

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Appropriations

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BILL: SPB 2516

INTRODUCER: For consideration by Appropriations Committee

SUBJECT: DOAH – Judges of Compensation Claims

DATE: February 8, 2022

REVISED: \_\_\_\_\_

ANALYST

Davis

STAFF DIRECTOR

Sadberry

REFERENCE

ACTION

**Pre-meeting**

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## I. Summary:

SPB 2516 removes the requirement that the Office of the Judges of Compensation Claims (OJCC) maintain 17 district offices, 31 judges of compensation claims, and 31 mediators, as they existed on June 30, 2001.

The bill conforms statutes to the funding decisions in the Senate proposed General Appropriations Act for Fiscal Year 2022-2023, which reduces \$0.3 million in funding to consolidate and align office locations of the OJCC based on workload cases and realize technological efficiencies. The bill takes effect upon becoming a law.

## II. Present Situation:

### Judges of Compensation Claims

The judges of compensation claims have exclusive jurisdiction over workers' compensation cases.<sup>1</sup> When an employer disputes an employee's claim for workers' compensation, the employee may initiate litigation of the matter by filing a petition with the Office of the Judges of Compensation Claims (OJCC). Even after a petition is filed, a workers' compensation dispute may be resolved through mediation<sup>2</sup> or arbitration.<sup>3</sup> But, when necessary, a judge of compensation claims may hold a hearing to resolve the matter.<sup>4</sup> Upon conclusion of the hearing, the judge's order may be appealed to the First District Court of Appeal, which has sole appellate jurisdiction.<sup>5</sup>

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<sup>1</sup> See *Sanders v. City of Orlando*, 997 So. 2d 1089, 1094 (Fla. 2008).

<sup>2</sup> See s. 440.25, F.S.

<sup>3</sup> See s. 440.1926, F.S.

<sup>4</sup> See s. 440.25(4), F.S.

<sup>5</sup> Section 440.271, F.S.

Judges of compensation claims are nominated by a statewide nominating commission and appointed by the Governor to a four-year term. The Governor may re-appoint a judge to successive four-year terms and may remove a judge for cause during any term.<sup>6</sup>

The OJCC is headed by the Deputy Chief Judge, who reports to the director and Chief Judge of the Division of Administrative Hearings.<sup>7</sup> Any judge of compensation claims, or the Deputy Chief Judge may hold sessions and conduct hearings at any place within the state.<sup>8</sup> The OJCC must maintain the 17 district offices, 31 judges of compensation claims, and 31 mediators as they existed on June 30, 2001. This requirement was created in 2001, with the transfer of the OJCC from the Department of Labor and Employment Security to the Division of Administrative Hearings, within the Department of Management Services.<sup>9</sup> As of January 19, 2022, the OJCC district offices are in the following locations: Daytona Beach, Ft. Lauderdale, Ft. Myers, Gainesville, Jacksonville, Lakeland, Miami, Orlando, Panama City Beach, Pensacola, Port St. Lucie, Sarasota, Sebastian-Melbourne, St. Petersburg, Tallahassee, Tampa, and West Palm Beach.<sup>10</sup>

### **III. Effect of Proposed Changes:**

The bill removes the requirement that the Office of the Judges of Compensation Claims must maintain 17 district offices, 31 judges of compensation claims, and 31 mediators as they existed on June 30, 2001. Removing specified district offices, judges of compensation claims, and mediators allows the OJCC flexibility to consolidate and align district offices based on case workloads and realize technological efficiencies to the adjudication processes. The bill takes effect upon becoming a law.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

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<sup>6</sup> Section 440.45(1)(a), F.S.

<sup>7</sup> The DOAH Chief Judge acts as the OJCC's "agency head for all purposes." Section 440.45(1)(a), F.S. DOAH and the OJCC exist within the Department of Management Services, but the department may not direct DOAH or the OJCC in any way. Instead the department must "provide administrative support and service to the office to the extent requested by the director of the Division of Administrative Hearings." Section 440.45(1)(a), F.S.

<sup>8</sup> Section 440.44(5), F.S.

<sup>9</sup> See Ch.2001-91, L.O.F.

<sup>10</sup> Email correspondence with the Division of Administrative Hearings Budget Officer on January 19, 2022.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The bill conforms statutes to the funding decisions in the Senate proposed General Appropriations Act for Fiscal Year 2022-2023, which reduces \$0.3 million in funding to consolidate and align office locations of the OJCC based on workload cases and realize technological efficiencies.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 440.44 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.