

IN THE SUPREME COURT OF FLORIDA

65,087

IN RE: :
PROPOSED RULES CHANGES, :
FLORIDA WORKERS' COMPENSATION :
RULES OF PROCEDURE :

FILED
SID J. WHITE
MAR 28 1984
CLERK, SUPREME COURT
By _____
Chief Deputy Clerk

PETITION OF THE FLORIDA BAR
WORKERS' COMPENSATION RULES COMMITTEE
SUBMITTING PROPOSED CHANGES TO THE
FLORIDA WORKERS' COMPENSATION RULES OF PROCEDURE

The Workers' Compensation Rules Committee of the Florida Bar petitions this Honorable Court approve rules changes proposed by the Committee under mandate of Rule 2.130 (b)(c), Florida Rules of Judicial Administration. The Report of Proposed Rules Changes accompanies this Petition.

The Committee advises the Court it has fulfilled its obligation of review and reevaluation of the rules in order to advance orderly and inexpensive procedure in the administration of justice as pertains to the field and practice of Workers' Compensation in the State of Florida as required by Rule 2.130 (b)(5) Florida Rules of Judicial Administration.

Though one comprehensive package of amendments is intended, for purposes of its deliberation, the Court will find the Committee's work divided into two groups - - a necessary inconvenience, explained by the following.

As the Court may note, existing Workers' Compensation Rules are temporary, (see per curiam Opinion of the Florida Supreme Court, September 20, 1979, 374 So. 2d 981) having been created summarily, in response to the tumultuous and far-reaching Workers' Compensation Legislative Reforms of 1979. Following the Court's "temporary" approval, the Rules Committee began work toward effecting permanent rules under circumstances permitting more careful deliberation as well as an opportunity to evaluate, first-hand, rules requirements and deficiencies under the newly enacted reforms and temporary rules structure.

The Committee completed a package of amendments by early 1983 and submitted them to the Board of Governors of the Florida Bar for approval during its March 1983 meeting with the intention of then promptly submitting the same before this Honorable Court as Emergency Recommendation by Committee, under authority of Rule 2.130 (3), Florida Rules of Judicial Administration (the emergency being the desire to end the "temporary" status of Workers' Compensation rules by installation of a permanent set of rules). This task fell to the newly constituted (as of June 1983) Committee to perform but, through its leadership, the Committee altered the plan by reason of the facts: (a) the regular four-year cyclical process established by the rules of judicial administration (Rule 2.130 (c) had literally "caught up" with the Committee by that time; and, (b) several First District Court of Appeal opinions addressing procedural ambiguities compelled the conclusion (along with greater and more finely honed practical experience with the reforms) that certain additional changes were clearly indicated. These were addressed by the presently constituted Rules Committee on an accelerated basis resulting in a significant additional package of amendments which were brought before the Board of Governors of the Florida Bar (together with explanation of the re-appearance of the Workers' Compensation Rules Committee) at the January 1984 meeting.

Because certain of the most recent group of amendments presuppose adoption of, and make reference to, certain amendments in the initial group - - it was believed by the Committee that a clearer view of the amendatory process could be had by this Honorable Court with the separation described, along with this explanatory note. Therefore, the initial package of amendments presented to the Board of Governors in March 1983 will appear under cover designated "Group I" and the final package of amendments presented to the Board of Governors, January 1984 will appear under the cover designated "Group II". The Court is assured that acceptance of both groups will yield an integrated, consistent amendment package.

Additionally, the cover sheet for each of the two groups will reflect both the voting of the Workers' Compensation Rules Committee and of the Board of Governors of the Florida Bar regarding each rule proposal. Finally, it should be mentioned that only one amendment garnered genuine controversy; the proposed amendment to Rule 11, Fla. WCRP. found in Group I. This amendment produced a "minority report" of sorts, in the form of two letters issued by Committee members voicing their concern and dissent. The two letters have been adopted, in effect, as minority report and are found appended at the conclusion of Group I amendments.

The "reason for change" and "comment" columns follow standard form.


The Workers' Compensation Rules Committee is pleased with the result of its work and optimistic about the potential for good engendered by the combined amendment package now before this Honorable Court.

REQUEST FOR ORAL ARGUMENT

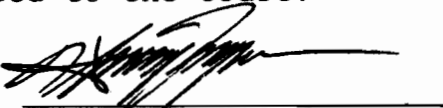
The Workers' Compensation Rules Committee requests oral argument on the proposed rules changes at a time convenient to the Court.

NOTICE TO THE BAR

The proposed rule changes (or a summary) will be published in The Florida Bar News before oral argument. The notice will request that any comments be in writing and submitted to the Court.


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Executive Director

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