

Chapter 91-46

House Bill No. 2351

AN ACT relating to the Florida Statutes; amending ss. 120.52(1), 440.021, 440.17, 440.24, 440.28, 440.29, 440.30, 440.31, 440.32, 440.33(1), (2), 440.41(2), (3), 440.42(3), 440.442, 440.47, 440.54, 766.302(4), 766.304, 766.305(6), 766.307(1), (3), 766.308(1), 766.309, 766.31(1), 766.311, 766.312, 960.09(3), and 960.15, Florida Statutes, and ss. 112.3145(4), 440.16(3)(b), (4), (7), 440.185(1), (6), 440.20(7), (11), (13), 440.25(1), (6), 440.34(1), (6), 440.44(3), (5), (6), (8), 440.45(3), (6), (8), and 960.03(5), Florida Statutes (1990 Supplement), pursuant to the directive of the Legislature in s. 36, ch. 89-289, Laws of Florida, to conform to s. 23, ch. 89-289, Laws of Florida, which redesignated the workers' compensation Chief Commissioner as Chief Judge and the deputy commissioners as judges of compensation claims; and amending s. 413.341(1)(d), Florida Statutes (1990 Supplement), to conform to the redesignation of the workers' compensation deputy commissioners as judges of compensation claims by s. 23, ch. 89-289, Laws of Florida.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (1) of section 120.52, Florida Statutes, is amended to read:

120.52. Definitions

As used in this act:

(1) "Agency" means:

(a) The Governor in the exercise of all executive powers other than those derived from the constitution.

(b) Each other state officer and each state department, departmental unit described in s. 20.04, commission, regional planning agency, board, district, and authority, including, but not limited to, those described in chapters 163, 298, 373, 380, and 582 and s. 186.504, except any legal entity or agency created in whole or in part pursuant to chapter 361, part II.

(c) Each other unit of government in the state, including counties and municipalities, to the extent they are expressly made subject to this act by general or special law or existing judicial decisions.

A judge of compensation claims ~~deputy commissioner~~ shall not, in the adjudication of workers' compensation claims, be considered an agency or part of an agency for the purposes of this act.

Reviser's note.--Amended to ratify editorial action pursuant to the directive of the Legislature in s. 36, ch. 89-289, Laws of Florida, to conform to s. 23, ch. 89-289, which redesignated deputy commissioners as judges of compensation claims.

Section 2. Section 440.021, Florida Statutes, is amended to read:

440.021. Exemption of workers' compensation from chapter 120

Workers' compensation adjudications by judges of compensation claims ~~deputy commissioners~~ are exempt from chapter 120, and no judge of compensation claims ~~deputy commissioner~~ shall be considered an agency or a part thereof. Communications of the result of investigations by the division pursuant to s. 440.185(4) are exempt from chapter 120. In all instances in which the division institutes action to collect a penalty or interest which may be due pursuant to this chapter, the penalty or interest shall be assessed without hearing, and the party against which such penalty or interest is assessed shall be given written notice of such assessment and shall have the right to protest within 20 days of such notice. Upon receipt of a timely notice of protest and after such investigation as may be necessary, the division shall, if it agrees with such protest, notify the protesting party that the assessment has been revoked. If the division does not agree with the protest, it shall refer the matter to the judge of compensation claims ~~deputy commissioner~~ for determination pursuant to s. 440.25(3) and (4). Such action of the division is exempt from the provisions of chapter 120.

Reviser's note.--Amended to ratify editorial action pursuant to the directive of the Legislature in s. 36, ch. 89-289, Laws of Florida, to conform to s. 23, ch. 89-289, which redesignated deputy commissioners as judges of compensation claims.