

Bill No. CS for SB 2224

Amendment No. 9 Barcode 761194

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Governmental Oversight and Productivity recommended the following amendment:

**Senate Amendment (with title amendment)**

On page 167, between lines 3 and 4,

insert:

Section 60. Section 440.4416, Florida Statutes, is amended to read:

440.4416 Workers' Compensation Oversight Board.--

(1) There is created within the Department of Labor and Employment Security the Workers' Compensation Oversight Board. The board shall be composed of the following members, each of whom has knowledge of, or experience with, the workers' compensation system:

(a) Five ~~Six~~ members selected by the Governor, none of whom shall be a member of the Legislature at the time of appointment, consisting of the following:

1. One representative ~~Two representatives~~ of the workers' compensation insurance industry employers.
2. One representative ~~Four representatives~~ of workers'

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1 ~~compensation health care providers employees, one of whom must~~  
 2 ~~be a representative of an employee's union whose members are~~  
 3 ~~covered by workers' compensation pursuant to this chapter.~~

4 3. One representative of workers' compensation  
 5 claimants' attorneys.

6 4. One representative of workers' compensation defense  
 7 attorneys.

8 5. One representative who is an employer or a  
 9 nonsalaried and nonmanagement employee.

10 (b) Two ~~Three~~ members selected by the President of the  
 11 Senate, none of whom shall be members of the Legislature at  
 12 the time of appointment, consisting of:

13 1. ~~A representative of employers who employs at least~~  
 14 ~~10 employees in Florida for which workers' compensation~~  
 15 ~~coverage is provided pursuant to this chapter, and who is a~~  
 16 ~~licensed general contractor actively engaged in the~~  
 17 ~~construction industry in this state.~~

18 2. A representative of employers who employs fewer  
 19 than 25 ~~10~~ employees in Florida for which workers'  
 20 compensation coverage is provided pursuant to this chapter.

21 ~~2.3.~~ A representative of employees who is a  
 22 nonsalaried and nonmanagement employee of an employer  
 23 employing at least 25 employees.

24 (c) Two ~~Three~~ members selected by the Speaker of the  
 25 House of Representatives, none of whom shall be members of the  
 26 Legislature at the time of appointment, consisting of:

27 1. ~~A representative of employers who employs fewer~~  
 28 ~~than 10 employees in Florida and who is a licensed general~~  
 29 ~~contractor actively engaged in the construction industry in~~  
 30 ~~this state for which workers' compensation coverage is~~  
 31 ~~provided pursuant to this chapter.~~

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1           ~~2.~~ A representative of employers who employs at least  
2 10 employees in Florida for which workers' compensation  
3 coverage is provided pursuant to this chapter.

4           ~~2.3.~~ A representative of employees who is a  
5 nonsalaried and nonmanagement employee of an employer  
6 employing at least 25 employees.

7           ~~(d)~~ ~~Additionally, the Insurance Commissioner and the~~  
8 ~~secretary of the Department of Labor and Employment Security~~  
9 ~~shall be nonvoting ex officio members.~~

10           ~~(d)~~~~(e)~~ The terms of all current board members shall  
11 expire December 31, 2001. New ~~The original~~ appointments to the  
12 board shall be made on or before January 1, 2002 ~~1994~~.

13 Vacancies in the membership of the board shall be filled in  
14 the same manner as the original appointments. ~~Except as to ex~~  
15 ~~officio members of the board,~~ Three appointees of the  
16 Governor, one appointee ~~two appointees~~ of the President of the  
17 Senate, and one appointee ~~two appointees~~ of the Speaker of the  
18 House of Representatives shall serve for terms of 2 years, and  
19 the remaining appointees shall serve for terms of 4 years.  
20 Thereafter, all members shall serve for terms of 4 years;  
21 except that a vacancy shall be filled by appointment for the  
22 remainder of the term. ~~The board shall have an organizational~~  
23 ~~meeting on or before March 1, 1994, the time and place of such~~  
24 ~~meeting to be determined by the Governor.~~

25           ~~(e)~~~~(f)~~ Each member is accountable to the Governor for  
26 proper performance of his or her duties as a member of the  
27 board. The Governor may remove from office any member for  
28 malfeasance, misfeasance, neglect of duty, drunkenness,  
29 incompetence, permanent inability to perform official duties,  
30 or for pleading guilty or nolo contendere to, or having been  
31 adjudicated guilty of, a first degree misdemeanor or a felony.

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1           ~~(f)(g)~~ A vacancy shall occur upon failure of a member  
 2 to attend four consecutive meetings of the board or 50 percent  
 3 of the meetings of the board during a 12-month period, unless  
 4 the board by majority votes to excuse the absence of such  
 5 member.

6           (2) POWERS AND DUTIES; ORGANIZATION.--

7           (a) The board shall have all the powers necessary and  
 8 convenient to carry out and effectuate the purposes of this  
 9 section, including, but not limited to, the power to:

10           1. Conduct public hearings.

11           ~~2. Report to the Legislature by January 1, 1995, as to~~  
 12 ~~the feasibility of a return-to-work program that includes~~  
 13 ~~incentives for employers who encourage such a program and~~  
 14 ~~disincentives for employers who hinder such a program.~~

15           ~~2.3.~~ Prescribe qualifications for board employees.

16           ~~3.4.~~ Appear on its own behalf before other boards,  
 17 commissions, or agencies of the state or Federal Government.

18           ~~4.5.~~ Make and execute contracts to the extent that  
 19 such contracts are consistent with duties and powers set forth  
 20 in this section and elsewhere in the law of this state.

21           (b) The board shall adopt bylaws, formulate workers'  
 22 compensation legislation or amendments, review, advise, and  
 23 appear before the Legislature in connection with legislation  
 24 that impacts the workers' compensation system, advise the  
 25 division on policy, administrative and legislative issues, and  
 26 appear before other state or federal agencies in connection  
 27 with matters impacting the workers' compensation system.

28           (c) The Governor ~~board~~ shall select a chair from among  
 29 employer or employee members of the board. The member  
 30 designated as the chair shall serve a term of 2 years or who  
 31 ~~shall serve for a period of 2 years and until a successor is~~

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1 elected and qualified unless removed by the Governor. The  
2 chair shall be the chief administrative officer of the board  
3 and shall have the authority to plan, direct, coordinate, and  
4 execute the powers and duties of the board.

5 (d) The board shall hold at least one regularly  
6 scheduled meeting each quarter and other ~~such~~ meetings during  
7 the year as it deems necessary, except that the chair, a  
8 quorum of the board, or the division may call meetings. The  
9 board shall hold at least two meetings a year outside Leon  
10 County.The board shall maintain transcripts of each meeting.  
11 Such transcripts shall be available to any interested person  
12 in accordance with chapter 119.

13 (e) The board shall approve the bylaws or amendments  
14 thereto by unanimous vote. All other board actions or  
15 recommendations shall be approved by ~~not less than~~ a majority  
16 vote of the members present ~~employee representatives and~~  
17 ~~majority vote of employer representatives~~, unless the bylaws  
18 ~~otherwise~~ provide otherwise.

19 (f) The board shall submit all formal reports and  
20 publications made by the board to the division at least 30  
21 days before the release or publication of the information. The  
22 board shall include in all formal reports and publications any  
23 response from the division.

24 (3) EXECUTIVE DIRECTOR; EXPENSES.--

25 (a) The board shall appoint an executive director to  
26 direct and supervise the administrative affairs and general  
27 management of the board who shall be subject to the provisions  
28 of part IV of chapter 110. The executive director must have at  
29 least 5 years' experience in workers' compensation. The  
30 executive director may employ persons and obtain technical  
31 assistance as authorized by the board and shall attend all

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1 meetings of the board. Board employees shall be exempt from  
2 part II of chapter 110.

3 (b) In addition to per diem and travel expenses  
4 authorized by s. 112.061, board members shall receive  
5 compensation of \$50 for each full day allocable to business of  
6 the board. The board shall promulgate procedures defining  
7 "business" for purposes of receiving compensation. Such  
8 procedures shall require each member to maintain time records  
9 and submit such records to the executive director on a monthly  
10 basis. Failure to timely file such monthly record shall  
11 extinguish the member's entitlement to compensation for the  
12 subject period. Travel outside this state shall be approved by  
13 the secretary of the department. Expenses associated with the  
14 administration of this section shall be appropriated and paid  
15 for from the trust fund created by s. 440.50.

16  
17 (Redesignate subsequent sections.)

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20 ===== T I T L E A M E N D M E N T =====

21 And the title is amended as follows:

22 On page 2, line 7, after the semicolon,

23

24 insert:

25 amending s. 440.4416, F.S.; revising the  
26 composition of the Workers' Compensation  
27 Oversight Board;

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