

Supreme Court of Florida

No. 78,760

ORIGINAL

AMENDMENTS TO FLORIDA RULES OF
WORKERS' COMPENSATION PROCEDURE.

[May 14, 1992]

CORRECTED OPINION

PER CURIAM.

Pursuant to rule 2.130(e) of the Florida Rules of Judicial Administration, the Worker's Compensation Rules Committee filed a petition with this Court submitting proposed amendments to the Florida Rules of Workers' Compensation Procedure.¹ Rule 2.130(e) permits the committee, with the approval of the board of governors of The Florida Bar, to submit proposals of an emergency nature to this Court. The committee and the board of governors both concluded that the proposed changes were needed immediately

¹ This Court's review of the proposed amendments to the Florida Rules of Workers' Compensation Procedure in the instant case will also constitute our quadrennial review of the rules pursuant to rule 2.130(c) of the Florida Rules of Judicial Administration.

in light of the 1989 and 1990 legislative changes to the Workers' Compensation Act.² We agreed and accepted jurisdiction to consider the proposed amendments.³

The following is a brief summary of the material changes as set forth in the proposed amendments:

(1) The workers' compensation trial rules (part A) have been amended to reflect the legislature's redesignation of the title deputy commissioner to judge of compensation claims and to allow for the use of facsimile machines to effectuate service;

(2) The workers' compensation appellate rules (part B) were rewritten to clarify the language of the rules and to reorganize the contents of the rules to conform more closely with the format used in the Florida Rules of Appellate Procedure and a new procedure was created regarding the discretionary review of nonfinal orders;

(3) A new part (part C) was proposed to provide a set of rules to implement 1989 and 1990 legislation authorizing mediation as an alternative resolution process for workers' compensation disputes;⁴ and

(4) A substantial number of the forms set forth in the rules (part D) were amended in response to either new legislation

² Ch. 440, Fla. Stat. (1991).

³ We have jurisdiction. Art. V, § 2(a), Fla. Const.

⁴ § 440.25(3), Fla. Stat. (1991).

or criticism from practitioners, and the notice of appeal form was revised to set forth the specific benefits that are the subject matter of an appeal.

A draft of the rule changes was unanimously approved by the board of governors of The Florida Bar, and no comments on the proposed amendments were received in response to their publication in the Florida Bar News on December 1, 1991. After a review of the committee's proposals, we adopt the amendments to the Florida Rules of Workers' Compensation Procedure as they are set out following this opinion. The amended rules are effective immediately upon the filing of this opinion.

It is so ordered.

SHAW, C.J. and OVERTON, McDONALD, BARKETT, GRIMES, KOGAN and HARDING, JJ., concur.

THE FILING OF A MOTION FOR REHEARING SHALL NOT ALTER THE EFFECTIVE DATE OF THESE RULES.

Original Proceeding - Florida Rules of Workers' Compensation
Procedure

Benjamin H. Hill, President, Tampa, Florida; Alan Dimond,
President-elect, Miami, Florida; John F. Harkness, Jr., Executive
Director, Tallahassee, Florida; and Michael J. Demarko, Vice
Chair, Worker's Compensation Rules Committee, Pensacola, Florida,

for Petitioner, The Florida Bar