



29 | 43.291 Judicial nominating commissions.—

30 | (1) (a) Each judicial nominating commission shall be  
 31 | composed of the following members:

32 | 1.~~(a)~~ Four members of The Florida Bar, appointed by the  
 33 | Governor, who are engaged in the practice of law, each of whom  
 34 | is a resident of the territorial jurisdiction served by the  
 35 | commission to which the member is appointed. The Board of  
 36 | Governors of The Florida Bar shall submit to the Governor three  
 37 | recommended nominees for each position. The Governor shall  
 38 | select the appointee from the list of nominees recommended for  
 39 | that position, but the Governor may reject all of the nominees  
 40 | recommended for a position and request that the Board of  
 41 | Governors submit a new list of three different recommended  
 42 | nominees for that position who have not been previously  
 43 | recommended by the Board of Governors.

44 | 2.~~(b)~~ Five members appointed by the Governor who shall  
 45 | serve at the pleasure of the Governor, each of whom is a  
 46 | resident of the territorial jurisdiction served by the  
 47 | commission to which the member is appointed, of which at least  
 48 | two are members of The Florida Bar engaged in the practice of  
 49 | law. Notwithstanding any other law, each current member of a  
 50 | judicial nominating commission appointed by the Governor, other  
 51 | than those selected from a list of nominees provided by the  
 52 | Board of Governors of The Florida Bar, shall serve at the  
 53 | pleasure of the Governor.

54 | (b) Each expired term or vacancy shall be filled by  
 55 | appointment in the same manner as the member whose position is  
 56 | being filled.

57 (3) Notwithstanding any other provision of this section,  
 58 each current member of a judicial nominating commission selected  
 59 from a list of nominees provided ~~appointed directly~~ by the Board  
 60 of Governors of The Florida Bar shall serve the remainder of his  
 61 or her term, unless removed for cause. ~~The terms of all other~~  
 62 ~~members of a judicial nominating commission are hereby~~  
 63 ~~terminated, and the Governor shall appoint new Members~~ selected  
 64 from a list of nominees provided by the Board of Governors of  
 65 The Florida Bar shall serve terms to each judicial nominating  
 66 commission in the following manner:

67 (a) One appointment ~~Two appointments~~ for a term ~~terms~~  
 68 ending July 1, 2016 ~~2002~~, ~~one of which shall be an appointment~~  
 69 ~~selected from nominations submitted by the Board of Governors of~~  
 70 ~~The Florida Bar pursuant to paragraph (1)(a);~~

71 (b) Two appointments for terms ending July 1, 2014 ~~2003~~;  
 72 and

73 (c) One appointment ~~Two appointments~~ for a term ~~terms~~  
 74 ending July 1, 2015 ~~2004~~.

75  
 76 Every subsequent appointment of a member selected from a list of  
 77 nominees provided by the Board of Governors of The Florida Bar,  
 78 except an appointment to fill a vacant, unexpired term, shall be  
 79 for 4 years. ~~Each expired term or vacancy shall be filled by~~  
 80 ~~appointment in the same manner as the member whose position is~~  
 81 ~~being filled.~~

82 (5) A member of a judicial nominating commission may be  
 83 suspended for cause by the Governor ~~pursuant to uniform rules of~~  
 84 ~~procedure established by the Executive Office of the Governor~~

85 consistent with s. 7, ~~of~~ Art. IV of the State Constitution.

86 Section 2. Paragraph (a) of subsection (1), paragraphs (b)  
 87 and (c) of subsection (2), and subsection (5) of section 440.45,  
 88 Florida Statutes, are amended to read:

89 440.45 Office of the Judges of Compensation Claims.—

90 (1) (a) There is created the Office of the Judges of  
 91 Compensation Claims within the Department of Management  
 92 Services. The Office of the Judges of Compensation Claims shall  
 93 be headed by the Deputy Chief Judge of Compensation Claims. The  
 94 Deputy Chief Judge shall report to the director of the Division  
 95 of Administrative Hearings. The Deputy Chief Judge shall be  
 96 appointed by the Governor for a term of 4 years ~~from a list of~~  
 97 ~~three names submitted by the statewide nominating commission~~  
 98 ~~created under subsection (2)~~. The Deputy Chief Judge must  
 99 demonstrate prior administrative experience and possess the same  
 100 qualifications for appointment as a judge of compensation  
 101 claims, and the procedure for reappointment of the Deputy Chief  
 102 Judge will be the same as for reappointment of a judge of  
 103 compensation claims. The office shall be a separate budget  
 104 entity and the director of the Division of Administrative  
 105 Hearings shall be its agency head for all purposes, including,  
 106 but not limited to, rulemaking pursuant to subsection (4) and  
 107 establishing agency policies and procedures. The Department of  
 108 Management Services shall provide administrative support and  
 109 service to the office to the extent requested by the director of  
 110 the Division of Administrative Hearings but shall not direct,  
 111 supervise, or control the Office of the Judges of Compensation  
 112 Claims in any manner, including, but not limited to, personnel,

113 purchasing, budgetary matters, or property transactions. The  
 114 operating budget of the Office of the Judges of Compensation  
 115 Claims shall be paid out of the Workers' Compensation  
 116 Administration Trust Fund established in s. 440.50.

117 (2)

118 (b) Except as provided in paragraph (c), the Governor  
 119 shall appoint a judge of compensation claims from a list of  
 120 three persons nominated by the judicial ~~a statewide~~ nominating  
 121 commission for the First District Court of Appeal. ~~The statewide~~  
 122 ~~nominating commission shall be composed of the following:~~

123 ~~1. Five members, at least one of whom must be a member of~~  
 124 ~~a minority group as defined in s. 288.703, one of each who~~  
 125 ~~resides in each of the territorial jurisdictions of the district~~  
 126 ~~courts of appeal, appointed by the Board of Governors of The~~  
 127 ~~Florida Bar from among The Florida Bar members who are engaged~~  
 128 ~~in the practice of law. The Board of Governors shall appoint~~  
 129 ~~members who reside in the odd-numbered district court of appeal~~  
 130 ~~jurisdictions to 4-year terms each, beginning July 1, 1999, and~~  
 131 ~~members who reside in the even-numbered district court of appeal~~  
 132 ~~jurisdictions to 2-year terms each, beginning July 1, 1999.~~  
 133 ~~Thereafter, each member shall be appointed for a 4-year term;~~

134 ~~2. Five electors, at least one of whom must be a member of~~  
 135 ~~a minority group as defined in s. 288.703, one of each who~~  
 136 ~~resides in each of the territorial jurisdictions of the district~~  
 137 ~~courts of appeal, appointed by the Governor. The Governor shall~~  
 138 ~~appoint members who reside in the odd-numbered district court of~~  
 139 ~~appeal jurisdictions to 2-year terms each, beginning July 1,~~  
 140 ~~1999, and members who reside in the even-numbered district court~~

141 ~~of appeal jurisdictions to 4-year terms each, beginning July 1,~~  
 142 ~~1999. Thereafter, each member shall be appointed for a 4-year~~  
 143 ~~term; and~~

144 ~~3. Five electors, at least one of whom must be a member of~~  
 145 ~~a minority group as defined in s. 288.703, one of each who~~  
 146 ~~resides in the territorial jurisdictions of the district courts~~  
 147 ~~of appeal, selected and appointed by a majority vote of the~~  
 148 ~~other 10 members of the commission. A majority of the other~~  
 149 ~~members of the commission shall appoint members who reside in~~  
 150 ~~the odd-numbered district court of appeal jurisdictions to 2-~~  
 151 ~~year terms each, beginning October 1, 1999, and members who~~  
 152 ~~reside in the even-numbered district court of appeal~~  
 153 ~~jurisdictions to 4-year terms each, beginning October 1, 1999.~~  
 154 ~~Thereafter, each member shall be appointed for a 4-year term.~~

155  
 156 ~~A vacancy occurring on the commission shall be filled by the~~  
 157 ~~original appointing authority for the unexpired balance of the~~  
 158 ~~term. No attorney who appears before any judge of compensation~~  
 159 ~~claims more than four times a year is eligible to serve on the~~  
 160 ~~statewide nominating commission. The meetings and determinations~~  
 161 ~~of the nominating commission as to the judges of compensation~~  
 162 ~~claims shall be open to the public.~~

163 (c) Each judge of compensation claims shall be appointed  
 164 for a term of 4 years, but during the term of office may be  
 165 removed by the Governor for cause. Prior to the expiration of a  
 166 judge's term of office, the statewide nominating commission  
 167 shall review the judge's conduct and determine whether the  
 168 judge's performance is satisfactory. Effective July 1, 2002, in

169 determining whether a judge's performance is satisfactory, the  
170 commission shall consider the extent to which the judge has met  
171 the requirements of this chapter, including, but not limited to,  
172 the requirements of ss. 440.25(1) and (4)(a)-(e), 440.34(2), and  
173 440.442. If the judge's performance is deemed satisfactory, the  
174 commission shall report its finding to the Governor no later  
175 than 6 months prior to the expiration of the judge's term of  
176 office. The Governor shall review the commission's report and  
177 may reappoint the judge for an additional 4-year term. If the  
178 Governor does not reappoint the judge, the Governor shall inform  
179 the commission. The judge shall remain in office until the  
180 Governor has appointed a successor judge in accordance with  
181 paragraphs (a) and (b). If a vacancy occurs during a judge's  
182 unexpired term, ~~the statewide nominating commission does not~~  
183 ~~find the judge's performance is satisfactory,~~ or the Governor  
184 does not reappoint the judge, the Governor shall appoint a  
185 successor judge for a term of 4 years in accordance with  
186 paragraph (b).

187 (5) Not later than December 1 of each year, the Office of  
188 the Judges of Compensation Claims shall issue a written report  
189 to the Governor, the House of Representatives, the Senate, and  
190 ~~The Florida Bar, and the statewide nominating commission~~  
191 summarizing the amount, cost, and outcome of all litigation  
192 resolved in the previous fiscal year; summarizing the  
193 disposition of mediation conferences, the number of mediation  
194 conferences held, the number of continuances granted for  
195 mediations and final hearings, the number and outcome of  
196 litigated cases, the amount of attorney's fees paid in each case

PCB CJS 13-03

ORIGINAL

2013

197 | according to order year and accident year, and the number of  
198 | final orders not issued within 30 days after the final hearing  
199 | or closure of the hearing record; and recommending changes or  
200 | improvements to the dispute resolution elements of the Workers'  
201 | Compensation Law and regulations. If the Deputy Chief Judge  
202 | finds that judges generally are unable to meet a particular  
203 | statutory requirement for reasons beyond their control, the  
204 | Deputy Chief Judge shall submit such findings and any  
205 | recommendations to the Legislature.

206 |       Section 3. This act shall take effect upon becoming a law.