bond or securities in an amount determined by the division. The types of qualifying security deposits, at the option of the employer, include: (1) surety bonds, (2) certificates of deposit, (3) irrevocable letters of credit, (4) U.S. Treasury bonds and notes, and (5) securities issued and backed by the full faith and credit of the State of Florida.

Under the provisions of Rule 38F-5.103, Florida Administrative Code, a minimum initial security deposit of \$100,000 is required. However, if the last 3 years' losses are not fully funded by insurance, reinsurance, or subject to reimbursement exceed \$100,000, a security deposit equal to those losses must be posted. In addition, a self-insured employer must maintain a net worth of at least \$1,000,000, pursuant to Rule 38F-5.106, Florida Administrative Code.

Under the provisions of s. 440.38, in the event a self-insured employer defaults, the division is authorized to sell any such securities sufficient to pay compensation awards or to bring suit upon such bonds to ensure prompt payment of compensation. If an individual self-insurer becomes insolvent, the bonds and securities are payable to the Florida Self-Insurers Guaranty Association. However, under federal bankruptcy law, monies held as security by the Division of Workers' Compensation in the form of certificates of deposit and securities backed by the federal government and the State of Florida are deemed to be part of the bankrupt estate. Quite often, the certificates of deposit and direct obligations of the federal and state governments are settled for much less than the face value of the instrument. This precludes the division from transferring 100 percent of the face value of those assets to the Florida Self-Insurance Guaranty Association to assist in the payment of workers' compensation claims when a self-insured employer declares bankruptcy. Irrevocable letters of credit and surety bonds are agreements between a third party and the division and therefore are not a part of the bankruptcy process.

The Division of Administrative Hearings

As previously discussed, legislation has been filed and discussed in recent years that would have transferred the Office of the Judges of Compensation Claims to the Division of Administrative Hearings. The Division of Administrative Hearings (DOAH) provides independent administrative law judges to conduct hearings pursuant to ss. 120.569 and 120.57 (1), F.S., pursuant to other laws, and under contract with governmental entities.

The Division of Administrative Hearings is organizationally located within the Department of Management Services; however, the division is a separate budget entity and the director serves as the agency head. The department is required to provide administrative support and services to the division to the extent requested by the director. The division's budget is prorated among those agencies utilizing its services, based on number of hours scheduled. For FY 98-99, 28,051 hearings hours were scheduled; however a total of 22,207 hours were cancelled or continued.

The director of DOAH is appointed by the Administration Commission (Governor and the Cabinet) and confirmed by the Senate. The director, who serves as the chief administrative law judge, of DOAH appoints a deputy chief administrative law, and the clerk of the division and employs administrative law judges and support staff. Presently, the division has 75 positions comprised of the director/chief judge, deputy chief judge, 37 administrative law judges, agency

clerk, and 35 administrative support positions. The division's budget for fiscal year, 1999-00, is \$7.6 million.

Section 120.65, F.S., provides that any person employed by the division as an administrative law judge must have been a member of the Florida Bar in good standing for the preceding 5 years. The director, or chief administrative law judge, and any deputy chief administrative law judge must possess the same minimum qualifications as the administrative law judges employed by the division.

The Office of the Clerk of DOAH receives, docket, and maintains all pleadings and other legal documents filed with the division; assembles, certifies and transmits records on appeal to appellate courts for review of cases in which final orders are entered by an administrative law judge; responds to requests for information or copies of documents relating to cases filed with the division; and bills and collects monies for records on appeal and reproduced documents. The division's primary system application is an automated case management system and a full-text retrieval and document indexing application. The case management system includes a module that allows the automated generation of form orders with minimal user input. Internet users can search DOAH's website to retrieve information concerning a particular case and the division's hearing calendar.

During calendar year 1999, the division processed 5,420 hearing requests (3,180 ch. 120 cases and 2,240 Baker Act cases). In 1999, the division held a total of 3,229 hearings and closed 5,362 cases. On average, each administrative law judge handled 175 new cases, conducted 104 hearings, wrote 90 recommended or final orders, and closed 173 cases.

I. Effect of Proposed Changes:

Section 1. Amends s. 112.3145, F.S., relating to disclosure of financial interests, to eliminate the position of Chief Judge of Compensation Claims position and to create the position of the Deputy Chief Judge of compensation claims.

Section 2. Amends s. 120.65, F.S., to create the position of Deputy Chief Judge of Compensation Claims that would report directly to the director of the Division of Administrative Hearings. The deputy chief of compensation claims would be required to possess the same qualifications as the judges of compensation claims.

Section 3. Amends s. 121.055, F.S., relating to senior management service class positions, to reflect the transfer of the Office of the Judges of Compensation Claims from the Department of Labor and Employment Security to the Division of Administrative Hearings and allow for the inclusion of the Deputy Chief Judge in the Senior Management Service membership class or the Senior Management Service Optional Annuity Program for purposes of the Florida Retirement System.

Section 4. Amends 381.004, F.S., relating to access to medical records, to reflect the transfer of the judges of compensation claims from the Department of Labor and Employment Security to the Division of Administrative Hearings.

Section 5. Amends s. 440.02, F.S., to specify that employment for purposes of workers' compensation coverage, the total labor cost for purposes of defining casual labor is increased from \$100 to \$500. Presently, the term, ~~an employee~~ does not include a person whose employment is both casual and not in the course of the trade, business, profession, or occupation of the employer.

The section also provides that state prisoners or *county* inmates except those performing services for private employers or those enumerated in s. 948.03(8)(a), are excluded from coverage under workers' compensation. Currently the law provides that only state prisoners are specifically excluded from coverage under workers' compensation.

The section provides that a person who performs services as a sports official for an entity sponsoring interscholastic sports event is an independent contractor, rather than an employee. A person that serves as a sports official as required by a school district is exempted from this provision.

Section 6. Amends s. 440.09, F.S., to exclude any employee covered under the Federal Defense Base Act from the provisions of ch. 440, F.S. This would include workers employed at military installations.

Section 7. Amends 440.105, F.S., relating to prohibited activities to replace the term, "chief judge," with the term, "Deputy Chief Judge."

Section 8. Amends s. 440.12, F.S., to permit an employee to be paid compensation payments by direct deposit in an account established by the employee at a financial institution. The injured worker would be required to authorize the direct deposit. The first payment would still be required to be paid by check.

Section 9. Amends s. 440.13, F.S., to remove the one time 5-hour education requirement for physicians. The section also revises the reporting requirements related to medical reports or bills to require such reporting only upon the request of the Division of Workers' Compensation. Presently all medical reports and bills are required to be submitted to the division. The section also clarifies the types of such reports and bills would include attendance care for the injured employee.

The section permits an authorized, qualified rehabilitation provider to obtain medical records of the injured worker. Currently, health care providers are required to furnish medical records and discuss relevant medical facts with the employer, the carrier, or the attorney for either party. Currently, rehabilitation providers are not expressly authorized as having this ability.

Section 10. Amends s. 440.134, F.S., to eliminate mandatory managed care for the provision of medical treatment for employees by the employer or carriers.

Section 11. Creates s. 440.14, F.S., to provide that lost wages from concurrent employment (e.g., second jobs) could not be included in the calculation of the average weekly wage unless the employee furnished this information to the carrier. Employees not providing this information would be deemed to have waived any right to interest, penalties, and attorney's fees during the

period in which the information is not provided, and carriers would not be subject to late payment penalties related to earnings from the second job during the period in which the information is not provided.

Section 12. Amends s. 440.185, F.S., to authorize the division to contract with a private entity for the collection of insurance policy information required to be filed by carriers. The submission of such information to the private entity is deemed to meet the filing requirements of s. 440.42(2), F.S.

Section 13. Amends s. 440.192, relating to dispute resolution, to require the petition for benefits to be filed directly with the Office of the Judges of Compensation Claims rather than with the Division of Workers' Compensation. The Deputy Chief Judge would refer the petitions to the judges of compensation claims. The section would also authorize the dismissal of portions of the petitions for benefits without prejudice and without requiring a hearing.

This section also requires each judge of compensation claims to dismiss, without prejudice and without a hearing, each petition, or any portion thereof, which does not meet the specificity requirements. This section requires additional specific information to be provided in the petition. Petitions would be required to also contain the date of accident, the classification of compensation, and certain additional medical mileage information.

Section 14. Amends s. 440.20, F.S., to permit a carrier to direct deposit the payment of compensation or any additional installment of compensation, if authorized by the employee, to the employee's bank account. Compensation payments made by direct deposit would be deemed to be paid on the date the funds become available for withdrawal by the employee.

The section clarifies when the 120-day investigatory period for payment of claims commences, either 14 days within the receipt of the notice of injury or 120 days from the receipt of the petition. The carrier has 120-day period after this initial payment of benefits to investigate a claim and admit or deny benefits.

This section would also revise the 120-day requirement for lump sum settlements so that the 120-day period begins to run when the employer receives notice of the injury, rather than from the date of the injury. Under current law, a lump-sum settlement is allowed at any time in any case in the employer or carrier has filed a written notice of denial within 120 days after the date of the injury and the judge of compensation claims at a hearing finds a justiciable controversy as to the legal or medical compensability of the injury. Also, this section would remove the requirement for a hearing on lump sum settlements, as required by s. 440.20(11)(a), F.S., if the claimant is represented by an attorney and all parties agree to forego a hearing. The judge of compensation claims would continue to approve attorney's fees paid by the claimant to the claimant's attorney.

Payment of lump-sum settlements must be made within 14 days after the date the judge of compensation claims mails the order approving the attorney's fees. Any such order approving attorney's fees is not considered to be an award and is not subject to modification or review.

When reviewing lump sum settlements, judges would be required to consider the interests of the claimant and the claimant's dependents. The settlement would be required to make provision for recovery of child support arrearages.

Section 15. Amends s. 440.22, F.S., to exclude child support and alimony claims from the general exemption of workers' compensation benefits from claims of creditors. Currently, if a claimant owes child support, the judges of compensation claims will typically divert all or a portion of the settlement proceeds toward the child support or alimony arrears. This change would codify the current practice of the judges of compensation claims.

Section 16. Amends s. 440.25, F.S., to permit the claimant, or the adjuster of the employer or carrier, at the mediator's discretion, to attend the mediation conference by telephone or if agreed to by the parties, by other electronic means.

The section also requires the claimant to provide written consent for any additional continuances after the initial continuance has been granted. The judges of compensation are also authorized to enter abbreviated final orders in cases where compensability is not disputed and provides that both parties may request separate findings of fact and conclusions of law. The adoption of local rules by the judges compensation is eliminated since s. 440.45, F.S., requires the chief judge to adopt uniform rules of procedure (which were adopted in 2000).

The compensation orders issued by the judges would be required to be filed with the Office of the Judges of Compensation rather than the Division of Workers' Compensation. An obsolete reference to the appellate district judicial nominating commission is eliminated. The section provides conforming changes to reclassify the chief judge as the deputy chief judge. A report regarding final orders issued is eliminated. This section also would remove the Division of Workers' Compensation as a party to indigency petitions.

The section also provides conforming changes to reflect the transfer of the judges of compensation claims to the Division of Administrative Hearings.

Section 17. Amends s. 440.271, F.S., to require the First District Court of Appeal to hear workers' compensation cases in a specialized division, either alone or in combination with other cases.

Under current law, orders of judges of compensation claims are appealed to the First District Court of Appeal. In recent years, the First District Court of Appeal, by local rule approved by the Supreme Court, heard cases in three divisions. One of these divisions was an administrative division, which heard all administrative appeals, including workers' compensation cases. Beginning in January 1999, the First District Court of Appeal discontinued the practice of hearing cases in divisions. As a result, rotating panels drawn from any of the court's 15 judges may hear workers' compensation cases.

Section 18. Amends s. 440.29, F.S., relating to procedure before the judge of compensation claims, to reclassify the chief judge as the deputy chief judge.

Section 19. Amends s.440.34, F.S., relating to attorney fees and costs, to rename the “notice of denial” as the “response to petition” in those instances where a petition has been filed. The “notice of denial” would remain in use to address requests for benefits prior to the filing of a petition.

Section 20. Amends s. 440.345, F.S., relating to reporting attorney fees, to require the reporting of all attorney fees to the Office of the Judges of Compensation Claims rather than the Division of Workers’ Compensation.

Section 21. Amends s. 440.38, F.S., to revise the security deposit requirements for individual self-insured employers by eliminating the use of certificates of deposit and Treasury notes. Presently, under bankruptcy law, monies held as security by the division in the form of certificates of deposit and securities backed by the state or federal government are deemed to be part of the bankrupt estate. In the event an individual self-insured employer ceases or suspends payment of compensation to its employees, the division is authorized to call the qualifying security deposit to ensure payment of compensation.

Certificates of deposit, U.S. Treasury Notes and Bonds, and securities issued by the State of Florida and backed by the full faith and credit of the state are eliminated as types of qualifying security deposits due to the concern that these types of assets would be deemed general assets in the event of an employer's bankruptcy, which would prevent the division from having a priority claim to the assets and receiving less than face value from the proceeds of the bankruptcy. Other types of acceptable securities and bonds are delineated in the section. For example, surety bonds and irrevocable letters of credit issued by financial institutions located within Florida, the deposits of which are insured through the Federal Deposit Insurance Corporation would be acceptable.

Currently authorized self-insured employers must comply with the revised qualifying security deposit requirements on or before December 31, 2001, or upon maturity of existing security deposits, whichever occurs later.

Outdated references to self-insurance programs in ch. 440, F.S., are replaced with references to ss. 624.46225 and 624.4622, F.S., since the regulation of these funds was transferred from the Division of Workers' Compensation to the Department of Insurance.

Section 22. Amends s. 440.44, F.S., relating to workers’ compensation staff organization, to require the director of the Division of Administrative Hearings, rather than the chief judge, to authorize and approve expenditures for the Office of the Judges of Compensation Claims. The section also requires the Office of the Judges of Compensation Claims to maintain the 17 district offices, 31 judges of compensation claims, and 31 mediators, as they exist as of June 30, 2001. The Division of Administrative Hearings is authorized to provide by rule for the destruction of obsolete records of the Office of the Judges of Compensation Claims. The section changes the seal of the judges of compensation claims from the “Department of Labor and Employment Security Seal” to the “State of Florida Division of Administrative Hearings Seal.”

Section 23. Amends s. 440.442, F.S., relating to the Code of Judicial Conduct, to require the judges of compensation claims to abide by the Code of Judicial Conduct, as adopted by the

Florida Supreme Court. The current law has not been updated over the years to reflect changes in the Code, thereby omitting many articles of the Code.

Section 24. Amends s. 440.45, F.S., to revise provisions relating to the appointment and qualifications for judges of compensation claims and the transfer of the Office of the Judges of Compensation Claims to the Division of Administrative Hearings within the Department of Management Services. The section eliminates the chief judge position, as of October 1, 2001, and creates the Deputy Chief Judge of Compensation Claims position, effective October 1, 2001. The Deputy Chief Judge would head the Office of the Judges of Compensation Claims and report to the Director of the Division of Administrative Hearings. The Deputy Chief Judge would be appointed by the Governor and would be required to demonstrate administrative experience and possess the same qualifications for appointment as a judge of compensation claims. The Governor would continue to appoint the judges of compensation claims.

The Office of the Judges of Compensation Claims would continue to be a separate budget entity with the Director of the Division of Administrative Hearings serving as the agency head of the Office of the Judges of Compensation Claims. The Department of Management Services would replace the Department of Labor and Employment Services in providing administrative support and service to the Office of the Judges of Compensation Claims to the extent requested by the Director of the Division of Administrative Hearings. However, the Department of Management Services would be prohibited from directing, controlling, or supervising the Office of the Judges of Compensation Claims. The office would continue to be funded from the Workers' Compensation Administration Trust Fund.

Nominees for judges of compensation claims would be required to have been a member of the Florida Bar for the prior 5 years and be experienced in the practice of workers' compensation law. Presently, a nominee is required to be a member of the Florida Bar and knowledgeable in the practice of workers' compensation law.

The director of the Division of Administrative Hearings would be authorized to receive or initiate complaints, conduct investigations, and dismiss complaints against the Deputy Chief Judge and the judges of compensation claims. At the conclusion of each investigation, the director would be required to submit preliminary findings to the judge of compensation who is the subject of the complaint. The judge would have 20 days to respond to the preliminary findings. The response and the director's rebuttal would be included in the final report submitted by the director to the Governor. The director would be authorized to provide recommendations to the Governor regarding the removal or disciplining of the judges of compensation claims. The term, "discipline," is defined to include reprimand, fine, and suspension, with or without pay.

In determining whether a judge's performance is satisfactory, the statewide nominating commission would be directed to consider the extent to which a judge has met requirements of ch. 440, F.S., including ss. 440.192(2), 440.25(1), 440.25(4)(a)-(f), 440.34(2), and 440.442. The inclusion of these factors in the evaluation process would be effective July 1, 2002. These statutes relate to the dismissal of the petition, holding mediations within 21 days of the filing of the petition, holding pretrial hearings within 10 days of an unresolved mediation, holding the final hearing within 45 days of the pretrial hearing, the awarding of attorney fees, and resolving disputes between two carriers.

The Governor would be authorized to appoint a temporary Deputy Chief Judge or judge of compensation claims in the absence or disqualification of any full-time judge of compensation claims. An attorney appointed by the Governor would be required to have 5 years of experience in the practice of law and could serve for a period of up to 120 successive days.

Obsolete language regarding the establishment of the mandatory mediation program is eliminated.

The section also eliminates the docketing process. Presently, the chief judge selects judges to serve as docketing judges, on a rotating basis, to review petitions for benefits for consistency with the requirements of chapter 440, F.S., and to dismiss such petitions. Due to the large volume of petitions received, the docketing judge is unable to provide more than a cursory review of the petitions. By eliminating the docketing process, the presiding judges will receive the petitions in a more timely manner.

The Office of the Judges of Compensation Claims would be required to promulgate rules relating to evaluating the performance of the office including data necessary for the statewide nominating commission to review the performances of the judges, as required in s. 440.45(2)(c).

The Office of the Judges of Compensation would be required to submit an annual report by December 1 to the Legislature concerning mediation, case workload, and litigation costs for the prior fiscal year. If the Deputy Chief Judge determines that the judges are generally unable to meet a particular statutory requirement, the Deputy Chief Judge would be required to submit such findings and any recommendations to the Legislature. Currently, the Division of Workers' Compensation and the Office are required to jointly submit this report.

References to the term, "chief judge," are replaced with the term, "Deputy Chief Judge."

Section 25. Amends s. 440.47, relating to travel expenses to require the director of the Division of Administrative Hearings, instead of the chief judge to approve claims for reimbursement for travel for the judges and the deputy chief judge.

Section 26. Amends s. 440.59, F.S., relating to reporting requirements, to eliminate the reporting by the Division of Workers' Compensation of the number of litigated cases and the amount of attorney fees paid in each case for the prior fiscal. This appears to duplicate the reporting provisions of s. 440.45(13) F.S., related to the Office of the Judges of Compensation Claims. The Division of Workers' Compensation's quarterly injury reports issued pursuant to s. 440.59(2), F.S., are eliminated. This information is now available through other sources such as the National Council on Compensation Insurance.

Section 27. Amends s. 440.593, F.S., to authorize the Division of Workers' Compensation to require carriers or vendors submitting certain data electronically to be certified by the Division and meet certain performance standards, subject to a civil penalty of up to \$500.

Sections 28 and 29. Amends ss. 61.14 and 61.30, F.S., to authorize the Office of Judges of Compensation Claims to specifically consider the interest of the worker and the worker's family when approving a workers' compensation lump-sum settlement, which must include recovery of

any child support arrearage. The section also clarifies in the child support guidelines, that workers= compensation income which is considered in determining a person's child support obligation, includes all workers= compensation benefits and settlements.

Sections 30 - 33. Amends ss. 489.114, 489.115, 489.510, and 489.515, F.S., to address the conflict in requirements for obtaining a contractor's licensure and an exemption from workers compensation coverage by requiring the Department of Business and Professional Regulation to issue initial licenses to individuals seeking to engage in the business of contracting if the applicant qualifies for an exemption from coverage and submits an affidavit attesting to the fact that the exemption will be obtained within 30 days of initial licensure. This would provide an exception to the current law's requirement that proof of workers' compensation coverage or an exemption from coverage must be submitted prior to obtaining a contractor's license.

Under current law, any person engaged in the business of construction contracting in Florida is required as a *precedent* to the issuance of a certificate to provide to the department evidence of workers' compensation coverage. This creates a conflict since the Division of Workers' Compensation requires an individual engaged in the construction business to submit of copy of their contractor's certificate as a *precedent* to issuing an exemption from coverage.

Section 34. Amends s. 627.0915, F.S., to reestablish and reauthorize carriers to provide a credit for employers that institute a safety program in the workplace, pursuant to the provisions of the rating plan. Previously, the Division of Safety was responsible for approving safety programs; however, the division was abolished in 2000.

Section 35. Amends s. 627.311, F.S., to authorize the Florida Workers' Compensation Joint Underwriting Association to fund any deficits through the use of policyholder surplus attributable to any year.

Under current law, board members of the FWCJUA are insulated from liability for monetary damages for any vote, decision, or failure to act regarding the management or policies of the plan, unless the member's breach or failure to perform constitutes a violation of criminal law. The law goes further to provide that even where a board member's breach or failure to perform constitutes a violation of criminal law, the board member is not liable for monetary damages if the member "had reasonable cause to believe her or his conduct **was** unlawful." As a result, current law appears to grant civil immunity to a FWCJUA board member if the board member reasonably believed he or she was committing a crime. This provision would correct the inadvertent error by inserting the word "not" before the word "unlawful." As a result, under this section a board member of the FWCJUA would receive immunity from civil liability only in instances the board member reasonably believed his or her conduct was **not unlawful**.

Section 36. Amends s. 627.914, F.S., to require self-insurance funds to be subject to rules and statistical plans promulgated by the Department of Insurance in the recording and reporting of loss, expense, and claims experience, effective July 1, 2001. The section also deletes the requirement that insurers report certain workers= compensation data to the Department of Insurance, which is duplicative of data that is submitted to the department by statistical agents for the insurers; and changes the date for a rating organization to submit an aggregate

compilation of payrolls, premium, losses, and expense for all companies from April 1 to July 1 of each year, which will improve the quality and timeliness of the data.

Section 37. Transfers the Office of the Judges of Compensation Claims by a type two transfer from the Department of Labor and Employment Security to the Division of Administrative Hearings within the Department of Management Services.

Fourteen positions within the Division of Workers' Compensation responsible for receiving the petitions and preparing docketing orders for the petitions for benefits and coding and entering data from the final orders issued by the judges are transferred by a type two transfer to the Office of the Judges of Compensation Claims within the Division of Administrative Hearings.

An additional 4 positions would be transferred from the Division of Workers' Compensation to the Office of the Judges of Compensation Claims by a type two transfer to provide administrative and personnel services to the office.

Section 38. Except as otherwise expressly provided in this act, this act shall take effect October 1, 2001.

III. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

There may be a separation of powers issue regarding the provision legislatively directing the First District Court of Appeals to create a special division to hear workers' compensation appeals. There may be another separation of power issue if the Legislature is given the authority to approve, modify, or deny rules of an executive agency.

IV. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill should have a positive, although indeterminate, impact on individuals seeking to engage in the contracting business in Florida by allowing an applicant to obtain an initial contractors license, if the individual attests that an exemption from workers' compensation coverage will be obtained and all other chapter 489, F.S., requirements are met by the applicant.

Insurers and individual self-insurance funds should experience some cost savings attributable to the elimination of certain Division of Workers' Compensation and Department of Insurance reporting requirements.

By authorizing the direct deposit of compensation payments, carriers should realize an indeterminate reduction in administrative costs.

By requiring that the petitions for benefits be filed directly with the Office of the Judges of Compensation Claims, the ultimate resolution process would be conducted in a more efficient and expedited manner. In addition, the Office will benefit from the automated case management system currently used by the Division of Administrative Hearings, which provides the public with access to documents and case information, via the Internet.

The elimination of the mandatory hearing for lump-sum settlements in which both parties agree and are represented by counsel should expedite the resolution process and allow claimants to receive benefits in a more timely manner.

The accountability of the judges of compensation would be enhanced by the authorization of the Director of the Division of Administrative Hearings to investigate complaints against the judges. Presently, no formal, independent mechanism exists to investigate complaints against the judges.

Delays in scheduling mediations and hearings would be minimized by authorizing the Governor to appoint temporary judges in districts where a vacancy exists.

By requiring claimants to provide prior written consent for continuances, claimants would be placed on notice of delays in the hearing process that was requested on their behalf.

C. Government Sector Impact:

Reporting requirements for the Office of the Judges of Compensation Claims would be consolidated and streamlined to provide more relevant and reliable information to the Legislature and the statewide nominating commission.

A total of 179 positions and the associated funding would be transferred from the Office of the Judges of Compensation Claims within the Department of Labor and Employment Security to the Office of the Judges of Compensation Claims within the Division of Administrative Hearings. The Office would continue to be funded through the Workers' Compensation Administrative Trust Fund. The 179 positions include: the Deputy Chief

Judge, 31 Judges of Compensation Claims, 31 Mediators, and 116 administrative support positions.

Expenditure Type	FY 2001-02
Salaries/Benefits	\$10,199,619
Expenses	3,139,131
Other Personnel Services	999,362
Operating Capital Outlay	28,796
Insurance and Data Processing	179,088
Total	\$14,545,996

The bill would require the Director of the Division of Administrative Hearings to investigate complaints against the judges of compensation. Since this would be a new responsibility and process, the number and complexity of complaints having merit that would require investigation by the division is unknown at this time. The Division of Administrative Hearings has indicated that 3 additional positions (Senior Management Analyst, Management Review Specialist, and Administrative Secretary) and related funding, as summarized below, would be necessary to investigate complaints and to evaluate the performance of the Office of the Judges of Compensation Claims:

Expenditure Type	FY 2001-02	FY 2002
Salaries/Benefits	\$171,257	\$171,257
Expenses	87,849	49,124
Operating Capital Outlay	5,000	0
Total	\$264,106	\$220,381

A total of 18 positions and related funding would be transferred from the Division of Workers' Compensation. Ten positions are responsible for receiving and entering data contained on the petitions for benefits, preparing the docketing order, and forwarding the petitions to the judges. The 10 positions are: 1 Workers' Compensation Examiner Supervisor, 8 Senior Examiners, and 1 Senior Clerk.

Four positions responsible for receiving the judges' final orders and tracking data related to the orders are also transferred from the Division of Workers' Compensation to the Office of the Judges of Compensation Claims. These positions are 4 Senior Workers' Compensation Examiners.

Four positions responsible for providing administrative support in the areas of travel, vendor payments, and accounting are transferred from the Division of Workers' Compensation to the Office of the Judges of Compensation Claims. These positions are 2 Accountant I, a Management Analyst I, and an Administrative Assistant I.

The associated funding for these 18 positions is delineated below.

Positions/Duties	Salaries/Benefits	OCO	Expense	Total Budget
Petitions Related (10 FTEs)	\$343,936.08	\$41,048	\$118,448	\$503,432.08

Final Order Data Entry (4 FTEs)	141,606.10	12,308	21,308	175,222.10
Financial Accounting, Travel, and Vendor Payments (4 FTEs)	140,400.42	13,502	23,550	177,452.42
Totals	\$625,942.60	\$66,858	\$163,306	\$856,106.60

V. Technical Deficiencies:

None.

VI. Related Issues:

Senate Bill 1958 provides a public records exemption for investigatory records of the Division of Administrative Hearings made or received pursuant to an investigation of a judge of compensation claims until the investigation is completed or ceases to be active.

VII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
