

Bill No. CS for CS for SB 1132

Amendment No. \_\_\_\_ Barcode 032818

CHAMBER ACTION

Senate

House

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Senator Smith moved the following amendment:

**Senate Amendment (with title amendment)**

On page 251, line 11, through  
page 263, line 18, delete those lines

and insert:

(5) OFFICE.--The department, ~~the agency,~~ the Department of Education, and the Deputy Chief Judge shall maintain and keep open during reasonable business hours an office, which shall be provided in the Capitol or some other suitable building in the City of Tallahassee, for the transaction of business under this chapter, at which office the official records and papers shall be kept. The office shall be furnished and equipped. The department, ~~the agency,~~ any judge of compensation claims, or the Deputy Chief Judge may hold sessions and conduct hearings at any place within the state. The Office of the Judges of Compensation Claims shall maintain the 17 district offices, 31 judges of compensation claims, and 31 mediators as they exist on June 30, 2001.

(6) SEAL.--The department and the judges of

Bill No. CS for CS for SB 1132

Amendment No. \_\_\_\_ Barcode 032818

1 compensation claims shall have a seal upon which shall be  
 2 inscribed the words "State of Florida Department of Financial  
 3 Services Insurance--Seal" and "Division of Administrative  
 4 Hearings--Seal," respectively, and each shall be judicially  
 5 noticed.

6 (7) DESTRUCTION OF OBSOLETE RECORDS.--The department  
 7 is expressly authorized to provide by regulation for and to  
 8 destroy obsolete records of the department. The Division of  
 9 Administrative Hearings is expressly authorized to provide by  
 10 regulation for and to destroy obsolete records of the Office  
 11 of the Judges of Compensation Claims.

12 (8) PROCEDURE.--In the exercise of their duties and  
 13 functions requiring administrative hearings, the department  
 14 ~~and the agency~~ shall proceed in accordance with the  
 15 Administrative Procedure Act. The authority of the department  
 16 ~~and the agency~~ to issue orders resulting from administrative  
 17 hearings as provided for in this chapter shall not infringe  
 18 upon the jurisdiction of the judges of compensation claims.

19 Section 50. Paragraph (b) of subsection (2) of section  
 20 440.45, Florida Statutes, is amended to read:

21 440.45 Office of the Judges of Compensation Claims.--

22 (2)

23 (b) Except as provided in paragraph (c), the Governor  
 24 shall appoint a judge of compensation claims from a list of  
 25 three persons nominated by a statewide nominating commission.  
 26 The statewide nominating commission shall be composed of the  
 27 following:

28 1. Five members, at least one of whom must be a member  
 29 of a minority group as defined in s. 288.703(3), one of each  
 30 who resides in each of the territorial jurisdictions of the  
 31 district courts of appeal, appointed by the Board of Governors

Bill No. CS for CS for SB 1132

Amendment No. \_\_\_\_ Barcode 032818

1 of The Florida Bar from among The Florida Bar members who are  
2 engaged in the practice of law. Two of the members must be  
3 board certified in workers' compensation law by The Florida  
4 Bar and represent employers and carriers exclusively, and two  
5 of the members must be board certified in workers'  
6 compensation law by The Florida Bar and represent employees  
7 exclusively; provided, further, that no other member of the  
8 statewide nominating commission may be engaged in the practice  
9 of workers' compensation law. On July 1, 1999, the term of  
10 office of each person appointed by the Board of Governors of  
11 The Florida Bar to the commission expires. The Board of  
12 Governors shall appoint members who reside in the odd-numbered  
13 district court of appeal jurisdictions to 4-year terms each,  
14 beginning July 1, 1999, and members who reside in the  
15 even-numbered district court of appeal jurisdictions to 2-year  
16 terms each, beginning July 1, 1999. Thereafter, each member  
17 shall be appointed for a 4-year term;

18         2. Five electors, at least one of whom must be a  
19 member of a minority group as defined in s. 288.703(3), one of  
20 each who resides in each of the territorial jurisdictions of  
21 the district courts of appeal, appointed by the Governor. On  
22 July 1, 1999, the term of office of each person appointed by  
23 the Governor to the commission expires. The Governor shall  
24 appoint members who reside in the odd-numbered district court  
25 of appeal jurisdictions to 2-year terms each, beginning July  
26 1, 1999, and members who reside in the even-numbered district  
27 court of appeal jurisdictions to 4-year terms each, beginning  
28 July 1, 1999. Thereafter, each member shall be appointed for a  
29 4-year term; and

30         3. Five electors, at least one of whom must be a  
31 member of a minority group as defined in s. 288.703(3), one of

Bill No. CS for CS for SB 1132

Amendment No. \_\_\_\_ Barcode 032818

1 each who resides in the territorial jurisdictions of the  
2 district courts of appeal, selected and appointed by a  
3 majority vote of the other 10 members of the commission. On  
4 October 1, 1999, the term of office of each person appointed  
5 to the commission by its other members expires. A majority of  
6 the other members of the commission shall appoint members who  
7 reside in the odd-numbered district court of appeal  
8 jurisdictions to 2-year terms each, beginning October 1, 1999,  
9 and members who reside in the even-numbered district court of  
10 appeal jurisdictions to 4-year terms each, beginning October  
11 1, 1999. Thereafter, each member shall be appointed for a  
12 4-year term.

13

14 A vacancy occurring on the commission shall be filled by the  
15 original appointing authority for the unexpired balance of the  
16 term. No attorney who appears before any judge of compensation  
17 claims more than four times a year is eligible to serve on the  
18 statewide nominating commission. The meetings and  
19 determinations of the nominating commission as to the judges  
20 of compensation claims shall be open to the public.

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22 (Redesignate subsequent sections.)

23

24

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

26 And the title is amended as follows:

27 On page 6, lines 15-27, delete those lines

28

29 and insert:

30 440.44, F.S.; conforming terminology; amending

31 s. 440.45, F.S.; revising the statewide

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1 nominating commission membership; creating  
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