

STATE OF FLORIDA

Division of Administrative Hearings



2011-2012 Annual Report of the Office of the Judges of Compensation Claims

The OJCC Mission:

To maintain a statewide mediation and adjudication system for the impartial, efficient and timely resolution of disputed workers' compensation claims.

Table of Contents and Summary

Introduction		4
Overview of Florida Workers' Compensation		5
Data Collecting and Reporting		6
OJCC Achievements 2011-12		7
Electronic Filing Initiative		8
Daily e-filing rate	1,848	
Total e-filed documents	461,820 (increase of 2% from 2010-11)	
Total user savings to date	\$1,301,177	
Number of Litigated Cases		8
Gross Petitions filed	61,354 (5.1% decrease from 2010-11)	9
New Cases filed	29,358 (1.5% decrease from 2010-11)	11
Petition Replication and Duplication	(3.3%, increased from 2.4% in 2010-11)	13
Pro-Se Cases	(10.37%, decreased from 10.85%, in 2010-11)	14
Amount of Litigation Resolved		15
Petitions closed	64,295 (6.2% decrease from last year)	
Cost of Litigation Resolved		18
OJCC Budget	\$18,145,746 (8.2% decrease from 2010-11)	
Per Petition Closed	\$259.00 (nine year avg. = \$213.80)	
Court Comparison	\$300.00 to \$400.00 Filing Fees	
Number of Mediation Conferences Held		21
Mediations held	16,881 (5.7% decrease from 2010-11)	
100% of Mediators averaged less than 130 days each year in 2008-09 to 2011-12.		
Disposition of Mediation Conferences		22
Some resolution	65.32% (increase from 61.74% in 2010-11)	
Settled case	28.60% (increase from 27.08% in 2010-11)	
Number of Continuances Granted for Mediations		24
Continuances	717 (decrease from 963 in 2010-11)	
Number of Continuances Granted for Final Hearings		25
Trial Continuances	3,416 (decrease from 3,682 in 2010-11)	
Outcome of Litigated Cases		25
Resolved at Mediation	8,108 (decrease from 8,260 in 2010-11)	
Amount of Attorney's Fees Paid		29
Claimant Fees App.	\$152,848,003 (2.69% decrease from 2010-11)	
Defense Fees Reported	\$264,022,959 (2.56% decrease from 2010-11)	
Amount of Attorney's Fees Paid in Each Case According to Accident Year		32
Number of Final Orders Not Issued Within 30 Days after the Final Hearing		33
Not within 30 days	9.40% (decreased from 13.62% in 2010-11)	
97% of Judges averaged less than 30 days 2011-12.		

Recommended Changes or Improvements to the Dispute Resolution Elements of the Workers' Compensation Law and Regulations	34
Judge's Ability to Meet Statutory Requirements	36
Statutory Measures	37
Average days to mediation was 88 (increase from 83 in 2010-11)	
Average days to trial was 166 (decrease from 201 in 2010-11)	
Average days trial to order was 13 (decrease from 16 in 2010-11)	
Conclusion	41
Glossary of Terms	43
2012 Appendices Notes	44
Appendix "1" District DAY (Portuallo)	45
Appendix "2" District FTL (JCC Hogan, JCC Lewis, JCC Pecko)	52
Appendix "3" District FTM (JCC Spangler, JCC Sturgis, JCC)	66
Appendix "4" District GNS (JCC Hill, R.)	80
Appendix "5" District JAX (JCC Holley, JCC Humphries)	87
Appendix "6" District LKL (JCC Sojourner)	101
Appendix "7" District MEL (JCC Remsnyder)	108
Appendix "8" District MIA (JCC Castiello, JCC Harnage, JCC Hill, C., JCC Kuker, JCC Medina-Shore)	115
Appendix "9" District ORL (JCC Condry, JCC Pitts, JCC Sculco)	142
Appendix "10" District PMC (JCC Roesch)	156
Appendix "11" District PNS (JCC Winn)	163
Appendix "12" District PSL (JCC McAliley)	179
Appendix "13" District SAR (JCC Beck)	177
Appendix "14" District STP (JCC Remsnyder, JCC Rosen)	184
Appendix "15" District TLH (JCC Lazzara)	198
Appendix "16" District TPA (JCC Jenkins, JCC Lorenzen, JCC Murphy)	205
Appendix "17" District WPB (JCC Basquill, JCC D'Ambrosio, JCC Punancy)	219
Endnotes	233
Executive Order 12-183	236

Introduction:

This report of the Office of the Judges of Compensation Claims (“OJCC”) is published pursuant to Fla. Stat. § 440.45(5).¹ The OJCC continues to develop, innovate and improve performance. The measures documented in this report for fiscal year 2011-12 represent an agency which has leveraged technology and methodically transitioned to greater awareness and acceptance of the benefits of digital docket management and document processing, and which today is clearly among the most efficient and proactive Florida agencies.

This report memorializes marked improvements in the compensation claim litigation process. Challenges remain. Investment decisions in recent years have accomplished an unparalleled level of excellence and efficiency. A small minority of Judges remains mired in a twentieth century paper-intensive paradigm, but the vast majority of this agency has transitioned into a paperless electronic paradigm. The OJCC has taken a paper-intensive, delay-plagued process and evolved into a responsive and timely agency. Our focus is on effective and efficient delivery of the adjudication and mediation services that are mandated in Chapter 440, F.S. The historical reputation of this agency as delay-stricken and unresponsive has been consistently eroded in recent years. A variety of efforts and initiatives have facilitated reallocation of work-load and more efficient document processing. The Legislature has reduced the OJCC budget which is consistent with the challenges that face all agencies in the current economy. These cuts resulted in the reduction of the OJCC workforce in 2010-11 and again in 2011-12. Despite the budget and personnel reductions, the OJCC of 2012 remains a model for other workers’ compensation systems and adjudicatory agencies and courts.

Leadership is critical to exemplary performance. The OJCC historically operated as a loose confederation of independent Judges, deployed throughout the state. In 2001, the OJCC was moved from the Department of Labor and Employment Security (“DLES”) into the Division of Administrative Hearings (“DOAH”). There are a great variety of cases which the DOAH is charged with processing and adjudicating. The OJCC focus by contrast is strictly workers’ compensation benefit disputes. Despite these marked jurisdictional differences, there have been significant synergisms affected by the similarity of the core service rendered through each adjudication process. The concepts of docket management, document processing, and the transition to a twenty-first century digital platform, are all areas in which the core missions of the DOAH and the OJCC have significantly similar requirements.

The Florida Legislature has required that state mediation occur within 130 days of the filing of a petition for benefits (PFB). In each of the last four fiscal years (2008-09, through 2011-12), 100% of the OJCC mediators achieved an average time period to mediation within that 130 day statutory parameter. Some cases required a greater period to proceed to mediation. Considering the overall averages, however, supports that this agency is now effective at processing incoming litigation, providing overall timely delivery of mediation services and effectively documenting these efforts. The effort required for compliance with the timeliness requirements of the statute has been significant. The efforts of the OJCC mediators have been exceptional. The performance reported herein is a clear indication of their team attitude, and focus on serving the public.

The Florida Legislature has required that final orders are issued within 30 days of the trial. Extensive efforts have been required to succinctly and uniformly define “trial,” which have been described in prior OJCC Annual Reports. The OJCC reports, since 2002, are available for download at www.fljcc.org, under “reports.” The OJCC defined key terms in 2006, including “trial.” These efforts toward definition and standardization in the collection and reporting of data have resulted in uniformity and consistency. The OJCC data collection is not perfect, and errors are accepted as a consequence of human involvement. However, significant improvement has occurred and continues. In 2006-07, about 58% of trial orders were entered in less than the 30 day statutory parameter. In 2011-12, this increased to approximately 91%.

The economy and budget continue to challenge this agency. Consistently, the Legislature calls upon this agency to “do more with less.” The OJCC has heeded that call. Despite budget and staff reductions, the OJCC has continued to innovate. The OJCC has been a leader in electronic filing as a service to its customers. In 2011 the Legislature recognized the efficacy of electronic filing and the success of the OJCC filing system. The passage and signing of SB170 in 2011 rendered e-filing mandatory for represented parties in workers’ compensation proceedings. This legislative recognition validates the recommendations for change (electronic service efficacy and mandatory e-filing) in the 2008 and 2010 OJCC Annual Reports. Even prior to the legislative mandate, the OJCC amended the workers’ compensation procedural rules in 2010, mandating e-filing by rule. The volume of incoming U.S. Mail dwindled in 2010-11, and has become a rarity in 2012.

The OJCC struggled in 2011-12 with the State’s plan for transition from proprietary email services through an owned server to enterprise email services provided through the Department of Management Services (DMS). The legislature’s 2012 retraction of that policy has facilitated this agency’s deployment of electronic service for parties. That process will become reality in 2012-13.

The DOAH pioneered use of video teleconference for trials throughout Florida. Their efforts initially utilized equipment in the DOAH Tallahassee facility connected to remote video teleconference facilities maintained by the Florida DMS. In 2006-07, the OJCC and DOAH began jointly deploying video teleconference systems (“VTS”) in the OJCC District offices. The deployment of this equipment has continued through 2011-12. All OJCC District Offices currently have one VTS unit installed, several offices have two or more installed. This technology empowers the OJCC to shift workload among the 31 JCCs, and to accommodate judicial disqualifications and recusals.² This innovation is focused, flexible, and delivers value to the people of Florida through less necessitated travel by ALJs from the DOAH, and greater flexibility for redistribution of work among the JCCs.

In 2010-11, the OJCC began efforts regarding its facilities in Melbourne and Tampa. After significant efforts by the DOAH Administrative Services Director Lisa Mustain, both of those District offices relocated during 2011-12. At the Close of 2011-12, efforts are underway to either renovate or relocate the District offices in West Palm Beach (WPB) and Lakeland (LKL).

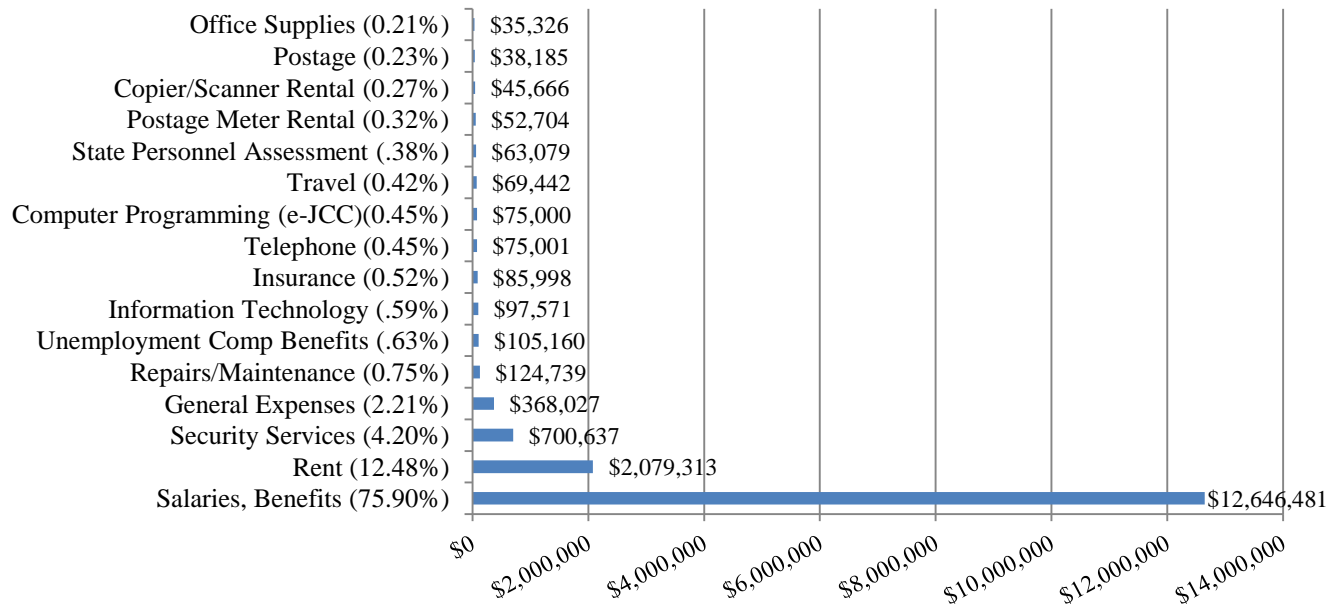
Overview of Florida Workers’ Compensation:

Florida Workers' Compensation is a self-executing system defined by Chapter 440, F.S.³ The purpose of workers' compensation is to provide individuals injured at work with certain defined benefits for the treatment of the resulting medical condition(s) and for replacement of a portion of the wages lost as a result of the accident. Chapter 440, F.S. defines who participates in the workers' compensation system, and delineates the participant’s rights and responsibilities. The primary participants in this system are Florida’s employers and their employees. Some employers purchase workers’ compensation insurance from a “carrier.” These two are therefore often collectively referred to as the “employer/carrier” or the “E/C.” Other employers are “self-insured,” but have their claims administered or managed by an outside entity, commonly called “servicing agents.” These are therefore often referred to collectively as “E/SA.” For the purposes of this report, references to E/C should be interpreted to refer to employers, carriers, and servicing agents collectively, unless some distinction between insured and self-insured is specifically stated. The OJCC mission is centered on the impartial processing, mediating and adjudicating of disputes regarding benefits allegedly due to such injured workers. The litigation process for most Florida workers’ compensation disputes begins with the filing of a pleading called the petition for benefits, or “PFB.” That term is used extensively in this report. This and other terms are defined in the Glossary, page 42.



Judges Winn, Beck, and Pitts preside at the 2011 Earle Zehmer National Moot Court Competition.

The OJCC is funded entirely through assessments on the workers’ compensation industry, from the Workers’ Compensation Administrative Trust Fund.⁴ The vast majority, more than ninety-two percent (92.6%), of the OJCC budget is expended on payroll (including benefits)(75.9%), rent for the seventeen OJCC District Offices and the OJCC Clerk’s office (12.48%) and security for those offices for the protection of personnel and the public (4.2%), as described in the following graph.



Despite the constant challenge of inflation, the OJCC has done an exceptional job of “belt-tightening” to accommodate recent legislatively mandated budget reductions. Over one million dollars less was spent on payroll and benefits in 2011-12 (\$12,646,481) compared to 2010-11 (\$13,757,021). In large part, this resulted from the legislative elimination of staff positions throughout the state. However, these reductions also resulted in unemployment compensation expense of \$105,160. Lisa Mustain, the DOAH Administrative Services Director renegotiated property leases, which resulted in a decrease of office rents in 2011-12 (\$2,079,313) compared to 2010-11 (\$2,111,003). This savings of \$31,690 is more significant than it may appear, as it represents merely the initial savings from renegotiation of these long term leases. The results of these negotiations will benefit the OJCC for years to come. Significant savings were also affected in 2011-12 in postage meter rental (\$15,586) and copier/scanner rental (\$36,714). Further savings in these two areas are anticipated in 2012-13 as the OJCC transitions from leased postage meters to internet-based postage service.

Data Collection and Reporting:

This report is produced and published pursuant to statutory mandate. Fla. Stat. §440.45(5). The data in this report is dependent for accuracy upon the efforts of district staff working in thirty-one divisions in seventeen District Offices throughout Florida. The 2005-06 OJCC Annual Report described prior data flaws resulting from outdated hardware, outdated software and long neglect of staff training prior to the transfer of the OJCC to the DOAH in 2001. In fiscal year 2006-07, the OJCC devoted significant resources to staff training in order to enhance the accuracy of that data entry. Those efforts are described in detail in the 2006-07 OJCC Annual Report, and included publication of an illustrated database user manual, central training and regional training. The Annual Reports since that time have documented improvements in effectiveness and efficiency that are attributable to those efforts. It is believed that the data presented in this report is as accurate as possible.

OJCC Achievements 2011-12:

District Office Enhancements:

Relocated Melbourne District Office.
Relocated Tampa District Office.
Initiated bidding for relocation of West Palm Beach District Office.

Video Teleconferencing Trial (VTC) Capabilities:

The OJCC Started the year with VTC access available in all 17 District Offices.
In 2011-12 the OJCC installed a second unit, Jacksonville.

Electronic Filing:

Began enforcement of mandatory e-filing.
Upgraded e-JCC e-filing platform.
More user-friendly environment.
e-filing, previously available to attorneys and adjusters, is now available to any party to workers' compensation case.

Visiting Judges:

Continued to shift caseload using "out of district" Judge program.

- Lakeland District
"New cases" were sent to Judges in Tampa. Effective docket management in Lakeland in the last few years has allowed reduction in reallocations from five "out of district" Judges supporting Lakeland to only two.
- Miami District
"New cases" were sent to Judges in Daytona, Ft. Myers, Pensacola, St. Petersburg and Tampa. Currently more than 150 new cases per month are diverted to "out of district" Judges.
- Ft. Lauderdale District
"New" cases were sent to Judges in Jacksonville, Panama City, Pensacola, and Tallahassee.

Internal Education:

Conducted 10 monthly "Second Friday" lunchtime CLE programs for Judges and Mediators.
Three Judges of Compensation Claims held positions of responsibility in the National Association of Workers' Compensation Judiciary.

Public Education:

Presented multiple programs throughout the state including:
Florida Workers' Compensation Institute.
Workers' Compensation Forum.
Florida Workers' Advocates programs.
Florida Association of Self-Insured.
Free public Continuing Education Seminar at the First District Court of Appeal.

Management Tools:

Published Judicial Performance Statistics to the Judicial Nominating Commission.
Deployed fourth annual Judicial Survey with The Florida Bar using a new electronic platform.

Improved Services:

Instituted a voluntary mediation program to enhance productivity.
Began child support data-sharing agreement with Department of Revenue.
Established OJCC presence on LinkedIn and Twitter.

Electronic Filing Initiative:

Having led the way into the twenty-first Century in 2005-06 with deployment of electronic filing (“e-filing,” or “e-JCC”), the OJCC continued in 2010-11 to advocate the efficacy of this process. In 2010-11, the OJCC mandated electronic filing for all represented parties by rule. In the 2011 legislative session, the passage and signing of SB170 mandated this process by law. The Chapter 440 amendments effected by SB170 included statutory authority for implementation of electronic service of pleadings between lawyers. As the fiscal year concluded, efforts had begun to implement e-service. As a “voluntary” system, the e-JCC filing program had four hundred sixty-one thousand eight hundred twenty (461,820) documents filed in 2011-12. This is a modest (2%) increase over 2010-11. Using the parameters described in the 2006-07 OJCC Annual Report, the cumulative user savings to date generated by this e-filing system by the end of fiscal 2011-12 were at least one million three hundred one thousand one hundred seventy-seven dollars (\$1,301,177). The total savings to the state exceeds two million dollars to date.

The addition of electronic service to the e-JCC platform is expected to affect significant cost savings for attorneys and parties in workers’ compensation litigation. Annual cost savings from the combination of e-filing and e-service will be approximately one million dollars annually.

NUMBER OF LITIGATED CASES:

It is difficult to ascertain with absolute certainty how many “cases” are in litigation at a given moment in time. The OJCC developed and uses a proprietary and dynamic database that includes a powerful case management program, the JCC Application, or “JCCA.” That same database is the foundation of all of the electronic filing efforts of the OJCC. Since 2006, the OJCC has invested significant resources in the education of district staff, seeking consistency in operations, and specifically in data management using this system. Recent years have evidenced continual marked improvements in data management at the District level. This increasing consistency remedies many data issues reported in prior OJCC Annual Reports (www.fljcc.org). The 2008 Annual Report noted an unprecedented level of confidence in the figures expressed therein; it is believed that the statistics in the Annual Reports since that time are worthy of that same confidence.

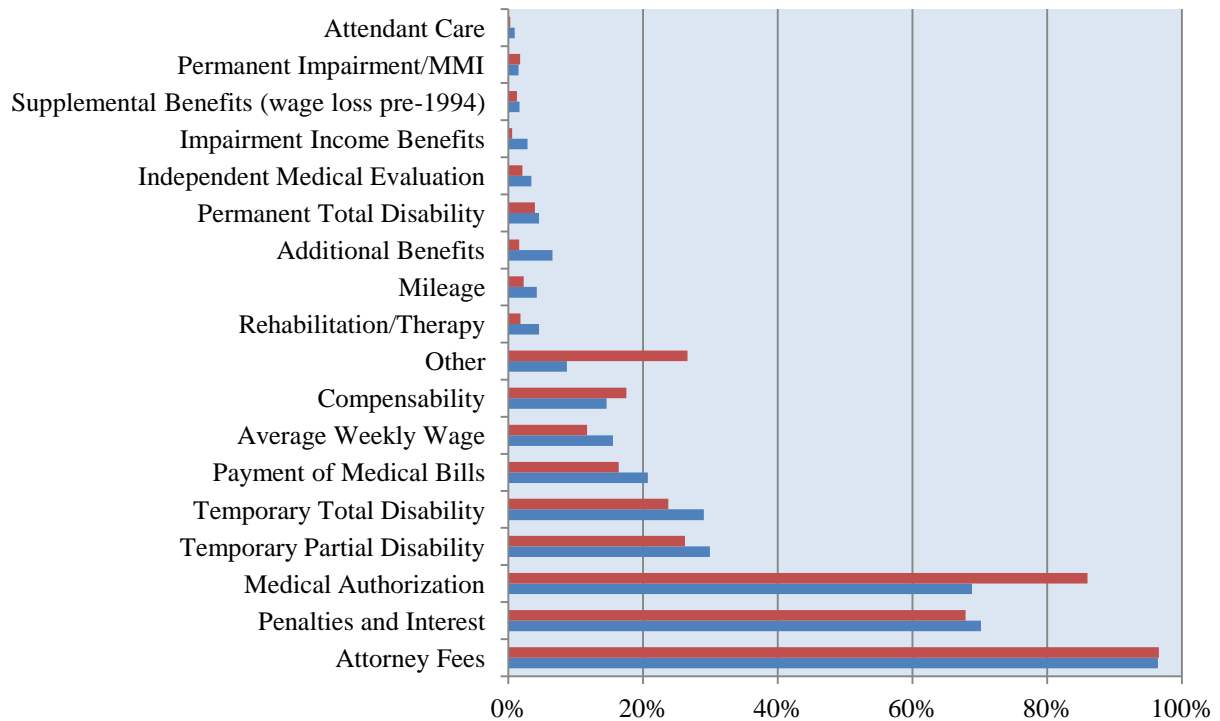
There remains one irreconcilable issue with the reporting of the “number of litigated cases.” In workers’ compensation, there simply is no clear definition for “cases.” Litigation in Florida workers’ compensation is usually instigated with a Petition for benefits (“PFB”). Each PFB might seek a single benefit, or many benefits.⁵ A given workers’ compensation trial might decide the issues in one PFB or several PFBs serially filed prior to trial. The overall number of PFBs filed is therefore only one measure of volume. The very nature of workers’ compensation cases often results in periods of administrative delivery of benefits to a particular injured worker, punctuated periodically with some disagreement that requires the filing of a PFB. Therefore a PFB filed in 2009-10 could seek resolution of an issue regarding an accident that occurred that year, or perhaps many years prior.

Another measure of volume is the “new case” PFB filed annually. “New case” PFBs may likewise reference a date of accident that is either recent or remote, but each “new case” PFB certainly represents only an accident(s) for that particular injured worker that is new to litigation, i.e. “new” to the OJCC. This metric measures “new” litigation, but ignores the intensity of litigation. Conversely, the overall PFB number more accurately reflects litigation intensity.

Therefore the raw PFB volume and the “new case PFB” are each arguably valid methods for measurement of the number of litigated cases. It is impossible to absolutely define “case,” as each instance of litigation is unique in terms of how many individual PFBs are filed, at what point in the history of the claim, and how many issues are plead in each of those PFBs. Because definition of “cases” presents these inherent complications, and because there are merits regarding the efficacy of the “raw PFB” measure and the “new cases” measure, the OJCC calculates and reports each. These metrics also ignore a volume of litigated cases that are instigated by motion instead of PFB. Although these motions⁶ also represent “litigated” cases, it is believed that cases instigated by PFB filing effectively represent litigation volume *trends* statistically, despite the exclusion from this total of the significant volume of work presented by attorney fee, prevailing party cost, and similar motion issues.

A single PFB could theoretically seek each and every benefit potentially available to an injured worker under the law. An injured worker seeking that same quantum of benefits might instead serially file a multitude of individual PFBs each seeking one particular benefit. Typically, most PFBs seeking a substantive benefit will also seek related issues such as penalties and interest related to indemnity claimed, and the costs and attorney fees

associated with litigating those benefits. The OJCC clerk documents the categories of benefits sought in each PFB. The following chart depicts the average frequency of claims for these various distinct benefits within PFBs filed over the seven-year period 2003-04 through 2010-11 (blue bars on the bottom of each category) and the rate of filing for those categories in fiscal year 2011-12 (red bars). The rate of medical authorization claims and “other” claims in 2011-12 is notable.



The data supports a marked increase in medical authorization claims and “other” claims. Though not presented in this graph, there has also been a significant increase in claims for “advances.” In 2011-12, seven hundred sixty-one claims for advance were filed in PFB format. Interestingly, there is evidence that many requests for advance are filed by motion, and so this figure understates the volume of claims for advances.

Gross Petition for Benefit (“PFB”) Filing:

The Florida Legislature enacted significant amendments to the Florida Workers’ Compensation Law in 1994 and again in 2003. Just prior to the 2003 reforms, PFB filings peaked at 151,021. The progressive increase in PFB filings between 1994 and 2003 belie the efficacy of the 1994 reforms’ intent to decrease litigation. After the 1994 reforms, PFB filing consistently increased each year. Immediately following the 2003 reforms, the PFB filing volume decreased at a consistent annual rate of approximately fifteen percent (15.21% to 15.9%) over each of the next three years, and then continued to decline with reasonable consistency through fiscal 2012 with the sole exception of a slight increase in 2008-09. Despite these decreases, PFB filing volume in 2011-12 remains in excess of the volume in 1994 when those reform efforts began.

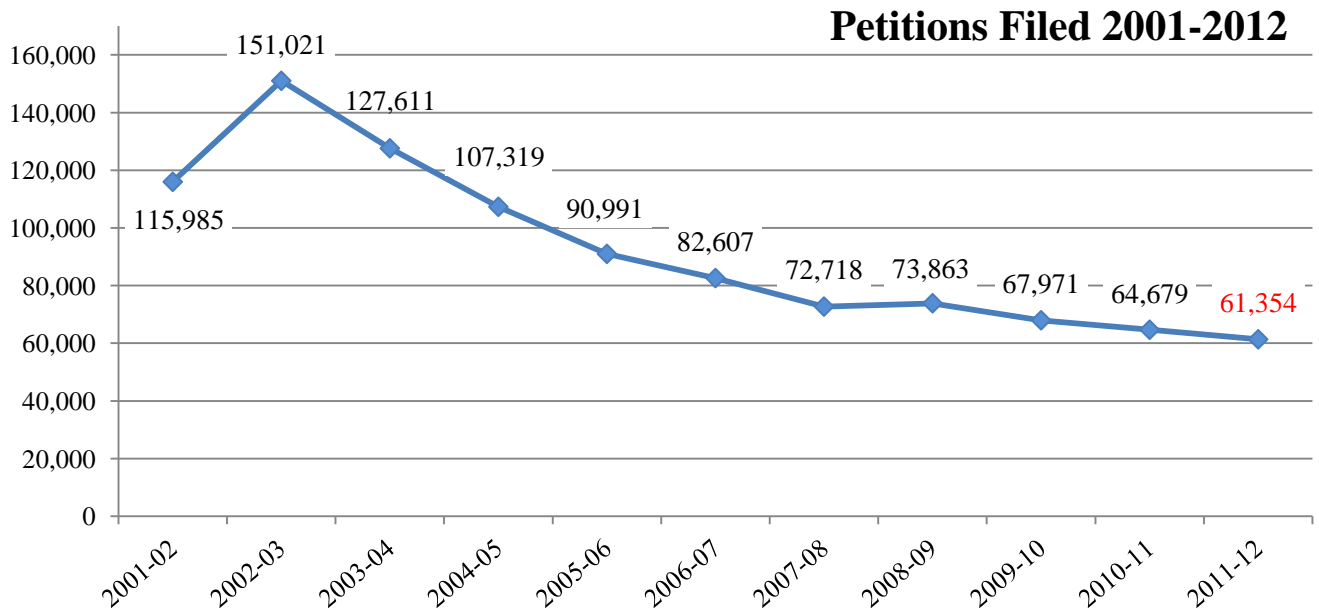
Fiscal Year	Petitions Filed	% Change
2002-03	151,021	
2003-04	127,611	-15.5%
2004-05	107,319	-15.9%
2005-06	90,991	-15.2%
2006-07	82,607	-9.2%
2007-08	72,718	-12.0%
2008-09	73,863	1.6%
2009-10	67,971	-8.0%
2010-11	64,679	-4.8%
2011-12	61,354	-5.1%

One component of the 2003 reforms was an amendment to Fla. Stat. §440.34, which addresses the payment of attorneys’ fees in workers’ compensation cases. The interpretation of that statutory change was litigated extensively, and multiple decisions of the First District Court of Appeal (“DCA”) interpreted Fla. Stat. §440.34(2003) as limiting fees to a “percentage of recovery” fee in most cases.⁷ Under those DCA interpretations, hourly attorney’s fees were forbidden in most cases. In October 2008, the Florida

Supreme Court rendered their decision in Murray v. Mariner Health, 994 So.2d 1051 (Fla. 2008). The Supreme Court’s interpretation of Fla. Stat. §440.34 differed from the DCA decisions, and effectively restored entitlement to hourly attorney fees for cases with a date of accident after 2003.

The overall decrease in PFB filing volume between fiscal 2003 and fiscal 2008 was approximately fifty-two percent (51.85%). Until rendition of the Supreme Court Murray decision, the PFB filings (for the first quarter of fiscal 2008-09) had continued to demonstrate a similar downward trend. In the spring of 2009, the Florida Legislature amended Fla. Stat. §440.34 to again forbid hourly fees. Therefore, the Court’s Murray decision affects cases between October 1, 2003 and July 1, 2009.⁸ Although PFB filings trended down before the Court’s analysis, at year end, the 2008-09 PFB filings had increased minimally (1.6%) from fiscal 2007-08.

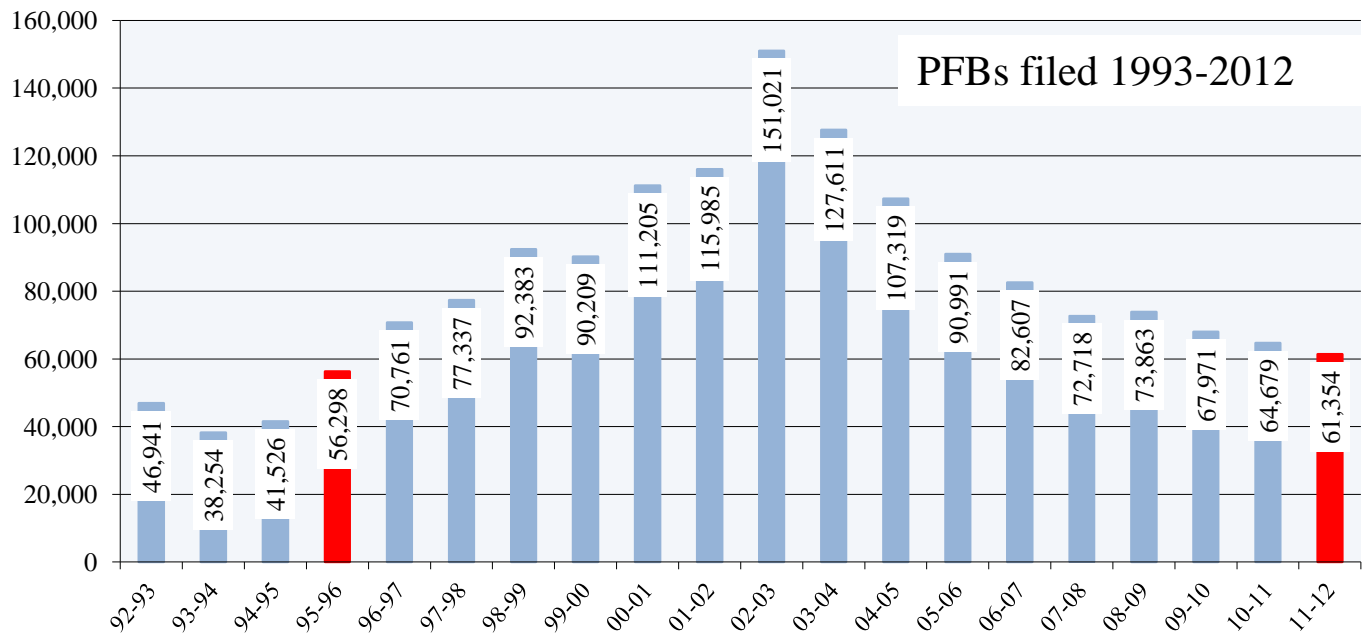
In 2009-10 the PFB volume returned to its downward trend (8%). Although that trend moderated somewhat in the last two fiscal years, it has continued to decline. On March 23, 2011 the Florida First DCA rejected various constitutional challenges to Fla. Stat. §440.34 (2009) in Kauffman v. Community Inclusions, Inc., 57 So.3d 919 (Fla. 1st DCA 2011). Early in fiscal 2011-12, the Florida Supreme Court denied a petition for review of that decision based on a lack of jurisdiction.



Florida workers’ compensation premiums decreased significantly after the 2003 reforms. The cumulative premium decrease through fiscal 2008-09 was approximately 58%. Interestingly, in that same time period, PFB filings had decreased approximately fifty-two percent (51.85%); which might be interpreted as a close correlation. In fiscal 2009-10, despite the continued downward trend in PFB filings (-8%), the Florida Insurance Commissioner approved a 7.8% increase in workers’ compensation rates. Likewise, despite the 4.8% decline in PFB filings in 2010-11, the Commissioner approved a rate increase of 8.9% for 2012.⁹ As this 2012 report was prepared, the Commissioner approved an additional 6.1% increase for 2013.¹⁰ According to the Office of Insurance Regulation, the cumulative decrease in premiums since the 2003 reforms remains 56%, even considering the 2013 increase.¹¹

The cumulative change in PFB volume for the period 2002-03 through 2011-12 has been 59.4 percent, to 61,354 PFB filed last fiscal year. The consistent recent increases in workers’ compensation premiums, despite the continuing decrease in PFB filings, supports that any correlation between PFB and premium, seen immediately following the 2003 reforms, is not a direct correlation.

The following graph represents PFB filing since 1992-93. Notably, the 1994 reforms were intended to curtail litigation. Despite that intention, the filings increased markedly thereafter. The OJCC was staffed by 31 judges in 1993. Following the 2012 budget/position reductions, the OJCC is again staffed by 31 judges. While the judicial workload has decreased from the demands of the exceptional filings in recent years, it has not returned to the baseline of 1994. The 2011-12 filings (61,354) remain about 60% higher than in 1993-94.



The figures for periods prior to 2001 (the transfer of the OJCC from the DLES to the DOAH) are based upon data provided by the DLES. The reliability of these statistics can no longer be independently verified.¹² Some question as to the validity of these figures is raised by the fact that the petition for benefits (PFB) process was not added to Chapter 440, F.S. until the 1994 statutory amendments, and that the DLES figures nonetheless reflect “PFB” filing prior to that time. This could be indicative of an actual flaw in the data, or the figures prior to 1994 may represent the filing of “Claims for Benefits.” Prior to the PFB process, “claims” were filed to put an E/C on notice of a dispute, but the jurisdiction of the OJCC was not invoked until a separate pleading, an “Application for Hearing,” was filed. The PFB is therefore effectively a combination of the prior “Claim” and “Application.” Because of this distinction, it may or may not be appropriate to compare “claim” filing to PFB filing. As reported by the DLES through 2001, and thereafter by the DOAH, this graph illustrates the volume of PFB filing since 1992-93. Presuming the accuracy of these FDLES numbers, the PFB filing rate in 2011-12 was the lowest in sixteen years, since 1995-96.

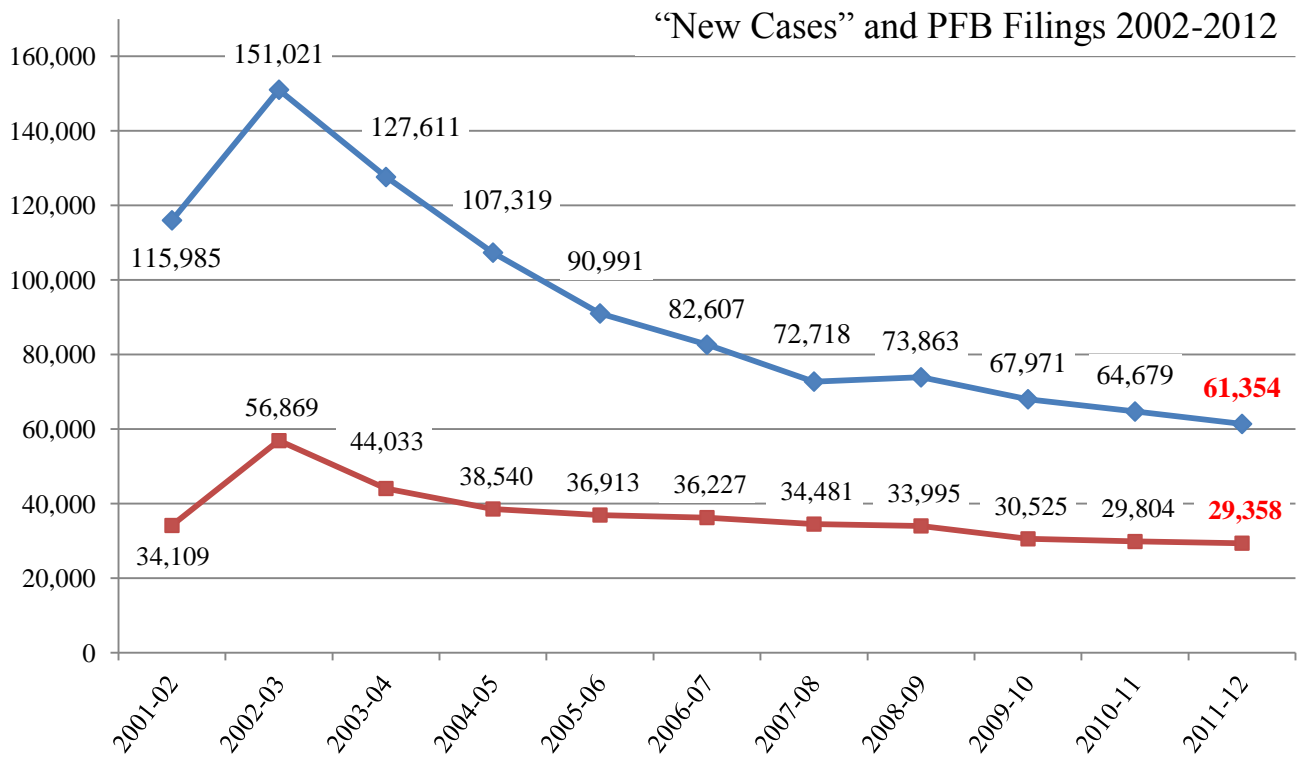
New Case Filing:

The volume of "new cases filed" has been monitored only since the OJCC joined the DOAH in 2001. The term “new cases filed” refers to the volume of PFBs filed, which represent the first PFB in the history of that particular accident by that particular injured worker. Workers’ Compensation cases often involve the litigation of multiple, serial PFBs over the course of years. The rate at which "new cases" are filed is indicative of the rate at which discrete cases are entering the OJCC litigation process, and is not affected by the serial nature inherent to workers’ compensation generally, and thus of PFB filing.

Generally speaking, this is the inverse of the volume of settlements approved in a year, which is similarly statistically indicative of the trend rate at which cases are leaving the OJCC litigation process. Although cases can be resolved without settlement, those that are not settled may have some potential to return to the litigation process on some future additional claims or issues. The “new case” measure may arguably be a more accurate indicator of the effect of legislative changes to the substantive benefits provided to Florida employees through Chapter 440 F.S.

Fiscal Year	New Cases Filed	Percentage Change
2001-02	34,109	
2002-03	56,869	66.73%
2003-04	44,033	-22.57%
2004-05	38,540	-12.47%
2005-06	36,913	-4.22%
2006-07	36,227	-1.86%
2007-08	34,481	-4.82%
2008-09	33,995	-1.41%
2009-10	30,525	-10.21%
2010-11	29,804	-2.36%
2011-12	29,358	-1.50%

However, a “new case” filed in 2011-12 could involve an accident that year, or could involve an accident that occurred years prior, even prior to the 2003 statutory amendments. It is possible that an injured worker might receive all benefits due, without any need for litigation, for many years following a work accident. Such a case may enter litigation after many years of administrative delivery of some benefits. The OJCC has not attempted to delineate the age of accidents that enter the OJCC system as “new cases” each year. The volume of “new cases” filed has continued to decline since the 2003 statutory amendments. The rate of decline in “new cases” filing has been less than the rate of PFB decline in every fiscal year since 2003, except in 2009-10, when “new case” filing decreased by over ten percent (10%) compared to that year’s decrease in overall PFB filing of eight percent (8%). The following graph depicts the declining OJCC “new case” filings (red), and the PFB filings (blue).



These figures support that “new cases” and PFB filings each increased significantly between 2001-02 and 2002-03. Notably, in 2004-05 (107,319), two years after the 2002-03 volume “spike” (151,021), PFB volumes returned to a level reasonably consistent with 2001-02 (115,985). The “new cases” volume similarly “spiked” markedly in 2002-03 (56,869), but returned to pre-2002-03 levels five years later, in 2008-09 (33,995). This comparison supports that overall PFB filing volume has demonstrated more elasticity than the “new cases” volume, but that the elasticity demonstrated a marked change in 2009-10, which appears to have moderated, as supported by the 2011-12 volumes.

The volume of “new cases” filed may also be expressed as a percentage of the gross volume of petitions for benefits (PFB) filed during the same time period. This compares the relationship of each annual “new cases” volume to the corresponding annual overall PFB filing volume. This comparison demonstrates that the percentage of all PFBs that were “new cases filed” remained fairly consistent after the 2003 reforms; in fiscal 2003-04 (34.5%) and 2004-05 (35.9%). As overall PFB volumes have decreased significantly, and “new case” volumes decrease more moderately, the percentage of “new cases” has remained above 40% since 2005-06, and appears to be trending upward. In fiscal year 2001-02, new cases were approximately thirty percent (29.4%) of

Fiscal Year	PFBs Filed	Cases Filed	New/filed
2001-02	115,985	34,109	29.4%
2003-03	151,021	56,869	37.7%
2003-04	127,611	44,033	34.5%
2004-05	107,319	38,540	35.9%
2005-06	90,991	36,913	40.6%
2006-07	82,607	36,227	43.9%
2007-08	72,718	34,481	47.4%
2008-09	73,863	33,995	46.0%
2009-10	67,971	30,525	44.9%
2010-11	64,679	29,804	46.1%
2011-12	61,354	29,358	47.9%

the overall PFB volume. In fiscal 2007-08 that percentage had increased to approximately forty-seven percent (47.4%). After moderating thereafter slightly, the percentage for 2011-12 is the highest it has been since these figures were compared.

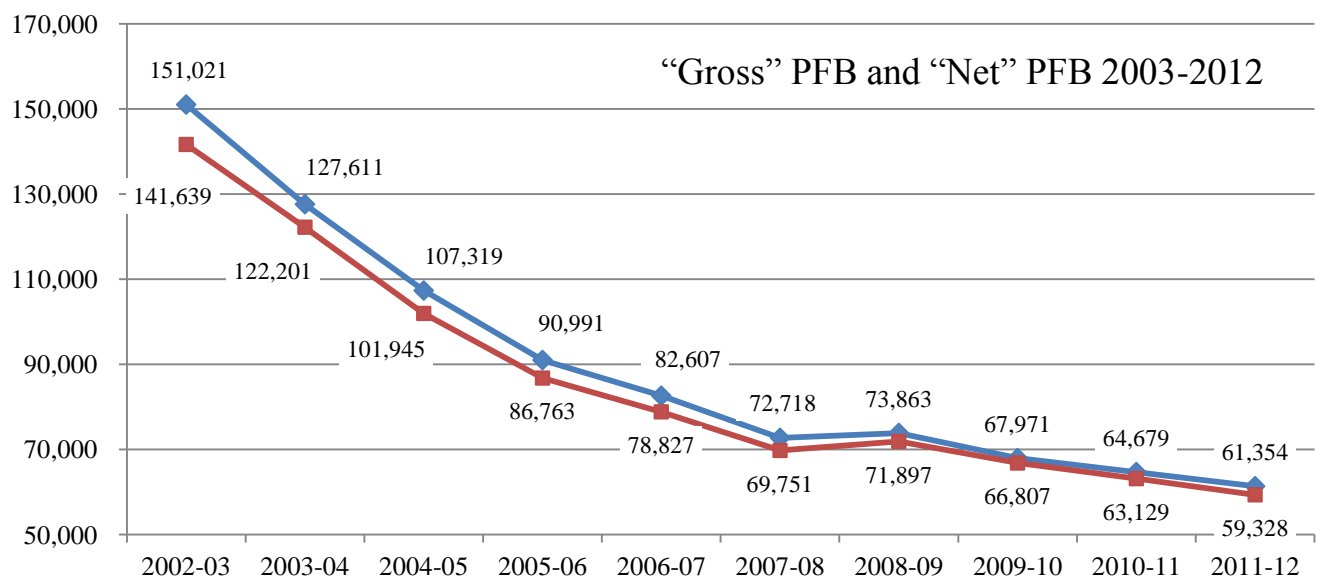
In summary, the available data supports several conclusions. First, the overall PFB volume after appearing to stabilize in 2008-09, has returned to a marked rate of decline. The volume of “new cases filed” has decreased at a much slower rate generally, punctuated by a marked decrease in 2009-10 (10.21%). The available data supports that fewer petitions are being filed overall, while the volume of “new cases” has been reasonably stable in comparison to the overall PFB volumes.

Petition Replication and Duplication:

As discussed briefly above, there has been some tendency of attorneys to file multiple “single issue” petitions for benefits (PFB) in a particular case on a particular date. A PFB may include as many discrete issues as a Claimant elects to assert. Some issues, that are ancillary to other benefits, are likely to be included in a single PFB. For example, claims for costs or attorneys fees for obtaining a change of physician are normally plead in the same PFB that asserts that change of physician claim. Similarly, permanent total disability (PTD) supplemental benefits are normally plead in the same PFB that seeks the underlying PTD benefits determination. Other issues are more easily separated for multiple filings. For example, a Claimant that is seeking both a change in physicians and PTD could file a PFB for each of these, with each of these two PFB also seeking attorney’s fees and costs, or the Claimant could file one PFB seeking both of these and the related attorney fees and costs. The situation involving multiple “one issue” PFBs cannot be described as “duplicate” PFBs because they are not identical, or in some cases even similar. Therefore, an accurate appellation for the second single PFB is a “replicate” PFB in that it replicates the act of filing, albeit for a separate discreet claimed benefit. The purpose of this practice is unclear, and it artificially inflates the apparent PFB volume. This practice was identified in the OJCC 2008 Annual Report.

Fiscal Year	PFBs Filed	Net PFB	T/N%
2001-02	115,985	107,815	7.0%
2003-03	151,021	141,639	6.2%
2003-04	127,611	122,201	4.2%
2004-05	107,319	101,945	5.0%
2005-06	90,991	86,763	4.6%
2006-07	82,607	78,827	4.6%
2007-08	72,718	69,751	4.1%
2008-09	73,863	71,897	2.7%
2009-10	67,971	66,807	1.7%
2010-11	64,679	63,129	2.4%
2011-12	61,354	59,328	3.3%

There is also a similar practice of filing essentially “duplicate” PFBs. This occurs in instances that present uncertainty regarding responsibility for a given accident or illness. These situations often arise in the construction industry. The Florida Workers’ Compensation Law places ultimate responsibility for coverage on construction’s “general contractor.” Because of this legal doctrine, the employee of an uninsured plumber, electrician, framer or roofer may be legally deemed to be the employee of the insured general contractor. In much of the construction industry, multiple contractor/subcontractor/sub-subcontractor relationships may exist. A general contractor might hire a carpentry subcontractor that in turn hires a cabinetry subcontractor. Likewise, a general contractor might hire an air-conditioning subcontractor that in turn hires a duct-work subcontractor. In those situations, an injured employee of the cabinetry company or the ductwork company might need to file a PFB against their nominal employer, a second PFB against the carpenter/air conditioner subcontractor, and yet a third against the general contractor. These PFBs are often identical in every regard except for the name/address/phone number of the “employer” and “carrier.” The duplication of PFBs for such instances of uncertain responsibility is a natural consequence of the circumstances of such cases. Thus, there are appropriate and inappropriate reasons for filing multiple PFBs. This graph illustrates the decreasing raw PFB volume and the changes in “replicate” filing.



For a period of time, attorneys voiced concern that some flaw in a portion of a given PFB might result in dismissal of that entire PFB. Attorneys expressed uncertainty regarding whether a given Judge would conclude that such a particular issue, or “claim” within the PFB could be dismissed while leaving the remainder of issues pending. Some attorneys apparently addressed this uncertainty by routinely filing replicate PFBs. Also, the 2003 statutory reforms altered carrier paid attorney fee entitlement. That statutory construction was misinterpreted by some attorneys to yield enhanced fee opportunities if a medical issue was isolated in a singular PFB filed simultaneously with a second PFB that addressed pending non-medical issues. Despite the flawed logic of this perception, it may also have contributed to historic replicate PFB volumes as the fallacy of that analysis was illustrated through litigation. Anecdotally, the belief is evidenced currently in a portion of the attorney fee stipulations submitted to this Office claiming a “medical only fee”

Although there has been speculation as to the pervasiveness of the replicate PFB practice, there was only anecdotal evidence until the analysis published in the OJCC Annual Report 2007-08. For whatever reason, following that documentation of the process, the replicate practice decreased significantly in 2008-09, and markedly decreased again in 2009-10. Anecdotal evidence supports that both replicate and duplicate filing continues at this time. Replicate filing increased in 2010-11, and again in 2011-12. The cause for resurgence of this practice is not apparent.

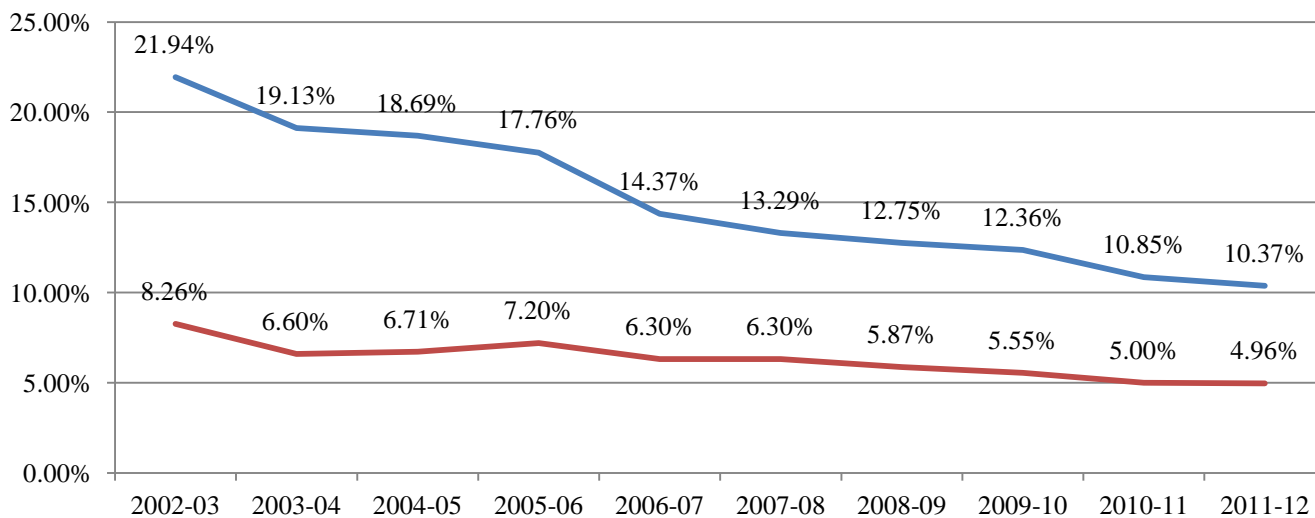
Pro-Se Cases:

The Office of Judges of Compensation Claims (OJCC) has been asked whether there is evidence of changes in the volume of “pro se claimants,” or claimants who represent themselves. Phrased otherwise, this question is fundamentally “are more claimants filing their own cases?” This is a difficult question, which cannot be definitively answered by the JCC Application database as it is currently configured. This database was not designed to answer this question, and cannot be readily adapted to do so. Whether a particular claimant is represented or not at a given moment in time can be determined with accuracy. However, this does not answer whether that claimant in fact filed any pro-se petition(s) for benefits (PFB). For example, a claimant might hire counsel and through that counsel file three PFBs for various benefits. The JCC Application database would then reflect three “open” PFBs attributable to a “represented” claimant. If the claimant thereafter ceased to be represented, and filed one pro-se PFB, the database would then reflect four “open” PFBs attributable to a “pro-se” claimant, despite the fact that three of those were in fact filed by (former) counsel. If that same claimant then hired a new attorney, who then filed a fifth PFB, the JCC Application database would then reflect five “open” PFBs attributable to a “represented” claimant, despite the fact that one of those five was in fact filed pro-se.

The JCC Application can report the total volume of “new cases” opened in a given fiscal year and the percentage on a given day that represents the “represented” and “pro-se” cases, compared to the “new cases” filed that year. Likewise, the OJCC can calculate the percentage of “pro-se” cases, compared to the total volume of PFBs filed during the preceding year. Neither of these is an accurate reflection of the actual population of PFBs that have been filed by injured workers on their own behalf. However, these two calculations are the best answer the OJCC can currently provide to the question of pro se litigant volume. This chart depicts the percentage of all “new cases” filed each year, to the pending PFB population attributable to “pro se” claimants at the end of that same fiscal year. Notably, if the raw number of “new cases” attributable to “pro-se” claimants remained static each June 30, the percentage would nonetheless increase due to the decrease in overall “new case” filings discussed above. Therefore, the available data does not support the conclusion that the “pro-se” claimant population is increasing. It is notable that some portion of the “new cases” filed each year are not filed because there is a petition issue, or need for filing a petition. Some “new cases” filed each year are created for the purpose of filing some motion for determination or for the purpose of filing a Joint Petition to settle the case.

Fiscal Year	New Cases	Pro Se June 30	
2002-03	56,869	12,477	21.94%
2003-04	44,033	8,423	19.13%
2004-05	38,540	7,205	18.69%
2005-06	36,913	6,555	17.76%
2006-07	36,227	5,205	14.37%
2007-08	34,481	4,583	13.29%
2008-09	33,995	4,333	12.75%
2009-10	30,525	3,774	12.36%
2010-11	29,804	3,234	10.85%
2011-12	29,358	3,044	10.37%

Because the “pro-se” percentage has decreased, in the midst of significant PFB filing decreases generally, the available data supports that fewer injured workers are representing themselves in the OJCC system, as illustrated in the following graph. There are multiple perspectives regarding what this data indicates.

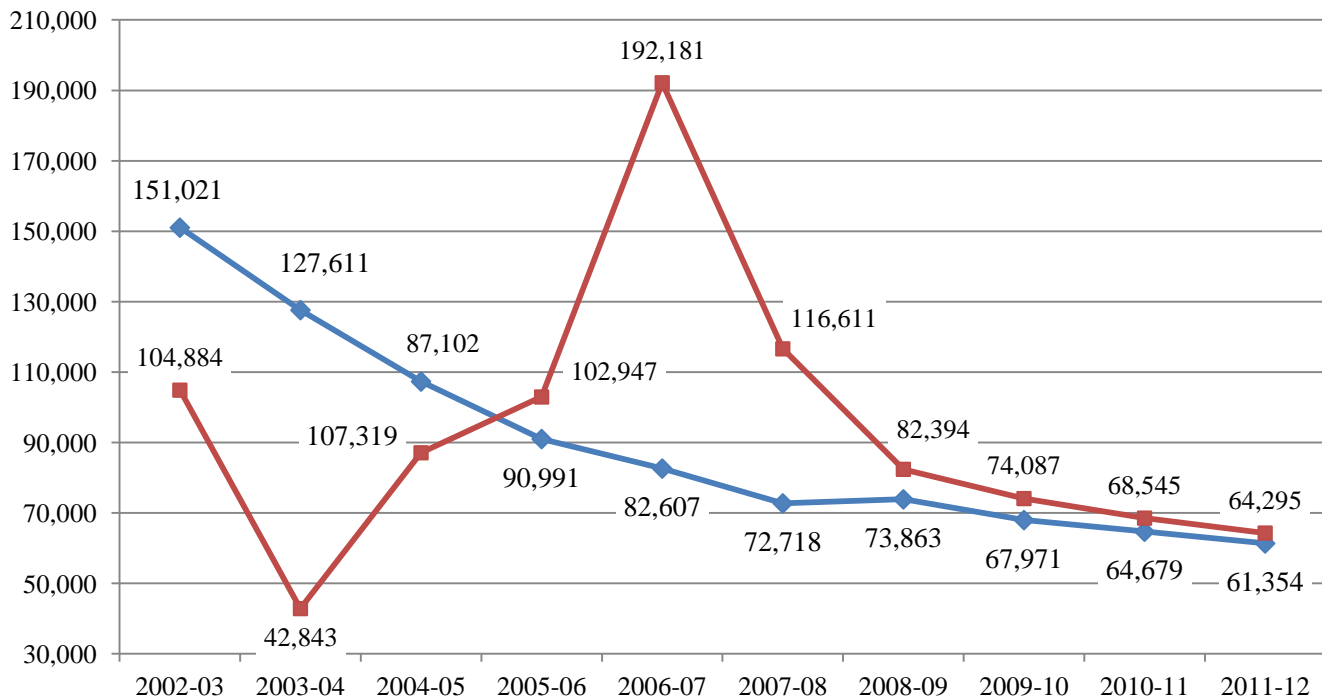


The graph above depicts the ratios (blue) of “new cases” to the population of “pro-se” petitions on June 30 of each of the last ten (10) fiscal years. Also represented are the ratios (red) of overall PFB filed to the year-end “pro-se” population. This comparison of those PFBs that are “pro-se” as of June 30, 2010, to the total of PFBs filed during the fiscal year, also does not support the conclusion that the volume or percentage of self-represented claimants is increasing.

AMOUNT OF LITIGATION RESOLVED:

The OJCC struggled early in the 21st Century with the closure of petitions for benefits (PFB). The legislature has defined statutory time parameters for the mediation and trial of PFBs in Fla. Stat. §440.25. This legislative mandate for timely adjudications is inconsistent with a practice of utilizing petition (and before 1994 “claim”) filing

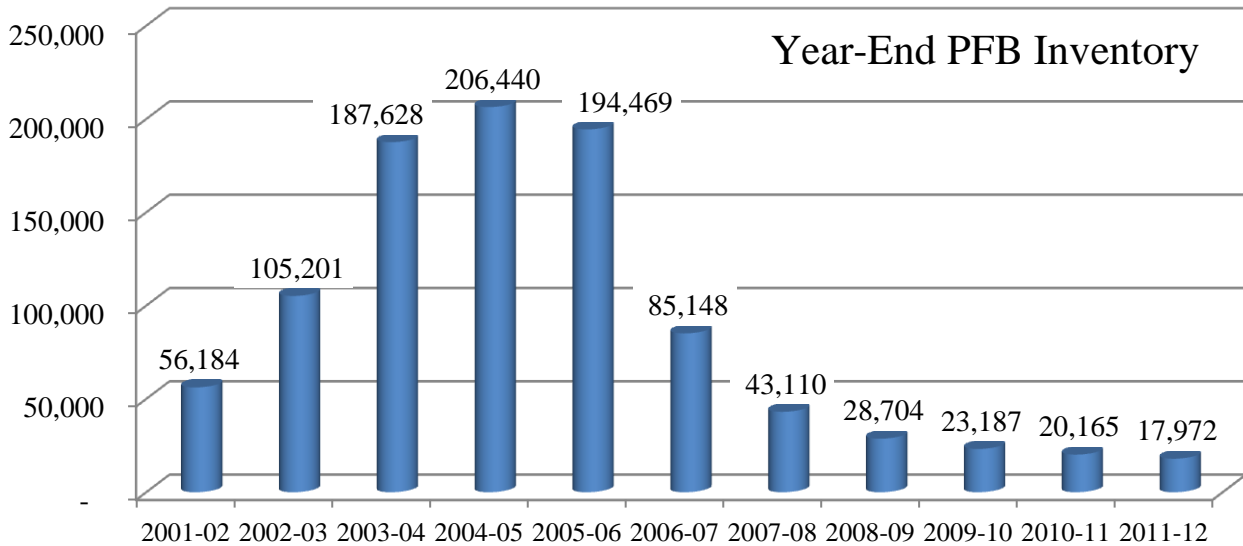
to indefinitely preserve the status quo against the possible effectiveness of the statute of limitations in Fla. Stat. §440.19. So long as a PFB is “pending,” then the statute of limitations will not run. Anecdotally, there is support for the historical existence of a practice of filing PFBs, not necessarily to seek provision of a particular benefit, but instead, to act as an indefinite “tolling” of the statute of limitations. PFB closure was a difficult issue for the OJCC following the massive influx of PFBs in 2002-03 (151,021). The sheer volume of PFBs in 2003 affected workload in most districts. The OJCC has operated without significant increases in either Judges or staff since the addition of the mandatory mediation process in 1994. During that time, Florida’s population grew 33% from fourteen million to almost nineteen million people.¹³ Effective management of these PFBs was further hindered by a lack of effective data management tools to identify PFBs based upon age. At the end of fiscal 2005-06 (06.30.06), the JCC Application database reflected one hundred eighty-six thousand seven hundred sixty-five (186,765) “open” PFBs. It was discovered that this figure was understated by the database, and the actual volume was later calculated as one hundred ninety-four thousand four hundred sixty-nine (194,469). The 2006-07 OJCC Annual Report provides details. During fiscal 2006-07, the OJCC worked to identify “active” PFBs, whose status should have previously been changed to reflect a “resolved” or “closed” status. This effort included providing the Judges with access to database reports that identified aging PFBs. The inventory of “pending” PFBs for many Judges improved dramatically in 2006-07, and that improvement continues. The following chart illustrates, the OJCC is close to equilibrium in terms of the PFBs being filed (blue line) and the PFBs being closed (red line) each year.



Most PFBs filed must be mediated.¹⁴ After a PFB is filed, issues claimed therein may be resolved among the parties before mediation, at mediation, or thereafter any time until a final order is issued. There are even instances in which the parties conduct a trial on the PFB issue(s), but then, nonetheless, resolve those PFB issues before the assigned Judge enters an order adjudicating them.¹⁵ When all of the issues in a particular PFB are resolved, either by agreement of the parties or adjudication, that particular PFB is then “closed,” and the district staff is responsible for accurately entering this information into the JCC Application (database).

Some divisions (each Judge and their respective staff is a “division) have historically been more efficient than others in documenting the closure of PFBs, as noted in previous OJCC Annual Reports (available at www.fljcc.org, under the “reports” tab). Several divisions began 2006-07 with accurate PFB inventories, meaning their inventory included only PFBs that appropriately should be represented as “open.” Other divisions began the 2005-06 year with their inventories overstated with PFBs that should have been closed in prior years. PFB closures increased dramatically in 2006-07 and 2007-08. The volume moderated in 2008-09, through 2009-10 and into 2010-11. The result is seen in the graph above demonstrating a smooth progression in the last four fiscal years to equilibrium in

the OJCC system, meaning that in a given year the OJCC will close approximately the same volume of PFBs that are opened that year. The extensive efforts of various Judges and staff throughout Florida have dramatically improved the management of pending petitions for benefits. The year-end system-wide OJCC inventory of “pending” PFBs for the last ten fiscal years is represented in the following graph. This depicts that from a peak of 206,440 pending PFBs in the system as of the end of fiscal year 2004-05, the OJCC has decreased inventory of pending PFBs to 17,972 at the end of fiscal year 2011-12. This represents a decrease in inventory of 91% in seven years. These two analyses, PFB closure versus PFB filing and the aggregate year-end inventory, support that the OJCC is now effectively processing each year’s incoming claims. Anecdotally, there are still instances of stale PFBs remaining pending, but these are ever more isolated instances. Furthermore, with the docket management tools now in place, it is believed that those stale cases remain pending with the knowledge of the assigned Judge, and therefore for appropriately documented reasons.



Over the last ten fiscal years, nine hundred thousand one hundred thirty-four (900,134) PFBs have been filed, and nine hundred thirty-five thousand eight hundred eighty-nine (935,889) PFBs have been closed. This equates to an approximate overall closure rate of one hundred four (104%). This further supports the conclusion that the OJCC successfully managed the significant 2002-03 PFB filing spike, as discussed above, and continues to progress to better managed dockets. Significantly, the OJCC has simultaneously evaluated the volume of PFBs transferred as “open” from the DLES, and the JCC Application database now accurately represents the actual status of those PFBs.

This chart illustrates the marked increase in closure rates beginning in fiscal 2005-06, followed by more dramatic closure rates in 2006-07 (232.6%) and 2007-08 (160.4%), resulting from staff training. Obviously, when the volume of PFBs closed during a year equals the number of PFBs filed during the same period, the OJCC litigation process would be in equilibrium. For a number of years, until 2003, the steadily increasing PFB filing rates, coupled with the lack of closure documentation, generated a growing inventory (backlog) of PFBs in some divisions (one Judge and staff is a “division”). Previous reports have predicted a more rapid trend to actual equilibrium (one closed for each one filed). The trend continues in that direction, but foreshadows the probability that true equilibrium remains a goal.

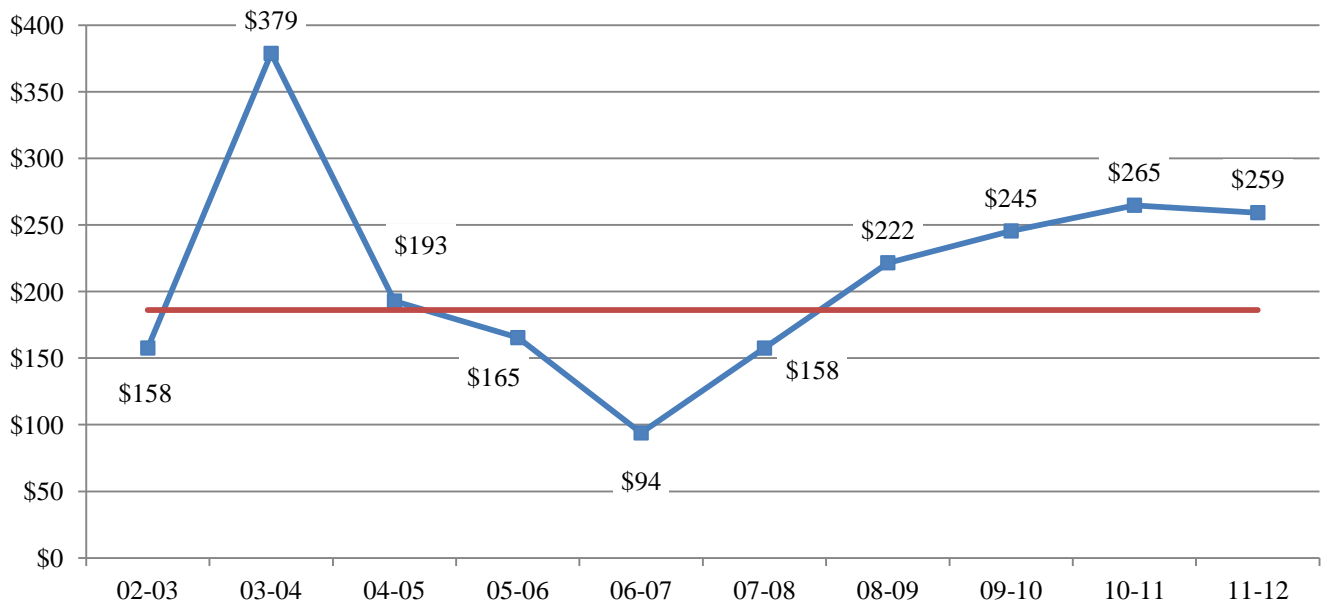
Fiscal Year	PFB Filed 2001-2012	PFB Closed	
2002-03	151,021	104,884	69.4%
2003-04	127,611	42,843	33.6%
2004-05	107,319	87,102	81.2%
2005-06	90,991	102,947	113.1%
2006-07	82,607	192,181	232.6%
2007-08	72,718	116,611	160.4%
2008-09	73,863	82,394	111.5%
2009-10	67,971	74,087	109.0%
2010-11	64,679	68,545	106.0%
2011-12	61,354	64,295	104.8%
	900,134	935,889	104.0%

COST OF LITIGATION RESOLVED:

The OJCC budget, divided by the number of petitions for benefits (PFB) closed, reflects that the overall cost per PFB closed fluctuated in recent years (see graph below), due in large part to the significant fluctuation in PFB closure rates. These figures should be considered in comparison to filing fees in Florida's Circuit Courts. For "small claims" filings, the Circuit filing fees may be as low as fifty-five dollars (\$55.00), but for claims with a value over \$2,500.00, the filing fee is three hundred dollars (\$300.00); for larger claims the Circuit filing fee may be as high as four hundred dollars (\$400.00).¹⁶ The OJCC is demonstrably more efficient financially, with a per-petition cost well below the Circuit court filing fees. Notably, in the majority of instances, the OJCC cost is inclusive of mediation services, which generally are an additional cost to the parties in other civil litigation.

Fiscal Yr.	Annual Budget	Petitions Closed	Cost Each
02-03	\$16,522,910	104,884	\$158
03-04	\$16,225,513	42,843	\$379
04-05	\$16,792,731	87,102	\$193
05-06	\$17,022,942	102,947	\$165
06-07	\$18,032,059	192,181	\$94
07-08	\$18,367,869	116,611	\$158
08-09	\$18,253,550	82,394	\$222
09-10	\$18,184,779	74,087	\$245
10-11	\$18,145,746	68,545	\$265
11-12	\$16,662,329	64,295	\$259

The fluctuations of "per PFB" costs is also attributable to the minimal growth in the OJCC annual budget in recent years through 2008, followed by four consecutive budget reductions between 2009 and 2012. When the OJCC budget was increasing, those increases were not sufficient, in many instances, to counteract inflation. The OJCC today is spending less per full-time employee ("FTE"), adjusted for inflation, than in 1992-93. During the significant increase in case filings, resulting hearings and adjudications between 1994 and 2003, the OJCC budget effectively decreased, when adjusted for inflation and the expanding OJCC workforce added in 1994 for the mandatory mediation process. Florida's population has also grown markedly in the last twenty years. However, the number of Judges has remained virtually static over the same period. These facts illustrate that the OJCC has been very effective at wisely managing the resources provided. The varying cost of PFB closure (blue) and average cost (red) are also depicted in this graph. The decrease in cost per closed PFB for fiscal 2005-06 through 2007-08 is each overstated due to the extraordinary PFB closure rate during these years.

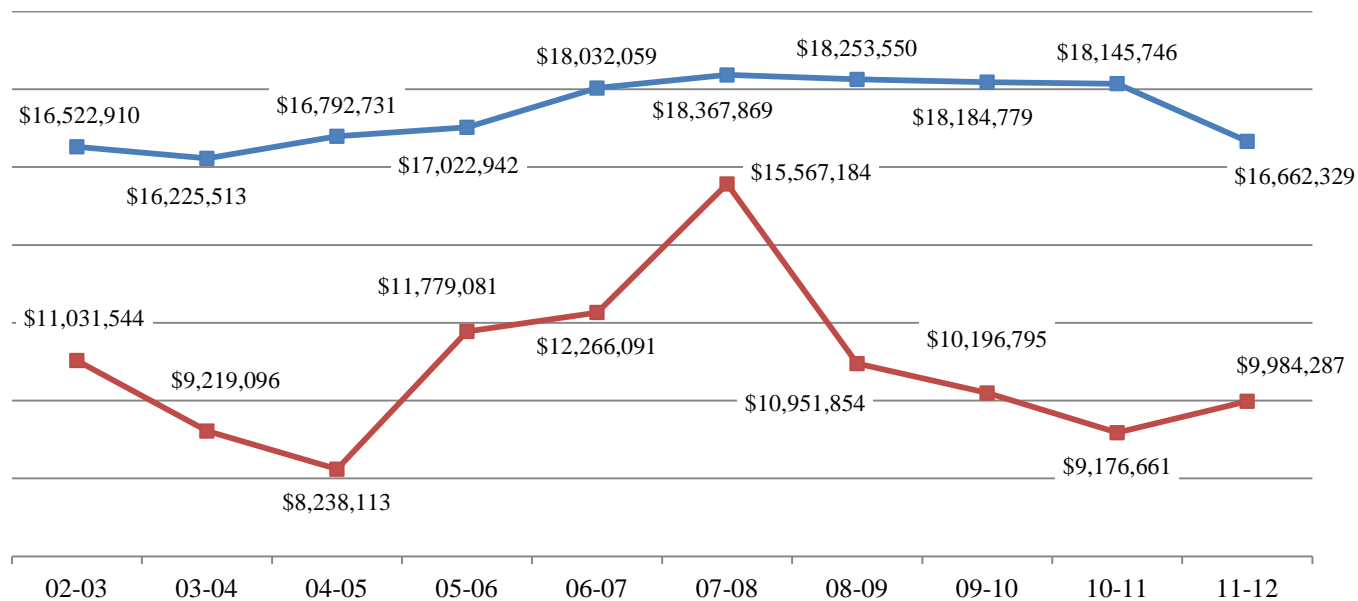


Petition for Benefit (PFB) closure rates decreased in the last three fiscal years (fiscal 2009-10, 2010-11 and 2011-12), and are anticipated to decrease again in 2012-13. Very little overdue PFB inventory remain unaddressed in this litigation system, which appears from available data, to be in equilibrium.¹⁷ Therefore, it is expected that the volume of closure in 2012-13 will continue the downward trend, and that this trend will continue unless some factor leads to increased PFB filing. The resulting cost per PFB closed is therefore likely to increase in coming years as

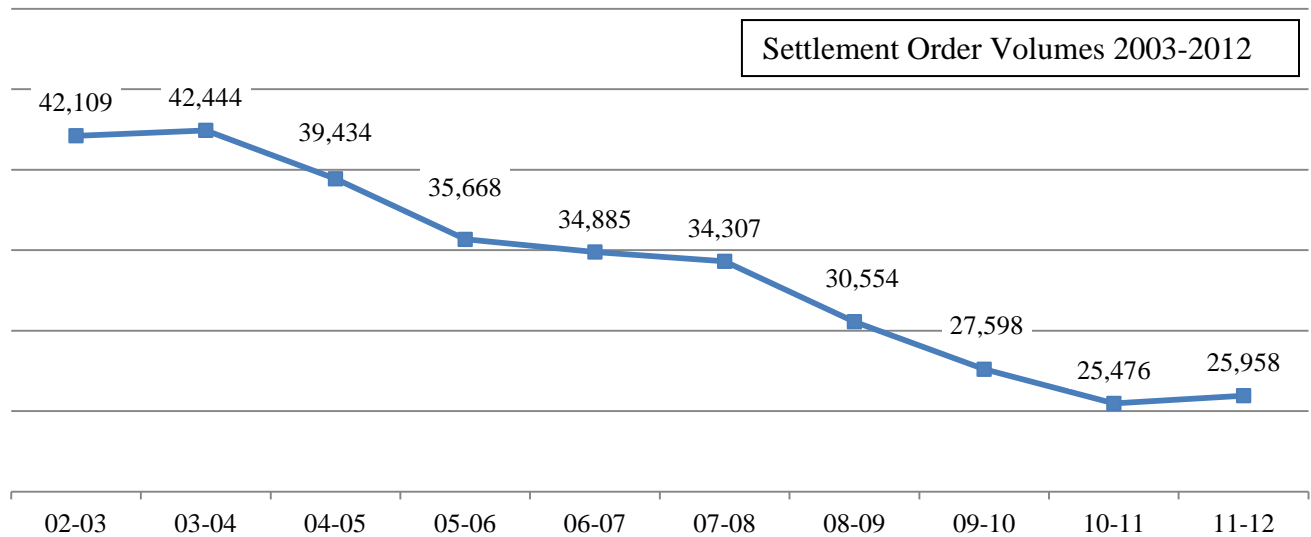
PFB filing volumes decrease. The average cost per closed PFB over the nine-year period 2002-03 through 2010-11 was \$181.00 (depicted in the graph above by the red line).

Another illustration of the cost-effectiveness of the OJCC, is the volume of child support arrearages collected through the Judges' efforts. The Judges of Compensation Claims are statutorily required to ensure that the rights of child support recipients are considered when support payors settle their workers' compensation case. Each Judge devotes considerable time and effort to the investigation and verification of child support arrearages when cases are settled. The significant amounts of child support collected through these efforts for the last ten (10) fiscal years are represented in this table, which total over one hundred million dollars (\$108,410,706). When the Judges were given the responsibility for recovering these arrearages, no staff or budget was added to the OJCC to accomplish this charge. The volume of child support arrearages collected is particularly interesting when considered in light of the overall OJCC budget discussed above. Over the last ten (10) fiscal years, the OJCC has collected an average of 62% of its overall budget in past-due child support to the benefit and advantage of support recipients throughout Florida. This tremendous benefit to support recipients has been delivered without any additional staff or funding for the OJCC operations. The comparison of child support recovery (red) and the OJCC overall budget (blue) is illustrated in this graph.

Fiscal Year	Annual Budget	Support Recovered	% of Budget
02-03	\$16,522,910	\$11,031,544	67%
03-04	\$16,225,513	\$9,219,096	57%
04-05	\$16,792,731	\$8,238,113	49%
05-06	\$17,022,942	\$11,779,081	69%
06-07	\$18,032,059	\$12,266,091	68%
07-08	\$18,367,869	\$15,567,184	85%
08-09	\$18,253,550	\$10,951,854	60%
09-10	\$18,184,779	\$10,196,795	56%
10-11	\$18,145,746	\$9,176,661	51%
11-12	\$16,662,329	\$9,984,287	60%



The decrease in child support collected in 2008-09 was significant, and the support volume has steadily declined for three years thereafter. Notably, the volume of settlements that were approved by the Judges of Compensation Claims has likewise decreased in recent years, somewhat markedly, but moderating in 2011-12. Despite legislative reductions in OJCC staffing, the OJCC will undertake primary responsibility for providing workers' compensation litigants with pending child support balances from the Department of Revenue ("DOR") database in fiscal 2012-13. This is made possible through a data-sharing agreement with the DOR. With this process in place, the OJCC intends to seek similar data-sharing agreements with Circuit Clerks throughout Florida, with a resulting centralized database of child support information. This database will simplify the collection of data for litigants, and reduce expense required for documentation of child support in the settlement process. This will hopefully lead to an increase in the volume of child support collected through the workers' compensation litigation process.



The Office of the Judges of Compensation Claims (OJCC) and the DOAH have instigated and maintained various tools and resources in recent years, including Internet-based individual case information, as well as Internet dissemination of district information and disaster closure notification. The OJCC developed the OJCC electronic filing system with existing resources over a period of years. The total expense associated with the development and deployment of these tools remains less than one million dollars. By comparison, other states have developed systems through special appropriations, deploying less robust processes, and have spent far more. Efforts in 2007-08 enhanced the speed and reliability of existing OJCC electronic filing services to the end-user attorneys and adjusters, and paved the way for deployment of electronic service of orders and notices to attorneys through the e-JCC system and OJCC secure email. In 2009-10 Florida began a process directed at consolidation of electronic mail services for all state agencies. This process would have led to loss of OJCC control over email capabilities, as the agency was forced into effectively “leasing” e-mail services from a vendor. Deployment of e-service was suspended as the OJCC awaited that transition. Late in 2011-12, that transition was cancelled and the OJCC has now undertaken badly needed replacement of hardware and software to facilitate e-service. Work on this process began late in 2011-12 and the expectation is for e-service to be deployed in 2012-13.

The OJCC is an adjudicatory system, a “court system,” situated within the Executive branch. In this regard the OJCC is unique. The entire OJCC budget is derived from the Workers’ Compensation Trust Fund, supported by surcharges on workers’ compensation insurance premiums. Thus, every expense of operating this unique system is borne by the industry which necessitates it. The OJCC utilizes precisely \$0.00 in general revenue dollars. The OJCC has been much maligned in the past for perceptions that it was unresponsive and inefficient. Certainly, there remains room for further improvement in the OJCC operations, and further efficiencies will work to the benefit of the market and the State, however, the improvements in the OJCC and the innovation exhibited support reexamining the salary and benefit issues that face the OJCC. Addressing these inequities would recognize the unparalleled transparency, responsiveness, and effectiveness of the OJCC.

The duties of OJCC Deputy District Clerks, Executive Secretaries, and Administrative Secretaries are far more similar to duties of paraprofessionals employed in the Florida Courts than they are to similarly titled employees in other Executive Branch departments and agencies. The skills necessary for administering an adversarial litigation adjudication process are not similar to skills needed for general clerical or secretarial work. In addition, the advent of the digital age and deployment of end-user attorney and adjuster electronic data-access and e-filing have increased the sophistication and skills necessary to effectively perform paraprofessional functions for the OJCC. In short, the OJCC staff positions continue to demand ever-increasing technical skills in a litigation driven environment. The OJCC Application database that is the backbone of data collection, electronic filing, and the unprecedented transparency and public data access, is a proprietary system specifically designed to serve the OJCC and its customers. Staff turnover invariably requires extensive training in the optimum use of this tool. The Florida Court system defined in Article V. is subject to different budgetary constraints and pay rates than the Executive branch. Article V. Court employees, performing less technical or specialized, and more clerical, services in that

litigation adjudication system, earn starting annual salaries up to \$7,291.56 more than comparably titled OJCC paraprofessionals. To be clear, less technically proficient clerical staff in Florida’s court system earn significantly more than the OJCC staff. As a result, the OJCC has continually been unable to retain skilled paraprofessionals. Paraprofessional staff turnover in some portions of Florida has been forty percent (40%) in recent years. Each hour invested in advertising openings, interviewing, hiring, and training new staff represents a significant degradation in the delivery of services to the OJCC customer. OJCC efficiency suffers as a result of the compensation disparity between the OJCC and other adjudicatory systems in Florida, such as the Article V. Courts. Significant increases in the salaries of these paraprofessional staff members will recognize the complexity of their customer service positions, encourage their retention in the Executive branch, and represent zero cost to the Florida taxpayer.

Similarly, the OJCC has made marked improvements in the delivery of timely services to Floridians. The transparency of performance measures documented in this report, and through the internet-based OJCC data access tools is unprecedented. No other Judge in Florida is more accountable than a Judge of Compensation Claims. No other Judge in Florida is subject to the array of performance measures, such as those imposed by Chapter 440, Florida Statutes. The jurisdictional dollar value presented to Judges of Compensation Claims for adjudication is virtually limitless. In this regard, JCCs’ duties are more comparable to Circuit Judges than County Judges. However, the JCCs perform bench trials, which more often last for hours instead of days. In that regard, JCC duties are more comparable to County Court Judges. Regardless of these subtleties, however, the duties of a Judge of Compensation Claims are significant and the salary should be commensurate with these.

In conclusion, the OJCC has been efficient and effective in managing litigation of workers’ compensation claims in recent years. The cost per Petition closed has been reasonable, and is well below even the filing fee charged by the Article V. Courts. The transition to a digital process and system, and the skill levels required to maintain that paradigm, justifies adjusting the OJCC budget to allow commensurate compensation for the personnel responsible for the successes described in this report.

NUMBER OF MEDIATION CONFERENCES HELD:

In an effort to provide greater detail regarding mediation efforts of the OJCC, a Settlement and Mediation Statistics Report was first published in August 2010. The OJCC has published this annual report again in August 2011 and 2012. All are available at www.fljcc.org under the “Notices, Orders and Reports” tab.

The volume of mediations held each year steadily decreased for the last ten fiscal years. However, the rate of decrease in mediations conducted did not match the rate of decrease in PFB filings, as represented in this chart. Over this ten year period, PFB filings have decreased an aggregate fifty-nine percent (59%), while mediations held have decreased only forty-two percent (42%). This suggests that as PFB volume fell, OJCC mediators were able to act upon a greater percentage of the remaining volume. In 2008-09 mediations conducted by state mediators increased almost four percent (3.95%), which may have been due in some part to the increased PFB filings that year. In 2011-12, almost seventeen

Fiscal Year	Petitions Filed	% Change	Mediations Held	% Change
2002-03	151,021		29,253	
2003-04	127,611	-15.5%	28,072	-4.04%
2004-05	107,319	-15.9%	26,410	-5.92%
2005-06	90,991	-15.2%	25,522	-3.36%
2006-07	82,607	-9.2%	22,258	-12.79%
2007-08	72,718	-12.0%	20,021	-10.05%
2008-09	73,863	1.6%	20,812	3.95%
2009-10	67,971	-8.0%	19,864	-4.56%
2010-11	64,679	-4.8%	17,896	-9.91%
2011-12	61,354	-5.1%	16,881	-5.67%

thousand (16,881) mediations were held by state mediators, at a cost of approximately \$184.39 each.¹⁸ Many private mediators charge *hourly* rates well in excess of this figure, commonly as high as two hundred fifty dollars (\$250.00) per hour. Anecdotal evidence also supports that some private mediators charge minimum time commitment (such as a two-hour minimum) for all mediations convened. Therefore comparable services from private mediators would likely cost approximately five hundred dollars (\$500.00), compared to the OJCC cost of one hundred eighty-four and 39/100 dollars (\$184.39). Thus, the cost-efficiency of State mediation is obvious, averaging about seventy-four percent (74%) of the cost of one hour of private mediation. Notably, this cost is included in the overall OJCC budget discussed above. The overall cost per claim for the OJCC, including the mediation process, is far below the Circuit Court filing fees for other civil matters. Furthermore, as the volume of

mediation increases, the cost of each mediation decreases, because the aggregate cost of the state mediation program remains constant regardless of volume.

There are multiple possible explanations for the marked difference in the rates of decrease in PFB and mediation in recent years. The most likely explanation for this difference is the probability that private mediations were decreasing at greater rates. Anecdotal evidence supports this hypothesis, but anecdotal evidence is rarely as trustworthy as broader indicators. Most¹⁹ PFBs must be mediated before they may proceed to final hearing, and mediation must be held within one-hundred thirty (130) days after the filing of the particular PFB. If no state mediation appointment is available, the assigned JCC must order the E/C to pay for private mediation for that particular PFB. This statutory provision has been more uniformly enforced by

Fiscal Year	Petitions Filed	% Change	Mediations Held	% Change
2002-03	151,021		29,253	
2011-12	61,354	-59.4%	16,881	-42.3%

most Judges in recent years. Greater focus on this statutory mandate for timely mediation may have resulted in these improved figures. However, the improvement has been coincident with the decrease of PFB filing described elsewhere in this report, and that decreased volume may be a significant contributing factor. As a direct consequence of efforts to comply with the 130 day statutory parameter, all of the State mediators have averaged below 130 days between PFB filing and first mediation in each of the last four fiscal years (2008-09 through 2011-12). This represents 100% statutory compliance by the OJCC state mediators in four consecutive years.

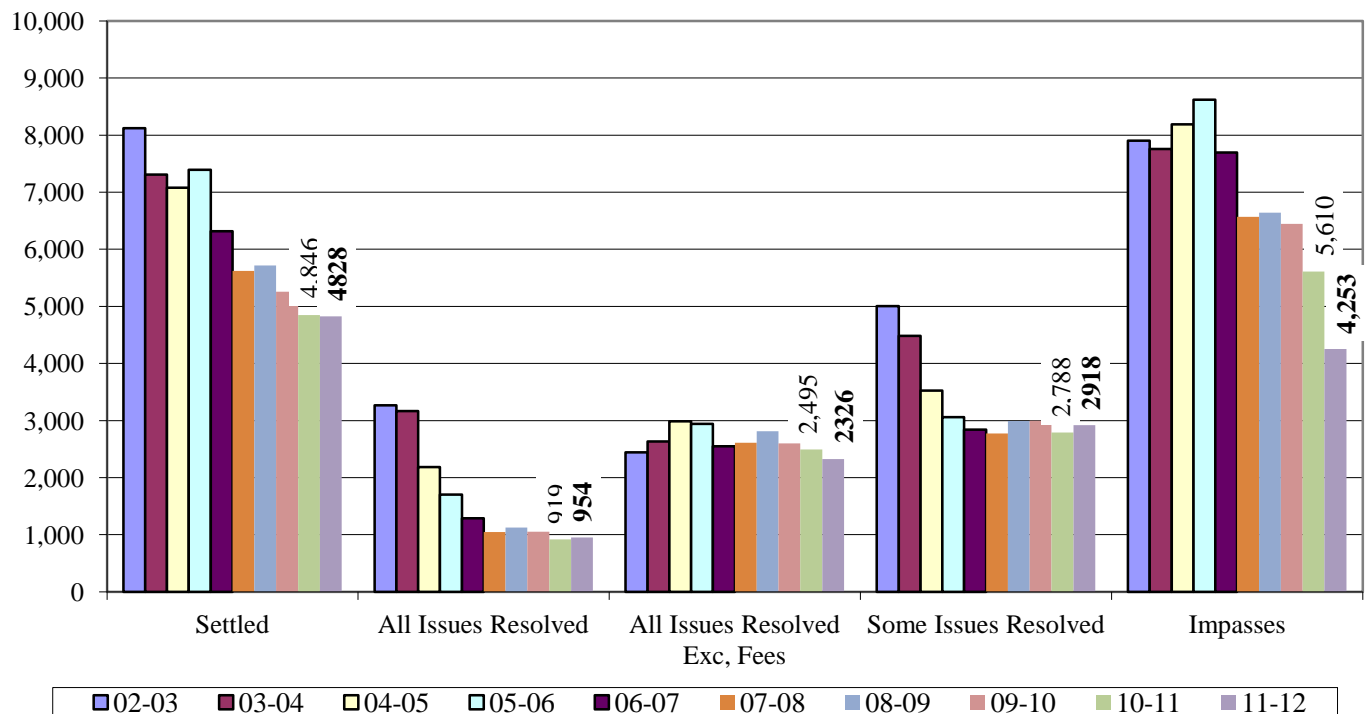
The statutory requirement to send cases to private mediation may have assisted with facilitating more timely mediations in recent years. The action of sending a case to private mediation also represents a significant cost to the particular E/C ordered to private mediation. In 2011-12, the OJCC began offering parties the services of the state mediators for voluntary mediation. This allows consensual mediation when there is no pending PFB, and mediation on subjects such as attorney fees that are not appropriate for mandatory mediation. Parties utilizing this service can discuss resolution of issues, facilitate communication, and do so at no cost, using the resources already provided by the OJCC.

DISPOSITION OF MEDIATION CONFERENCES:

A petition for benefits (“PFB”) may seek only one substantive benefit (i.e. authorization of an orthopedic surgeon), or could contain many issues (i.e. orthopedic authorization, neurological authorization, diagnostic testing authorization, correction of the average weekly wage, payment of temporary total, temporary partial, supplemental benefits, and/or permanent total disability benefits, etc.). Virtually all PFBs also include claims for ancillary benefits related to one or more of these substantive benefits, such as penalties and/or interest on late paid indemnity benefits, and attorney’s fees and costs for the prosecution of all claimed benefits in the PFB. Additionally, a mediation may include the issues from one PFB or several. The various issues claimed, and their frequency, is discussed more fully on page nine of this report.

Therefore, the outcome of mediation is expressed in terms of what was resolved at that particular mediation. The characterization “impasse” is used to reflect that no issues were resolved at mediation. The characterization “settled” reflects that the entire case, including the pending issues in the PFB(s) and all future benefits as yet undue and unclaimed, were resolved. Between these two extremes of “impasse” (nothing) and “settled” (all) are a number of “partial” resolution characterizations used by the OJCC. Previously, some mediators mislabeled resolutions that occurred prior to state mediations, characterizing those outcomes as if those cancelled mediations had occurred. That action has undoubtedly resulted in misinterpretation of outcomes in prior OJCC reports. Those erroneously characterized outcomes dictate that comparisons with future data may also be suspect.

The term “some issues resolved,” reflects that some subset of the claimed substantive issues have been resolved. The term “all issues resolved, except attorney’s fees” reflects that all of the substantive issues and any ancillary penalty and/or interest issues were resolved, but fee/cost entitlement and/or amount issues remained. The term “all issues resolved” reflects that all claimed PFB issues, including all ancillary issues such as attorney’s fees and costs, were resolved. These potential outcomes can be expressed in a continuum, ranging from the least resolution (“impasse”), to the most resolution (“settled”). The overall results of mediation are reflected in this graph, illustrating this continuum from “all,” or “settled,” on the left side, to the least “none” or “impasse,” on the right side of the graph. The graph below reflects the last ten (10) fiscal years for each of these outcome characterizations.



Notably, the steady increase in volume of mediations that result in resolution of no issues, “impasse,” slowed in 2006-07, remained reasonably consistent for three fiscal years, and has markedly decreased the last two fiscal years. There had been a somewhat steady decrease in the volume of cases “settled,” although that trend appears to have evolved into reasonably consistent settlement volume over the last three fiscal years. As other outcomes remain reasonably static, the decrease in “impasse” signals exceptional effort by the state mediators.

This table summarizes the percentage of cases in each category, as compared to the mediations held during that year. For example, in 2002-03, approximately twenty-eight percent (27.76%) of cases mediated resulted in a settlement, compared to approximately twenty-eight percent (28.6%) in 2011-12. The “impasse” category demonstrated a significant decrease in 2011-12. The frequency of resolutions increased slightly in “some issues resolved,” “all issues resolved,” and “settlement.” The decrease in “impasse” outcomes is particularly notable because 2011-12 marks the lowest percentage of “impasse” outcomes in the last ten (10) fiscal years. The respective rates of the potential outcomes are set forth in this chart, illustrating the success rates of state mediation. The distinction between “settled” and “all issues resolved” is merely that “settled” resolves all present and all future issues, while “all issues resolved” affects only the current and past issues, but leaves the case open for future disputes.

Fiscal Year	Mediation Held	Settled	All Iss. Res	All Iss. Res exc. Fees	Some Iss. Res	Impasse	R&R
2002-03	29,253	27.76%	11.17%	8.35%	17.10%	27.02%	8.59%
2003-04	28,072	26.04%	11.27%	9.38%	15.97%	27.63%	8.80%
2004-05	26,410	26.81%	8.28%	11.31%	13.35%	31.00%	8.81%
2005-06	25,522	28.96%	6.67%	11.52%	11.99%	33.81%	6.62%
2006-07	22,258	28.39%	5.79%	11.44%	12.77%	34.89%	6.60%
2007-08	20,021	28.07%	5.22%	13.04%	13.85%	33.00%	6.83%
2008-09	20,812	27.46%	5.41%	13.52%	14.39%	31.91%	7.27%
2009-10	19,864	26.45%	5.31%	13.09%	15.09%	32.44%	7.50%
2010-11	17,896	27.08%	5.14%	13.94%	15.58%	31.35%	6.92%
2011-12	16,881	28.60%	5.65%	13.78%	17.29%	25.19%	9.49%

State mediations are obviously very effective in resolving issues. Over the last ten (10) years, the convened state mediations have resolved at least "some issues" about sixty percent (60%) of the time. In 2011-12, over 65% of convened mediations resulted in resolution of some issues.

It has been previously noted that each year a very small percentage of mediation outcomes are not recorded in the OJCC database appropriately, but were merely marked as “held.” That characterization provides no information as to what was accomplished in that mediation. The vague nature of that characterization was addressed, and compliant record keeping has improved.

NUMBER OF CONTINUANCES GRANTED FOR MEDIATIONS:

Mediation continuances increased markedly in fiscal years 2004-05 and 2005-06. The cause of that trend remains unknown. However, those volumes may have been increased by the volume of weather-related office closures that year, as Florida endured serial cyclone landfalls (see endnote 20), which affected virtually every Florida county. Those storms caused Carriers to close offices in central Florida (frustrating mediations in unaffected districts elsewhere) and caused district office closures at which the mediations would otherwise have been held. Those weather-related situations were far fewer in 2005-06 and 2006-07, which suggests that causes other than weather played some significant role in the volume of continuances during the period 2004 through 2007, see below. The mediation continuance trend reversed in 2006-07, and after remaining reasonably stable for two years, decreased significantly in 2009-10 and remained consistent in 2010-11. The volume dropped markedly in 2011-12, to the lowest volume of mediation continuances in the last ten (10) fiscal years. Some portion of the stabilization is likely attributable to staff training, while some portion is also likely related to greater uniformity in scheduling throughout the state, leading to greater predictability for litigants and attorneys. Some portion of the decreases in the last three fiscal years is certainly related to the overall decrease in PFB filing.

Fiscal Year	Total Number	Annual Per JCC	Monthly Per JCC
2002-03	2,755	89	7.4
2003-04	2,036	66	5.5
2004-05	3,333	108	9.0
2005-06	4,756	153	12.8
2006-07	2,336	73	6.1
2007-08	1,328	42	3.5
2008-09	1,302	41	3.4
2009-10	940	29	2.4
2010-11	963	30	2.5
2011-12	717	22	1.9

In 2002-03, two thousand seven hundred fifty-five (2,755) mediations were continued. This equated to approximately two percent (1.82%) of the petition for benefits (PFB) volume. In 2011-12, seven hundred seventeen (717) mediations were continued, approximately one percent (1.17%). As the volume of mediation continuances increased early in this Century, the volume of PFBs decreased markedly, leading to a peak mediation continuance rate of over five percent (5.23%) in 2005-06. As the volume of continuances has decreased in recent fiscal years, and the rate of PFB filing decline had stabilized, the continuance rate as a percentage of PFBs filed remained reasonably static, until the marked decline in 2011-12. Anecdotal evidence supports that staff training is one cause of the decreasing volume, and further decline is expected in 2012-13, based upon training provided during the preparation of the 2011-12 OJCC Mediation and Settlement Report.

The implementation of the "auto-scheduling" of mediations by the Central OJCC Clerk likewise coincides generally with the beginning of the upward trend in mediation continuances in fiscal 2003-04. Prior to the implementation of that “auto-scheduling” process, some districts did not schedule mediation when a PFB was received. Instead, those divisions left the litigants responsible to coordinate and schedule a mediation appointment. This lack of active docket-management resulted in significant delay in the mediation of a significant volume of PFBs. Those effects were similarly seen in the long average time periods between PFB filing and first mediation, and likely contributed to the very high average time between PFB filing and trial (which cannot occur until after mediation) in many divisions. Although the implementation of auto-scheduled mediations likely led, in part, to the increase in mediation continuances initially after implementation, that process promoted the timely mediation of all PFBs. As the community adjusted to the

Fiscal Year	Petitions Filed	Mediations Continued	Med. Cont. v. PFB Filed
2002-03	151,021	2,755	1.82%
2003-04	127,458	2,036	1.60%
2004-05	107,268	3,333	3.11%
2005-06	90,948	4,756	5.23%
2006-07	82,607	2,336	2.83%
2007-08	72,718	1,328	1.83%
2008-09	73,863	1,302	1.76%
2009-10	67,971	940	1.38%
2010-11	64,679	963	1.49%
2011-12	61,354	717	1.17%

auto-scheduling process, continuances decreased and the frequency of timely mediations increased. This culminated in 2008-09 with the announcement that every state mediator (100%) averaged less than the statutory 130 days between PFB filing and initial mediation, and that achievement was duplicated in 2009-10 and 2010-11. This evidences that the litigation environment can be enhanced through proactive docket management.

NUMBER OF CONTINUANCES GRANTED FOR FINAL HEARINGS:

The volume of trial continuances system-wide decreased markedly between fiscal 2003-04 and 2006-07. The volume of continuances, per Judge, increased slightly thereafter, but returned to 2006-07 levels in 2009-10. The volume of continuances in 2011-12 is the lowest in the ten years represented in this chart. Anecdotally, counsel have complained that continuance occurs too infrequently. A perception has been voiced that the reporting in this format inappropriately influences judicial performance, with Judges allegedly denying continuances for the sole motivation of posting more appealing numbers in this report, either in the volume of continuances, or in the measure of days between PFB filing and trial. While the figures support that continuance of trials is in decline, the empirical data does not support that it is either impossible or impractical to obtain a continuance in the appropriate circumstances.

Fiscal Year	Total Number	Annual Per JCC	Monthly Per JCC
2002-03	6,507	210	17.5
2003-04	6,734	217	18.1
2004-05	5,094	164	13.7
2005-06	5,011	162	13.5
2006-07	4,161	130	10.8
2007-08	4,617	144	12.0
2008-09	4,658	146	12.1
2009-10	4,129	129	10.8
2010-11	3,682	115	9.6
2011-12	3,416	107	8.9

Some Judges schedule trial on each petition for benefits (PFB) as soon as that PFB arrives in the Judge’s office. This results in scheduling of trial on some quantity of PFBs that will be resolved or otherwise dismissed by the time mediation is concluded. Other Judges do not schedule trial until after the outcome of the mediation process is known. This certainly results in less total trials being scheduled by that particular Judge. Whether one method is superior to the other in terms of preparing parties for trial and avoiding the need for continuance is debatable, and the empirical data does not clearly support greater efficacy of either alternative. However, it is probable that the rate of continuance decreases in proportion to the amount of advance notice received. Thus, the earlier the trial is noticed, the less likely parties are to require a continuance.

The available data supports that trial continuances per JCC have declined from seventeen and one-half (17.5) per month in fiscal 2002-03, to approximately nine (8.9) per month in fiscal 2011-12. This downward trend is likely attributable to better OJCC case management software, and some relaxation of individual JCC dockets resulting from decreased overall PFB filing rates. Staff training and OJCC definition of the terms “rescheduled” and “continued,” discussed in the 2007-08 OJCC Annual Report, may also be contributing to more accurate and consistent characterizations of event changes in the JCC Application database. A docket audit in the summer of 2008, substantiated that some Judges continued to avoid the standardized definitions in the OJCC User Manual, and instead utilize their own definition of “continuance.” These mischaracterizations contribute to some volume of “rescheduled” hearings being reflected erroneously in the database as “continuances.” These mischaracterizations are known therefore to be responsible in part for the figures reported above, for fiscal years prior to 2008-09.

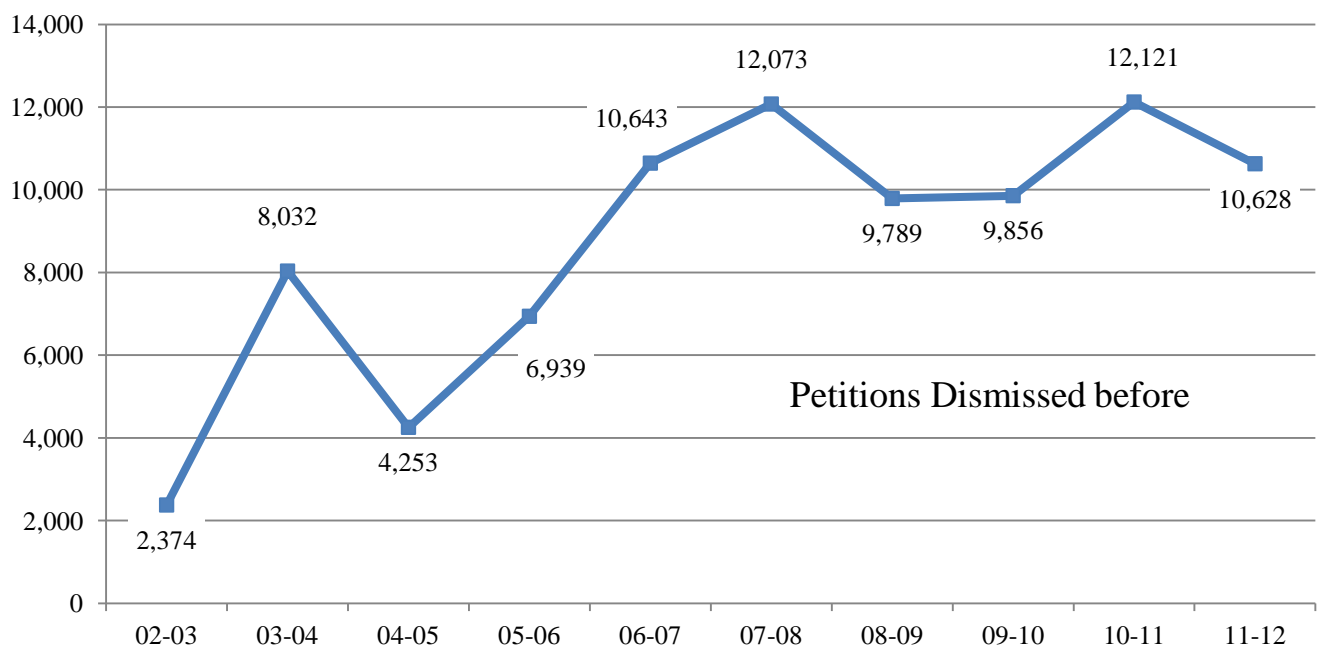
It is notable that prior OJCC Annual Reports have concluded that the 2003-04 data regarding continuances reflected an increase related, at least in part, to the very active tropical cyclone season Florida suffered in 2004.²⁰ The cyclone activity has been minimal in more recent years, and coincidentally continuance rates have stabilized. Though this factor presents a challenge, it is believed that the OJCC is more prepared to absorb the effects of such emergencies in the future, having made adjustments to process in response to the prior heavy storm season issues.

OUTCOME OF LITIGATED CASES:

Once a case is assigned to a Judge, the JCC Database Application “auto-schedules” an appointment for State mediation. The e-JCC program (e-filing) informs each Judge of new electronic PFB assignments. The Central Clerk uploads each manually filed (paper) PFB to the OJCC database program, which likewise then informs the assigned Judge. The portable document format (PDF) image of the PFB, whether e-filed or scanned by the clerk, then becomes the OJCC “original,” and is accessible by any Judge in the state for viewing. The combination of attorneys

using e-filing (e-JCC), and the described clerk-upload process, has resulted in significant postage savings in the last three fiscal years. Thus, when the PFB assignment arrives in its assigned division, a mediation appointment has been automatically scheduled, but no notice has yet been sent to the parties. Statutorily, no notice of mediation is sent thereafter, until forty days following the PFB filing. Therefore, although an appointment is set when the PFB arrives, attorneys have an ample window of opportunity to call the mediator or staff and select a date that is convenient to them, prior to any notice being mailed. Few attorneys consistently avail themselves of the benefit of this opportunity to select their own, convenient, mediation dates. However, the use of this process by some savvy counsel may be positively affecting the need to seek continuance of mediation appointments, see above.

A significant number of Judges utilize the provisions of Fla. Stat. §440.25(4)(h) and schedule “expedited” final hearings on some portion of the petitions for benefits (PFBs) assigned to them. The expedited process leads to faster resolution of some issues, which involve relatively minor expense. Mediation is not required on claims that are suitable for expedited final hearing. Whether a particular PFB is suitable for expedited process is a decision for the assigned Judge, and no agreement of the parties is necessary. Because all PFBs have already been “auto-scheduled” for mediation by the OJCC Central Clerk prior to notification of assignment to the respective district office, placing a PFB in the expedited process requires cancellation of that mediation date. The process in the various districts, upon receipt of notification of the PFBs, may be to reschedule mediation, to notice the “auto-scheduled” mediation, or to cancel the mediation process completely if expedited final hearing is to be noticed instead. This decision is entirely within the discretion of the assigned JCC. The volume of PFBs dismissed, prior to mediation, increased markedly from 2004-05 through 2007-08, as illustrated in this graph. However, in 2008-09, the volume of PFBs dismissed, prior to mediation, dropped significantly from 12,073 to 9,789, and the volume remained consistent in 2009-10, followed by a significant rebound in 2010-11.



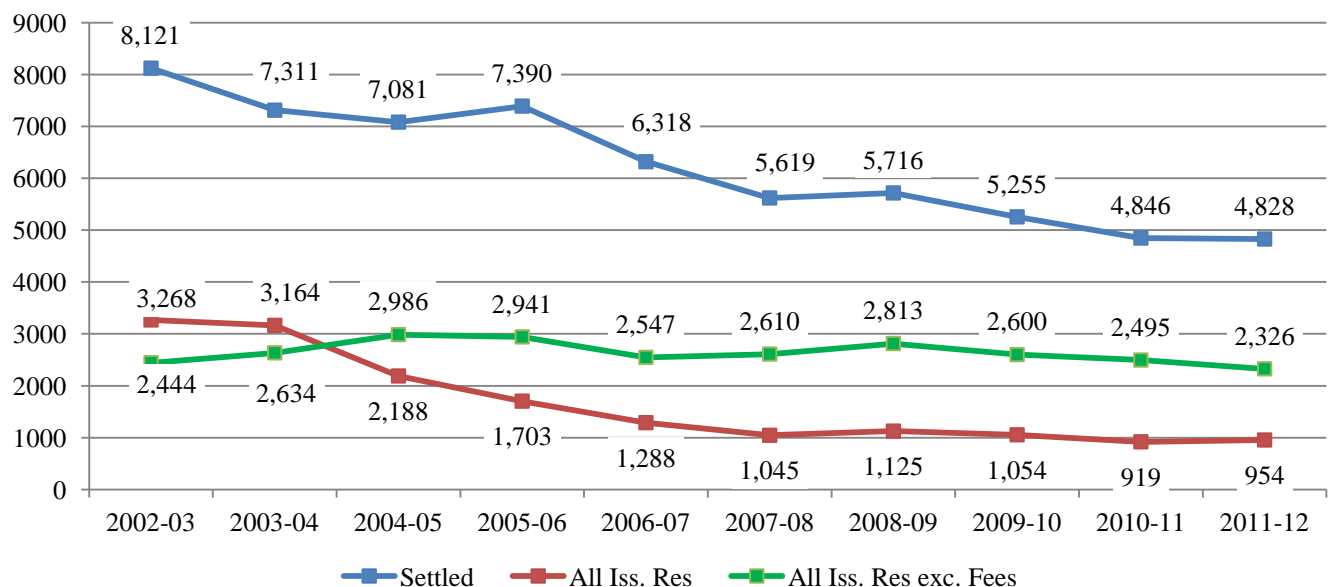
The increase in dismissals, illustrated in this graph, is significant in gross terms. Any petition might be dismissed in the same fiscal year during which it was filed. Similarly, however, a petition might be filed one fiscal year and dismissed in the next, or even subsequent to the year immediately after. Despite the potentiality of such temporal differences, the comparison between PFB filed and PFB dismissed before mediation, admittedly not a perfect comparison, is nonetheless illustrative of a notable trend of a seemingly increasing trend to dismiss PFBs. This trend may be attributable to the attorney fee limitations imposed by the 2009 legislative reaction to Murray (see endnote 6), or perhaps to the imposition of “prevailing party” costs awardable to the Employer/Carrier by the 2003 legislative amendments. Although the 2003 amendments are eight years past, recent appellate decisions have brought them into clearer focus.²¹

If a particular PFB is not set for expedited hearing, then the assigned JCC will either accept the auto-scheduled mediation appointment or select an alternative date. On the fortieth (40th) day after the PFB is filed, the notice of mediation is sent to the parties and attorneys associated with that case. This was a manual process for many years, with each notice necessitating an envelope and First Class postage. In 2004, the OJCC instigated an automated process that generated these notices on post-cards, eliminating envelope expense and decreasing postage expense. With the implementation of e-service in the OJCC e-filing program, use of postage and envelopes has become minimal, with only self-represented (“pro-se”) litigants receiving paper copies by U.S. Mail. Some JCCs schedule and provide notice of the pretrial and final hearing at that same time. This process of a single notice for three hearings affords the parties significant opportunity to plan their litigation calendar months in advance, and minimizes the effort of district staff in monitoring case status.

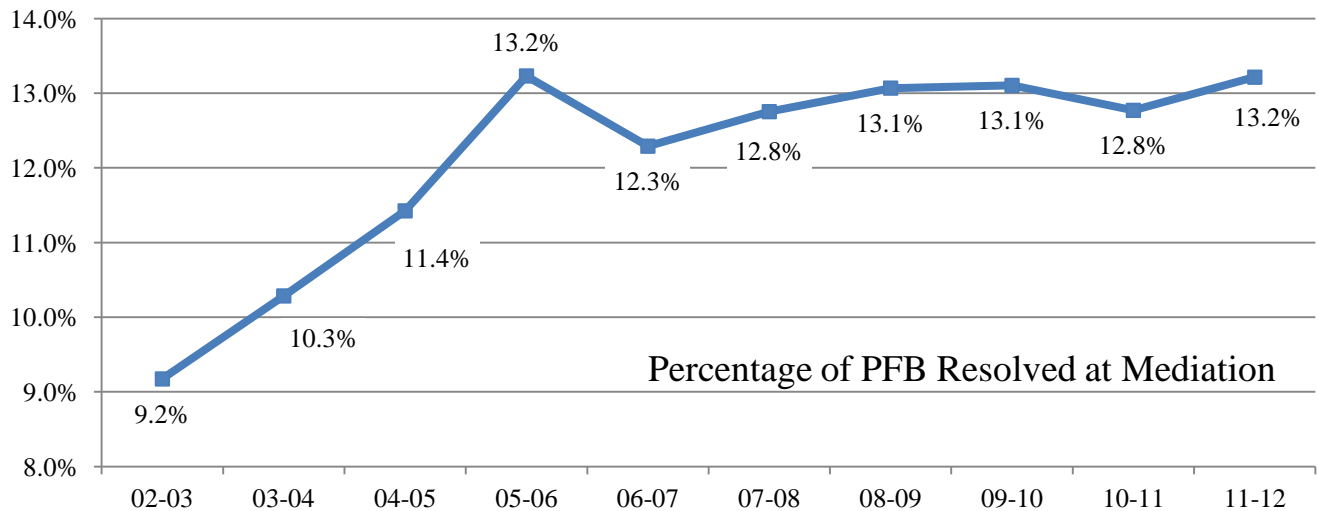
Fiscal Year	PFB Filed	PFB Dism. Before Mediation	% Dism. Before Mediation
02-03	151,021	2,374	2%
03-04	127,458	8,032	6%
04-05	107,268	4,253	4%
05-06	90,948	6,939	8%
06-07	82,607	10,643	13%
07-08	72,718	12,073	17%
08-09	73,863	9,789	13%
09-10	67,971	9,856	15%
10-11	64,679	12,121	19%
11-12	61,354	10,628	17%

As discussed in prior annual reports, auditing revealed that significantly more PFBs resolved “prior to” mediation than the OJCC previously reported. This resulted from some mediators choosing to represent “prior” resolutions as if the result was accomplished at mediation. The figures in this graph, for prior fiscal years, are therefore likely understated. Those mediators concluded that many PFBs resolve on the eve of mediation because parties or counsel are motivated to resolution by the inconvenience associated with travel to/from, and attendance at, mediation. Some mediators therefore ignored the parameters for mediation outcome characterization published in the OJCC User Manual in October 2006, and instead mischaracterized some portion of PFBs that resolved on the eve of mediation, as if the mediation had in fact occurred (“all issues resolved”), rather than as “resolved prior.” This practice was described and published in the 2006-07 OJCC Annual Report. Since that time, it appears that this practice has decreased markedly.

Once a mediation conference is convened, any of the following mediation outcome characterizations would reflect that the pending PFB(s) has been resolved, and no final hearing would be required (although an attorney fee entitlement and/or amount hearing may be necessary): “Settled,” “All Issues Resolved,” and “All Issues Resolved Except for Fees.” When these three (3) mediation outcomes are combined, the total reflects the frequency at which the pending PFB(s) is resolved at mediation. The JCC Application does not, however, capture data which reflects whether, in such mediation, one or multiple discrete PFBs were resolved. This graph illustrates the combination of these three (3) outcomes in each of the last ten (10) fiscal years.

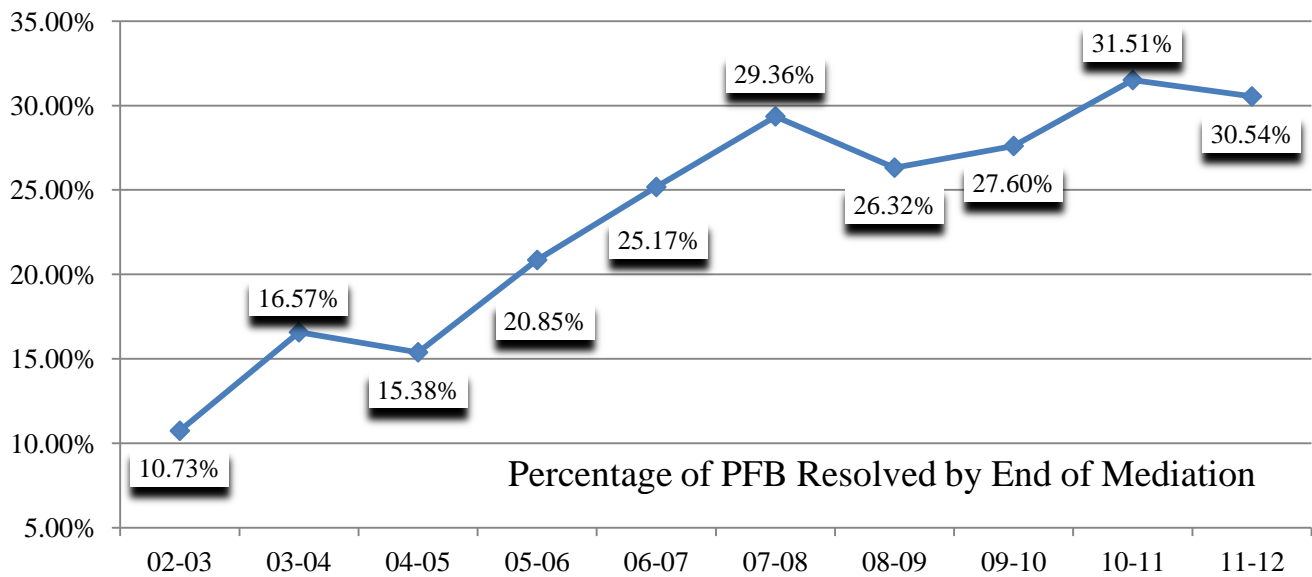


The total number of such resolutions at mediation has been decreasing each year, as has the total volume of PFBs filed. It is significant that this measure reflects only the resolution of all substantive issues in that PFB (“settled,” “all issues resolved,” and “all issues resolved except fees”). Therefore, while this statistic represents the number of PFBs resolved at mediation, it does not fully reflect the effectiveness of mediation in partially resolving pending PFB issues. Often, it is the resolution of small issues that helps to focus much broader disputes. For example, a successful mediation of a discrete claim for a medical evaluation might at first appear to be a small success in a case with many additional PFB issues left unresolved at mediation, such as entitlement to temporary indemnity payments. The remaining PFB issues must still be scheduled for pretrial and final hearing in that instance. However, if that medical evaluation then results in trusted information regarding impairment or disability, then those other issues related to loss of earnings may later resolve without trial. Therefore, the success of mediation must be measured with a view to all of the potential eventual effects of small issue resolution. It must also be remembered that these figures have likely been artificially increased by the decision by some mediators to mischaracterize some volume of PFBs as resolving at mediations that did not in fact occur. When the total reported volume of PFBs resolved at mediation is expressed as a percentage of the PFBs “filed” during the same fiscal year, the graph below illustrates the overall percentage frequency of resolution at mediation.



This illustrates that the raw volume of PFBs resolving at mediation is consistent, despite the decreasing volume of PFBs filed.

An important issue for JCCs is the volume of PFBs that remain for resolution or adjudication after mediation has occurred. Those that remain after mediation has concluded, must be scheduled for pretrial hearing and final hearing (unless the PFB was already scheduled for these at the time mediation was scheduled). This illustrates the additional staff labor burden affected by monitoring cases for resolution and noticing trial only after mediation. These remaining PFBs are also very likely to contribute to the assigned JCC’s motion calendar. Simply stated, the greater the volume resolved by the conclusion of mediation, the less the volume that must be further managed, pre-tried and heard. If the volume of PFBs dismissed prior to mediation is combined with the volume of PFBs that were resolved at mediation, the graph below illustrates the percentage of PFBs filed that were resolved, either before or at mediation, during the last ten (10) fiscal years. This illustrates that in 2011-12, approximately sixty-eight percent (69.46%) of PFBs filed include some issue or issues that remain unresolved at the conclusion of mediation. This is reasonably consistent with 2010-11, and demonstrates a stronger performance in the last two fiscal years than in the two fiscal years prior (2008-09 and 2009-10). Recognizing that workers’ compensation benefits are “serial” in nature, these outcomes are not unexpected. These macro figures also ignore that many issues in a discrete PFB may be resolved through the course of a mediation conference, and yet the PFB itself remains “unresolved,” due to other pending issues therein. The success of mediation, as a process for narrowing issues and focusing disputes, cannot be adequately measured by the volume of “total” resolutions achieved, but this metric is a significant measure of the trial and motion calendar workload of the OJCC overall.



AMOUNT OF ATTORNEY'S FEES PAID IN EACH CASE ACCORDING TO ORDER YEAR AND ACCIDENT YEAR:

The OJCC is required by law to approve all attorney fees paid by or on behalf of an injured worker. Fla. Stat. §440.34.²² There is no such specific requirement for the approval of fees paid by employer/carriers for their defense counsel representation. Despite the absence of such specific requirement for defense fee approval, the broad language of Fla. Stat. §440.105(3)(b)²³ arguably could require OJCC approval of defense attorney's fees. However, this statutory authority has historically not been interpreted to require approval of defense attorney fees, although claimant's attorneys and groups have questioned this interpretation.

Fiscal Year	Claimant Attorney Fees
02-03	\$210,660,738
03-04	\$215,322,360
04-05	\$211,157,073
05-06	\$208,369,260
06-07	\$191,197,443
07-08	\$188,701,256
08-09	\$181,660,686
09-10	\$176,996,765
10-11	\$157,081,084
11-12	\$152,848,003

The OJCC has required insurance carriers to report their respective total annual expenditures for aggregate defense fees.²⁴ The reporting requirements in fiscal year 2011 require that reporting by September 1 of each year.

Because these defense fee figures are reported in the aggregate, it is impossible to discern whether cost reimbursement to attorneys has been included in the figures reported by the various carriers. Furthermore, this information regarding defense fees expended during the fiscal year, does not provide any edification regarding the respective dates of accident involved in the cases in which those fees were paid during that fiscal year.

Order Year 2010-11 Attorney Fees:

Previous OJCC annual reports detailed payment of claimant attorney fees, based upon the best information available, when those reports were prepared. The OJCC gathers claimant attorney fee data through a computer program (part of the system that includes the JCC Application database, electronic filing, and internet publication of data) that simultaneously uploads fee approval orders to the Internet case docket and captures the data regarding claimant fee and cost amounts. The district staff is responsible for the input of the fee and cost amount data for each individual fee approval order entered. Because the database currently produces different total annual figures for claimant attorney's fees figures, approved in prior fiscal years, than was reported in OJCC Annual Reports in those years, it is believed that subsequent to the initial calculation of those figures, and issuance of those prior OJCC Annual Reports, additional information was entered by district staff (additional approved orders for a particular fiscal year were input and uploaded after the data query for that particular fiscal year was initially run). Those figures have therefore been corrected in this, and other more recent, annual report, as noted in the chart here.

During 2011-12, a total of four hundred sixteen million, eight hundred seventy thousand nine hundred sixty-two dollars (\$416,870,962) was expended on combined claimant fees and defense attorney's fees²⁵ (and perhaps defense "costs") in the Florida worker's compensation system. This represents an approximate six percent (6.27%) reduction from the 2010-11 aggregate fees of four hundred twenty-eight million, thirty-six thousand seven hundred eighty-seven dollars (\$428,036,787). The 2011-12 aggregate (\$416,870,962), relatively similar to the 2002-03 aggregate (\$430,705,423), however with the inflation over the last decade, this difference is more pronounced. According to the U.S. Inflation calculator,²⁶ the 2002-03 aggregate (\$430,705,423), in 2012 dollars, adjusted for inflation, would have been \$539,268,938. Thus, the aggregate fees are down over the last nine years by more than one hundred twenty million dollars when adjusted for inflation. Of this total, the decrease in claimant's fees is almost one hundred eleven million dollars (\$110,911,835), or roughly ninety-one percent (91%) of the decrease.

The claimant attorney fee aggregate for 2011-12, is the ninth consecutive decrease since 2003-04. The last ten fiscal years of claimant and defense attorney's fees and the annual rates of change are set forth in the table above. It is unclear whether any portion of the increased defense fees in this chart are attributable solely to more effective data collection and carrier compliance following the implementation of the defense fee reporting process in 2003. It is also notable that some portion of overall defense fees reported, may relate to cases in which no claimant fees were paid, such as, charges for preparation and approval of pro-se settlement documents or instances in which the E/C sought and paid for legal advice that ultimately did not result in the filing of any workers' compensation dispute.

Reported defense attorney fees progressively increased after the 2003 statutory amendments, at a significant rate, as illustrated in the previous table. Conversely, claimant attorney's fees decreased in each of the last eight years. These decreases demonstrated some consistency, marked by notable decreases in 2006-07 (8.24%) and 2010-11 (11.25%). In sum, over the nine year period since 2002-03, claimant fees have decreased over twenty-seven percent (27.44%) and defense fees have increased about twenty percent (19.99%). When inflation is factored into this analysis, the claimant fees have decreased about forty-two percent (42.05%) and defense fees have decreased about four percent (4.17%).²⁷ Because data on claimant fees is collected as they are approved, rather than in the aggregate

method used for defense fees, those figures are believed to be the more accurate of those reported. A comparison of the comparative makeup of the aggregate fee figures for the last ten fiscal years is in this table.

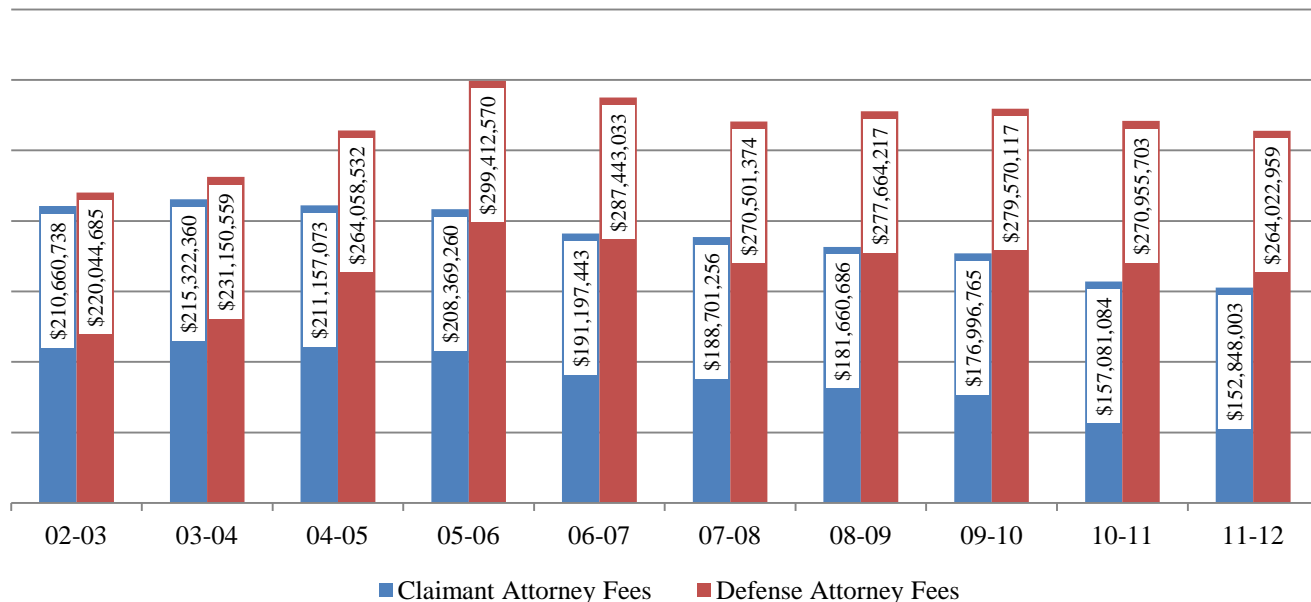
The overall trend of aggregate fees was reasonably static for the four years 2006-07 through 2009-10. 2010-11 marked an increase in the defense fee percentage that has remained essentially unchanged in 2011-12. Over the last ten years, however, the "balance" between claimant and defense has been markedly altered. In 2002-03, approximately forty-nine percent (48.9%) of aggregate fees were claimant and approximately fifty-one (51.1%) were defense. In 2011-12 the claimant fees account for only approximately thirty-seven percent (36.67%) of the aggregate, and defense fees accounted for approximately sixty-three percent (63.33%), as illustrated in the chart above. Some argument could be made that the aggregate of fees would be expected to decrease in some relation to

Fiscal Year	Claimant Attorney Fees	Percent Change	Defense Attorney Fees	Percent Change
02-03	\$210,660,738		\$220,044,685	
03-04	\$215,322,360	2.21%	\$231,150,559	5.05%
04-05	\$211,157,073	-1.93%	\$264,058,532	14.24%
05-06	\$208,369,260	-1.32%	\$299,412,570	13.39%
06-07	\$191,197,443	-8.24%	\$287,443,033	-4.00%
07-08	\$188,701,256	-1.31%	\$270,501,374	-5.89%
08-09	\$181,660,686	-3.73%	\$277,664,217	2.65%
09-10	\$176,996,765	-2.57%	\$279,570,117	0.69%
10-11	\$157,081,084	-11.25%	\$270,955,703	-3.08%
11-12	\$152,848,003	-2.69%	\$264,022,959	-2.56%

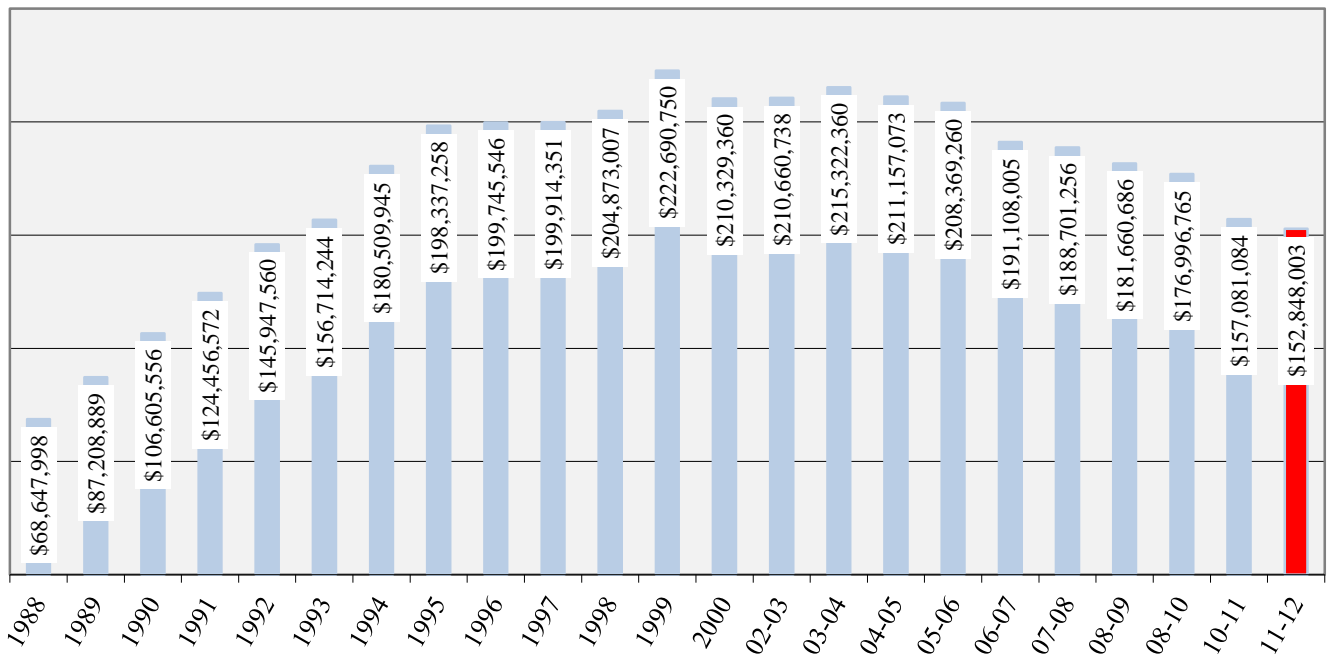
Fiscal Year	Claimant Attorney Fees	Percent Change	Defense Attorney Fees	Percent Change
02-03	\$210,660,738		\$220,044,685	
11-12	\$152,848,003	-27.44%	\$264,022,959	19.99%

Fiscal Year	Aggregate Fees	Claimant %	Defense %
02-03	\$430,705,423	48.91%	51.09%
03-04	\$446,472,919	48.23%	51.77%
04-05	\$475,215,605	44.43%	55.57%
05-06	\$507,781,830	41.04%	58.96%
06-07	\$478,640,476	39.95%	60.05%
07-08	\$459,202,630	41.09%	58.91%
08-09	\$459,324,903	39.55%	60.45%
09-10	\$456,566,882	38.77%	61.23%
10-11	\$428,036,787	36.70%	63.30%
11-12	\$416,870,962	36.67%	63.33%

the decrease in PFBs filed. While this comparison may be validly made, it is complicated by the time lag between PFB filing and closure. Because that period of litigating between filing and closure might be years in some instances, fees paid last fiscal year (2011-12) might have related to PFBs filed in the prior year, or even many years earlier. This is further complicated by the fact that an attorney may elect to wait years after obtaining a benefit before filing the necessary motion for determination of the fee entitlement or fee amount related to that obtention of benefits. It is this later filing, the fee motion, which results in either compromise or adjudication of that fee. Furthermore, significant fees were paid last year on settlement of cases in which no PFBs may have been pending. Therefore, the decrease of fees related to a decrease in PFB filing could be reasonably expected to occur significantly later following the PFB filing decrease. Therefore, multiple years of data would likely be required to support a conclusion regarding any interrelationship between the two. The aggregate claimant and defense fees for the last ten years are reflected in this graph.



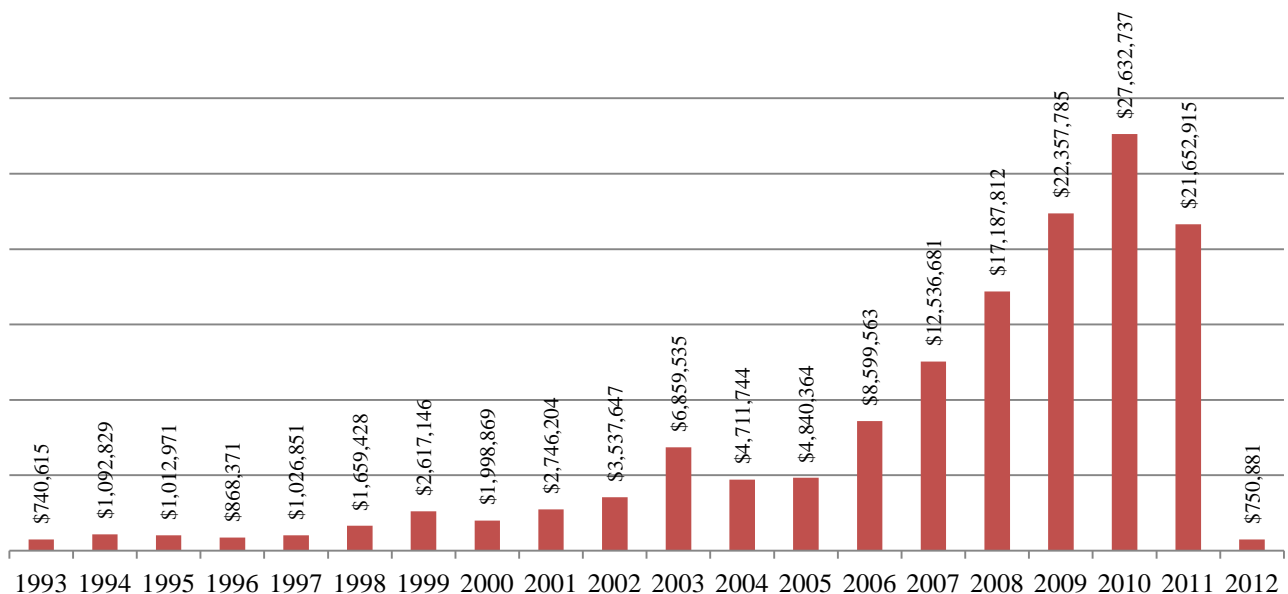
The DLES compiled data regarding the attorneys fees paid to claimant’s counsels for a number of years. In the DLES 2001 Dispute Resolution Report, fees for calendar years 1988 through 2000 were reported. These figures are helpful for broad comparisons with current fees and trends. However, it is important to note that the DLES figures may be for calendar years, not fiscal years. It is further instructive to note that the DLES figures for attorneys’ fees paid for claimants’ counsel likely include costs, as the ability to easily differentiate fees from costs did not exist until the OJCC database was deployed in 2002. The figures compiled and reported by the OJCC, since October 2001, do not include claimant costs. With those two caveats, the following graph represents the claimant fees (perhaps fees plus costs) paid from 1988 through 2000 and the claimant fees paid from fiscal 2002-03 through 2009-10. The level of aggregate claimant’s attorney fees in 2011-12 is the lowest it has been since 1993. This may be significant in light of the history of Florida workers’ compensation. Workers’ compensation was enacted in Florida in 1935. Although there were statutory modifications thereafter, a major revision of the law was passed in 1979, which has been referred to as the “shift to wage loss.”²⁸ In a 1994 legislative special session, there was a “retreat to an impairment-based system.”²⁹ As discussed above, the effect of the 1994 legislation was a marked period of growth in petition for benefits filings. Contrary to the legislature’s intent of decreasing litigation in 1994, pleading increased. Despite that conclusion, the data below supports that aggregate fees increased after 1994 but that the increase did not match that of petition filing. This may be explained by the election of claimant’s counsel not to file fee claims, after the award of benefits in the past. It is possible a significant volume of such fees issues remain outstanding, including entitlement and/or amount. These may remain outstanding for determination, and thereafter payment, for a number of years.



Attorney Fees by Accident Year:

The figures above each represent only the amount of fees “approved” during each respective fiscal year. During any particular fiscal year, fees might be approved on cases for which the date of accident was also during that particular fiscal year. Likewise, the approved fee might be related to a date of accident prior to that fiscal year, perhaps many years prior. Most fees approved during any particular fiscal year will be associated with accidents that occurred prior to that particular fiscal year. This is because most cases in the OJCC system are not related to accidents in the current fiscal year, and because many cases in the workers’ compensation system remain active, with periodic litigation issues, for many years. Logically, therefore, most litigated cases within the responsibility of the OJCC involve dates of accident prior to any current fiscal year. This chart illustrates how many different accident years generated fees in each of the last six fiscal years.

Fiscal Year	Different Years Fees Paid
2006-07	46
2007-08	47
2008-09	47
2009-10	48
2010-11	45
2011-12	47



The claimant fees approved in fiscal 2011-12, for accident dates in the last 20 years are illustrated in the above graph. The vast majority, approximately seventy-five percent (75%) of the fees approved in 2011-12, related to accident dates in the seven years between January 1, 2005 and December 31, 2011. This is reasonably consistent with the distribution of fees, by accident year, reported in prior OJCC Annual Reports. Generally, the highest single “accident date year” in this annual analysis, is the year two years prior to any particular Annual Report. This is illustrated again above for 2011-12 with the 2010 accident fees (\$27,632,737, 18%) the highest single year illustrated.

Fiscal Year	Highest Fee Accident Year	Dollar Amount
2007-08	2006	\$31,929,514
2008-09	2007	\$32,890,123
2009-10	2008	\$40,364,949
2010-11	2009	\$30,636,291
2011-12	2010	\$27,632,737

This illustrates two points. First, the most recent (seven years) accidents historically account for the vast majority of Claimant’s attorneys fees approved, or awarded each fiscal year; second, the most significant accident year for Claimant’s attorney fees is usually two years prior to the reporting year. This is overall consistent with the resolution of cases demonstrated above. Petitions are filed, the state mediation process, expedited final hearing and final hearing processes engage, and as resolution occurs, the fee issues are resolved.

Of the claimants’ attorney fees approved in 2005-06, only two percent (2%) were for dates of accidents more than 20 years prior to that fiscal year. In fiscal 2006-07, approximately four percent (4%) of the total fees approved were related to accident dates more than 20 years prior. This increased to 5% in 2007-08 and it has fluctuated between 5% and 6% since that time. This illustrates that claims on dates of accident, older than twenty years, do not represent a significant portion of the fee awards and stipulations.

Fiscal Year	Fees on Accident dates > 20 years
2005-06	2%
2006-07	4%
2007-08	5%
2008-09	6%
2009-10	6%
2010-11	5%
2011-12	5%

NUMBER OF FINAL ORDERS NOT ISSUED WITHIN 30 DAYS AFTER THE FINAL HEARING OR CLOSURE OF THE HEARING RECORD:

Many legitimate reasons may require a trial to be reconvened on a second or even third day after the initial trial date. However, anecdotal evidence supports that such a process was historically employed by a minority of Judges to delay record closure and artificially extend statutory deadlines. Determination of the legitimacy of such subsequent proceedings in any given case would require forensic examination of each case, which is not practical with the current resources of the OJCC. Recognizing the limitations of case auditing, and the legitimate need for

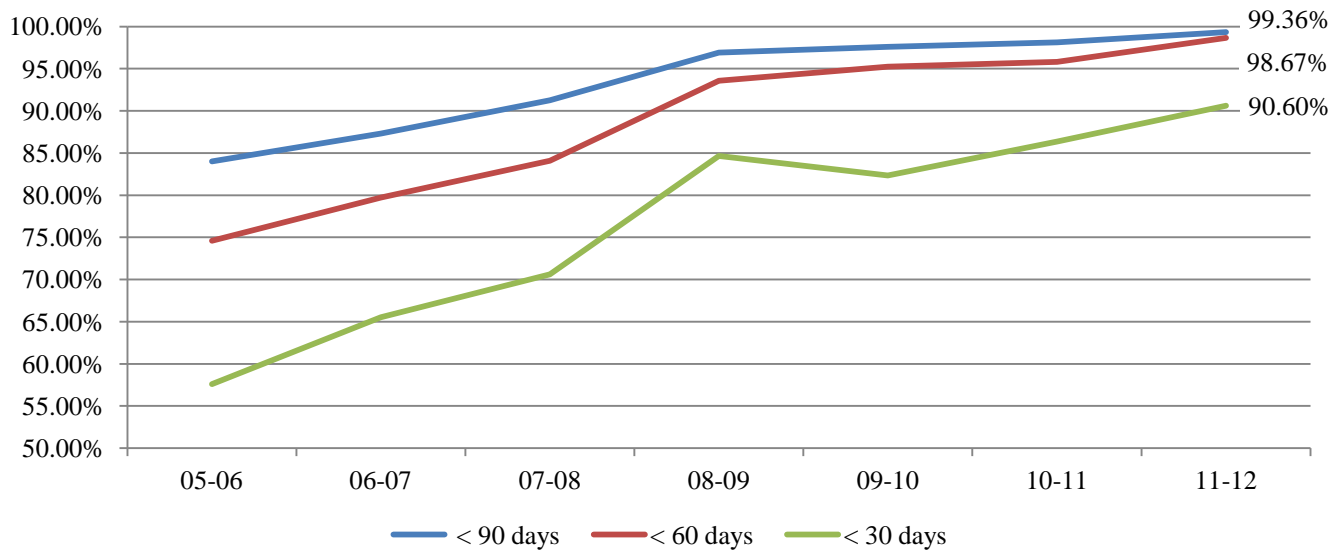
such “reconvene” hearings in a very small minority of cases, the OJCC reports the number of cases in which the final order is entered within thirty days of the final hearing initially convening.

Days	% Entered 05-06	% Entered 06-07	% Entered 07-08	% Entered 08-09	% Entered 09-10	% Entered 10-11	% Entered 11-12
30	57.60%	65.54%	70.61%	84.64%	82.33%	86.38%	90.60%
40	66.70%	71.23%	76.88%	89.20%	89.26%	91.86%	95.43%
50	71.90%	76.87%	81.02%	91.77%	93.16%	94.84%	97.66%
60	74.60%	79.72%	84.09%	93.59%	95.26%	95.83%	98.67%
70	78.60%	82.97%	86.93%	95.05%	96.32%	96.97%	98.94%
80	81.60%	85.14%	89.30%	95.83%	97.02%	97.50%	99.10%
90	84.00%	87.31%	91.25%	96.93%	97.58%	98.12%	99.36%
100	85.50%	88.60%	92.79%	97.45%	98.14%	98.49%	99.58%

This calculation undoubtedly slightly understates the number of final orders entered within thirty days of legitimate “hearing record closure.” However, this calculation also permits no overstatement of achievement by inappropriate employment of the “reconvene,” and presents an illustration of performance that is consistent across the various districts and divisions. It is believed that the “reconvene” practice has decreased markedly as a result of the consistent publication of the data in this report. In this regard, the OJCC elects to report conservative figures that cannot overstate performance. Review of all of the final merits orders entered during fiscal 2005-06 through fiscal 2011-12, supports that many final orders were entered on the same day of the final hearing. Overall, the JCCs entered timely final orders approximately fifty-eight percent (57.6%) of the time in fiscal 2005-06. This increased steadily through 2008-09, and was approximately ninety-one (90.60%) in 2011-12. Thirty of thirty-one Judges

averaged less than 30 days on the entry of their respective trial orders in 2011-12. This represents ninety-seven percent (97%) of the Judges that entered trial orders during 2011-12.

As represented in the table above, final orders were entered in under one hundred (100) days in approximately eighty-six percent (85.5%) of all cases in 2005-06, and in approximately one hundred percent (99.56%) of the cases in 2011-12. This clearly illustrates the professionalism and focus of the Judges currently serving Florida in the OJCC. For final orders entered during fiscal 2006-07 through 2010-11, the shortest period between final hearing and final order has consistently been zero (0) days. During fiscal 2006-07 the longest period was two thousand, nine hundred eleven (2,911) days, or approximately eight years. In 2011-12 the longest period was three hundred fifty-six (356) days, less than one year. This represented a decrease in the longest time to order of almost two thousand five hundred (2,490) days, a decrease of approximately eighty-eight percent (87.77%). With the current statutory mandates in place regarding appointment of expert medical advisors (EMA), there will likely continue to be some volume of orders that are entered after what would otherwise appear to be an inordinate period of time. The EMA process is time consuming, and delay of decisions is inherent within that procedural process. However, the OJCC continues to make significant improvement in this measure. It is pertinent that the overall volume of trial orders has remained consistent in recent years, despite decreasing petition and new case filings. Despite the consistent volume of trials, the timeliness of trial order rendition has consistently improved.



RECOMMENDED CHANGES OR IMPROVEMENTS TO THE DISPUTE RESOLUTION ELEMENTS OF THE WORKERS' COMPENSATION LAW AND REGULATIONS:

The disparate salary and benefit issues for Judges of Compensation Claims, OJCC mediators and staff are detailed in the 2008-09 OJCC Annual Report. These disparities are a frustration to the efficient operation of this Agency and are wasteful of resources. The disparities lead inexorably to staff turnover and significant time and financial costs involved in recruiting, acclimating and training replacements. The pay equity recommendations in the 2008-09 report are reiterated.

- Judicial appointments should be amended to six years.
- Judicial pay should be increased and tied to County Court salaries.
- State mediator pay should be increased and tied to Judicial salaries.
- Resources should be provided to establish pay equity for OJCC staff.

The history of judicial consideration of “costs” is discussed at length in the 2006-07 OJCC Annual Report. The suggestions and recommendations therein remain important and are mentioned here to reiterate.

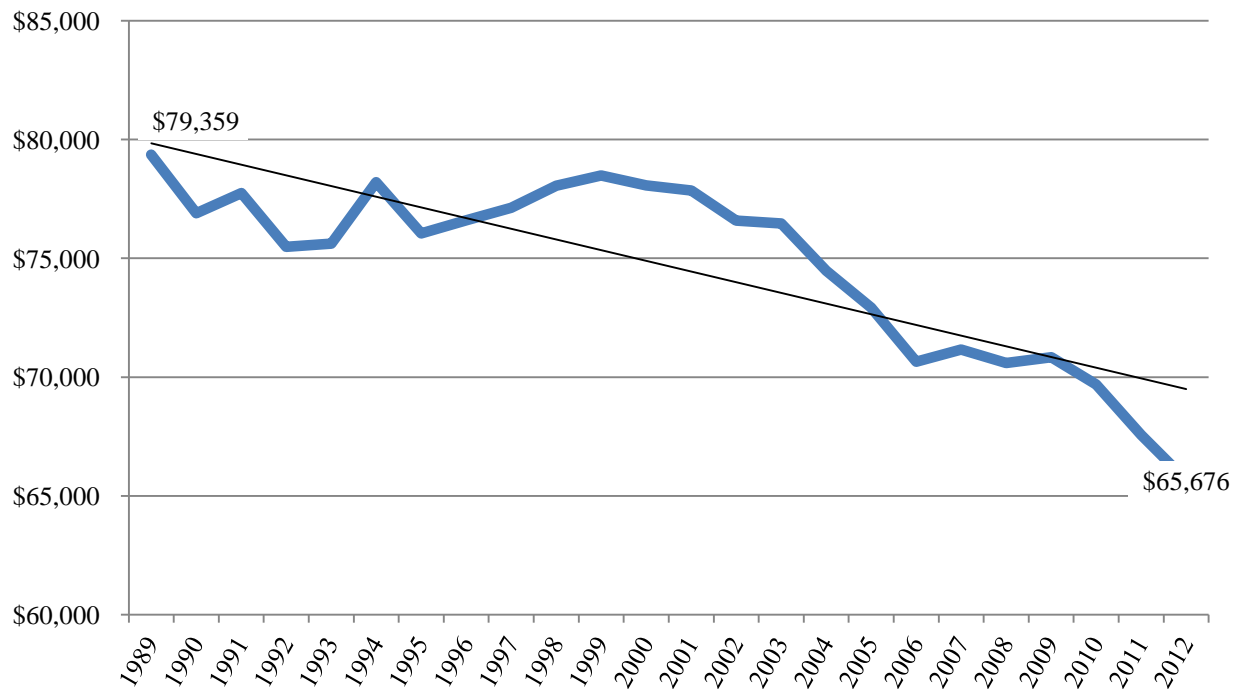
Judicial approval of agreed attorney fees and cost reimbursements by sophisticated entities such as employers or carriers should be eliminated.

The procedural and practical inefficiencies of the Expert Medical Advisor (EMA) process are described in detail in the 2005-06 OJCC Annual Report. The detrimental effect of EMA on timely adjudications remains and is illustrated above. This process remains problematic for the Judges of Compensation Claims' efforts at efficient and timely adjudication of disputes. This process has consistently been prone to gamesmanship and manipulation. That characterization is exacerbated by the continued decline in the population of certified EMA providers.

Use of EMA provisions should be discretionary rather than mandatory.

The OJCC again recommends further consideration of these three previously expressed concerns. For illustration, the following is submitted to clarify the salary inequities that have resulted from inattention to JCC salaries since the repeal of the statutory tie-in in 1994. The salaries of Judges of Compensation Claims have been tied to the salaries of Circuit Judges. Most recently, this statutory tie-in was \$4,000.00 less than a circuit judge. Fla. Stat. §440.45(4)(1993).³⁰

Since the 1994 removal of the statutory tie-in, OJCC salaries have not kept pace with inflation. The 1989 JCC salary was \$79,359. The 2012 JCC salary, in constant 1989 dollars, is only \$65,676.³¹ In real dollars, the JCC salary has decreased 17% over the last 23 years. This equates to an average of three-quarters of one percent annually in real dollars. JCC retirement benefits are calculated using the annual salary. Therefore, the inflation erosion of JCC salary also represents a future detriment. The 2012 JCC salary would have to be increased to \$148,098.61 to equal the \$79,359 (1989) salary in inflation adjusted dollars. This \$25,524.61 per Judge would require \$791,572.91 from the Administrative Trust Fund.

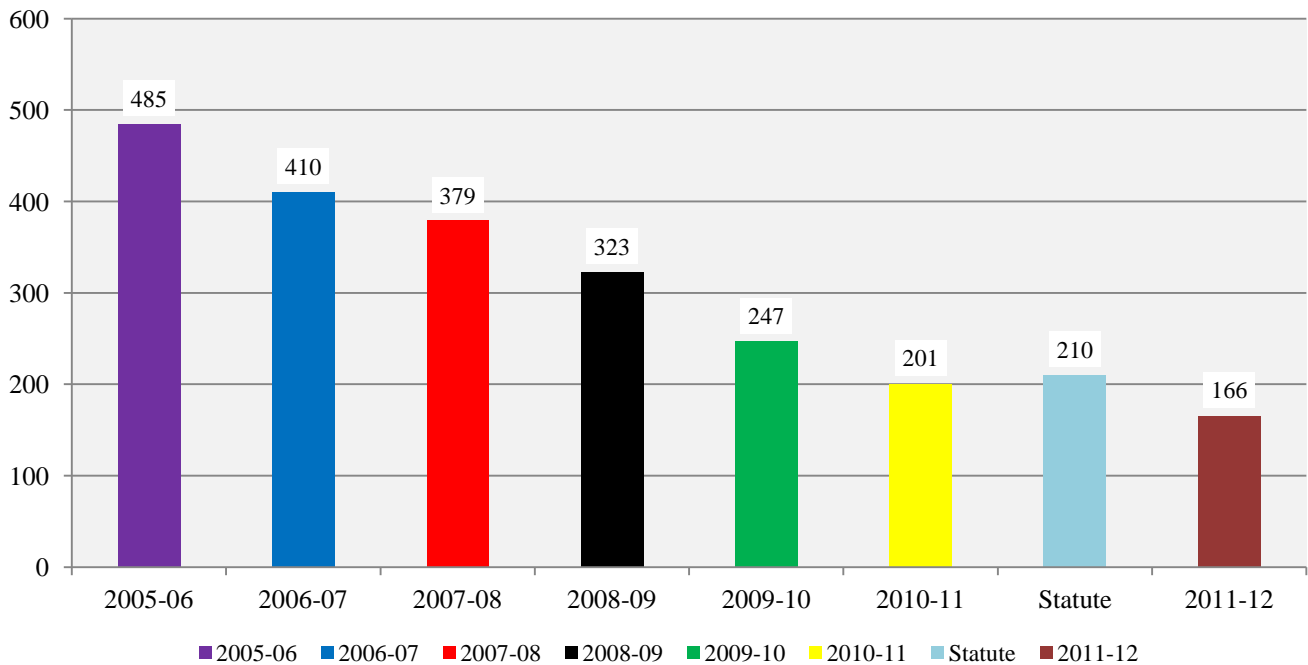


As detailed in the 2009 Annual Report, the salaries of OJCC mediators were also statutorily set, tied to JCC salaries. To correct the failure to keep pace with inflation, mediator salaries would have to be increased significantly also.

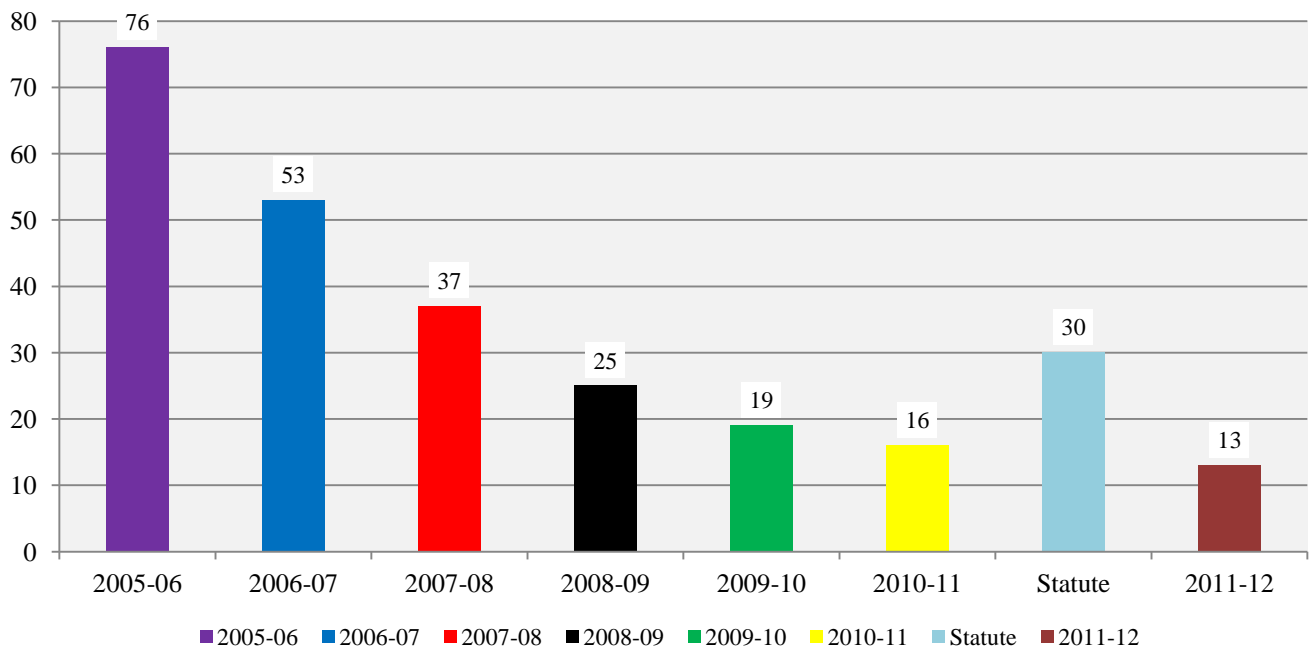
JUDGES GENERALLY ARE UNABLE TO MEET A PARTICULAR STATUTORY REQUIREMENT FOR REASONS BEYOND THEIR CONTROL, THE DEPUTY CHIEF JUDGE SHALL SUBMIT SUCH FINDINGS AND ANY RECOMMENDATIONS TO THE LEGISLATURE:

There are three main statutory requirements for the Judges of Compensation Claims. Judges are expected to have the cases assigned to them proceed to mediation within 130 days and proceed to trial within 210 days. These two are somewhat within the control of the presiding Judge, although there are many circumstances that can extend the required time, such as carrier bankruptcy, expert medical advisors, scarcity of qualified physicians within the geographic area and others. The final statutory requirement is that trial orders are issued within 30 days of trial. This is a parameter that is within the control of the presiding Judge.

Each statutory requirement can clearly be accomplished in the vast majority of cases. This fact is indisputable and has been proven repeatedly in various districts throughout Florida. There can be no generalized claim that cases “cannot” be tried within two hundred ten (210) days of PFB filing or that final orders “cannot” be timely issued within 30 days of trial. In individual exceptional cases, however, these standards may be unreasonable, due to the facts of a particular case. In recognition that such exceptional cases exist, the OJCC reports only the overall average time to trial and time to order for each JCC. In each of the last seven fiscal years (2005-06 through 2011-12) one hundred percent (100%) compliance with these requirements was achieved by some individual Judges and their respective staff. Overall, the OJCC did not meet all of these measures until 2010-11, which continued in 2011-12. The overall OJCC average time, from operative pleading to commencement of trial, has decreased approximately sixty-six percent (65.66%) over the last seven fiscal years. As illustrated in the following graph, the OJCC overall average is within the statutory parameter of 210 days.³²

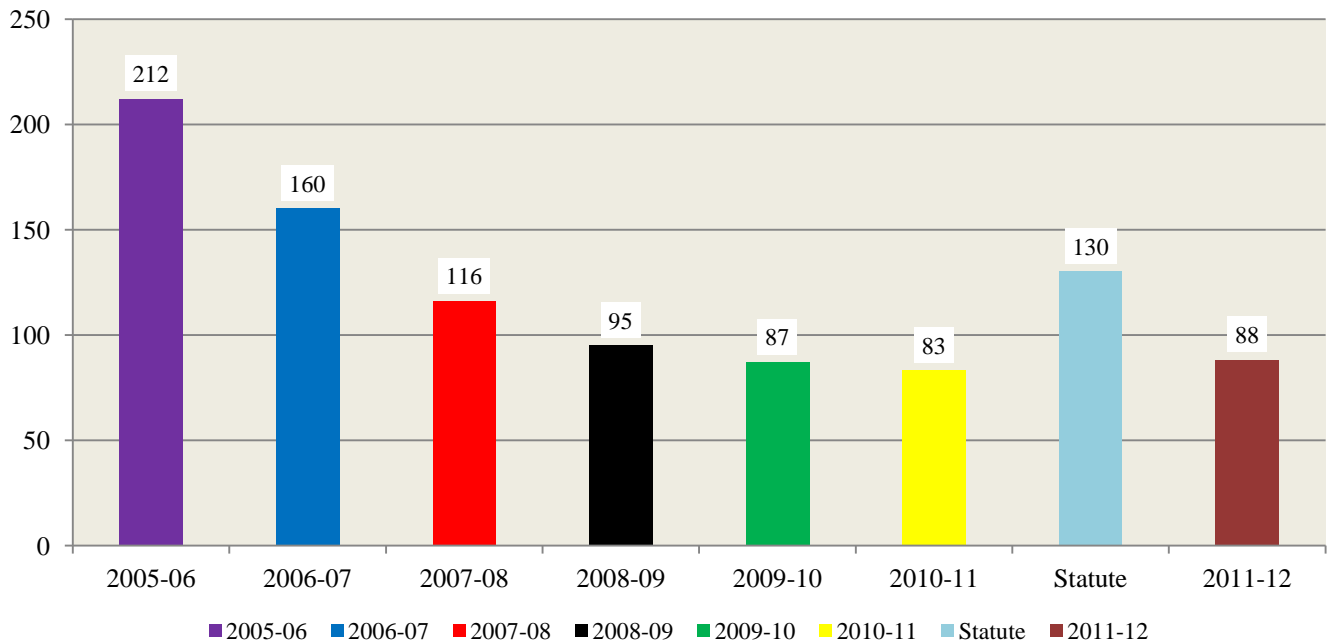


The Office of the Judges of Compensation Claims has also made significant improvement in the average time period between the commencement of the trial and the entry of the final order thereon.³³ The overall statewide average period, from trial to the entry of the trial order, has decreased approximately eighty-three percent (82.89% = 13/76) over the last seven fiscal years, as illustrated in the following graph.



A frequent reason that these statutory parameters are not met is the mandatory expert medical examiner (“EMA”) provisions. The impact of the EMA process is explained in the 2005-06 Annual Report of the Office of the Judges of Compensation Claims. For the three fiscal years 2008-09 through 2010-11, 85% of the Judges averaged less than 30 days to final order entry. In 2011-12, this increased to over ninety-seven percent (97%) in 2011-12.

Another impressive improvement is the marked fifty-five percent (55.15%), in the overall statewide average period, between the filing of a petition and the first mediation conference held thereon. This improvement is illustrated in the following graph. This achievement is compelling evidence of better record keeping, better customer service, and the professionalism of our Judges and Mediators. It bears repeating here, that 100% of state Mediators averaged less than the statutory 130 days to mediation in each of the last four fiscal years. Clearly, the efforts on timely customer service are improving the value that the OJCC brings to the lives of Floridians.



Statutory Measures:

Judges of Compensation Claims (JCC) are appointed by the Governor for a term of four (4) years. A JCC may thereafter be re-appointed by the Governor for successive four year terms. The re-appointment process is to be initiated approximately six (6) months prior to the expiration of the JCC's terms with review of the Judge's performance by the Statewide Nominating Commission (SNC). Fla. Stat. §440.45(2)(c),³⁴ mandates that the SNC consider "the extent to which the judge has met the requirements of this chapter, including, but not limited to" the following eight specific statutory provisions: Fla. Stat. §440.25(1)³⁵(timely mediation), Fla. Stat. §440.25(4)(a)³⁶(pretrial procedure), Fla. Stat. §440.25(4)(b)³⁷(appropriate continuance grounds and orders) , Fla. Stat. §440.25(4)(c)³⁸(timely final hearing notice), Fla. Stat. §440.25(4)(d)³⁹(timely final hearings and final orders), Fla. Stat. §440.25(4)(e)⁴⁰(final order filing), Fla. Stat. §440.34(2)(appropriate fee order findings), Fla. Stat. §440.442⁴¹(Compliance with Code of Judicial Conduct). Despite the clear statutory mandate for such reporting, these statutory measures were not previously reported by the OJCC until 2006. This Annual Report marks the sixth consecutive OJCC effort at fulfillment of this reporting requirement. The 2006-07 OJCC Annual Report documented four of the eight parameters for each JCC (timely mediation, timely final hearings and final orders, final order filing, compliance with Code of Judicial Conduct). Since 2007-08 the OJCC Annual Report has provided data regarding each of the eight.

Although the reporting of these specific measures is mandated by Statute, these measures do not completely evaluate the volume of work required of a JCC. Therefore, it is also appropriate to quantify variations in work-load between and among Judges and districts. Furthermore, these statutory measures and workload volumes document certain activities, but do not necessarily reflect judicial performance. Any consideration of judicial performance must also include subjective factors, such as, judicial demeanor, courtesy to litigants and counsel, and respect of the Office and the responsibilities it embodies. In an effort to evaluate these non-empirical factors, the OJCC worked with the Workers' Compensation Section of The Florida Bar in 2007-08 to deploy the first Judicial Survey of the JCCs on a statewide basis. That survey process has been repeated annually since. The results of each are available on the OJCC website (www.fljcc.org), under the "Notices, Orders and Reports" tab.

For the purposes of this report, "final hearings" include: Evidentiary Motion Hearing, Expedited Final Hearing, Fee Amount Hearing, Fee Entitlement Hearing, Final Hearing, and Fund Hearings. Therefore the information herein regarding the timely conduct of hearings and entry of "final orders," includes analysis of all instances of these types of "trials," and the orders that result. Likewise, "trial orders" include substantive orders issued after hearings on evidentiary matters, where inclusion of that order in the statistics is consistent with the time and effort involved in that order/hearing being a substantial equivalent to a hearing on a petition for benefits.

Pretrial Hearing:

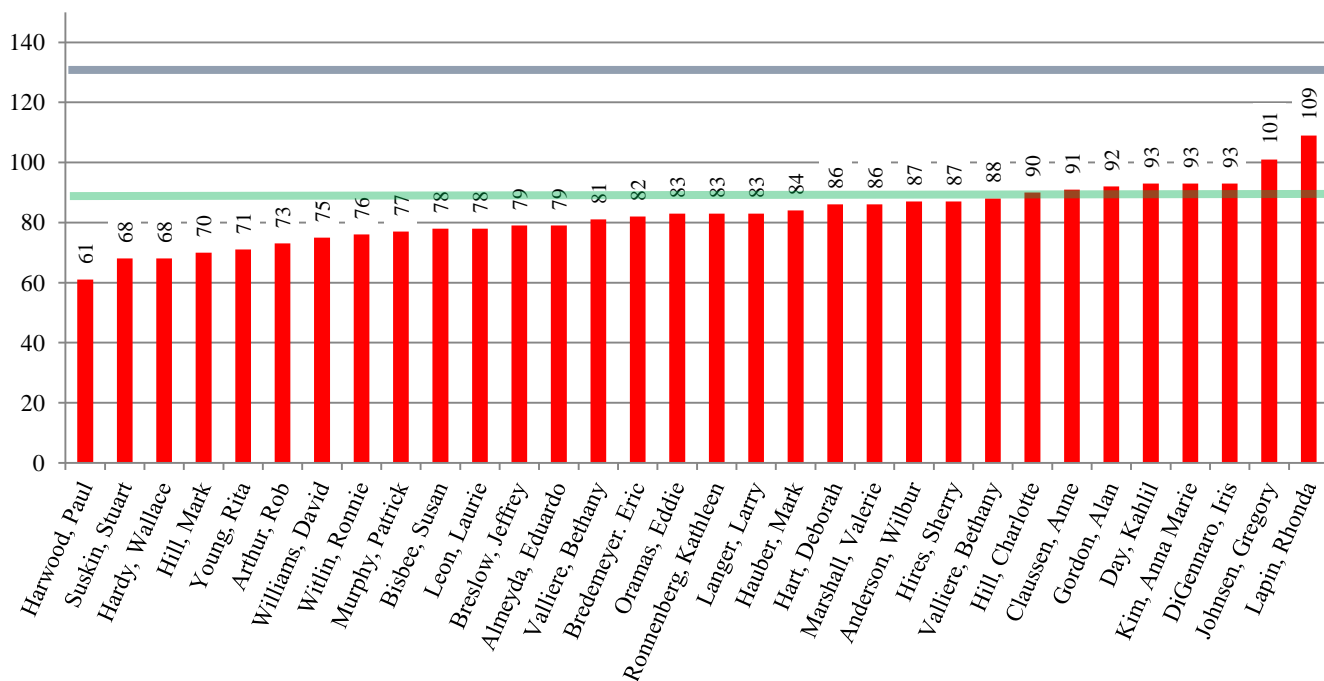
The timeliness of pretrial hearings is addressed in Fla. Stat. §440.25(4)(a). This statutory measure requires that the JCC conduct a pretrial hearing, prior to trial, and that the JCC provide the parties with fourteen days notice of such hearing. The JCC Application is capable of generating notices of any of the events common to the processing of a Petition, including pretrial hearings, mediations, and final hearings. When the Application is used to schedule such an event, the issuance and mailing of that notice is also automatically posted in the electronic case docket. In the divisions that are utilizing that Application function, an audit for 2011-12, supported that appropriate notice is being provided for pretrial proceedings. The anecdotal evidence, an absence of any complaints or allegations of insufficient pretrial notice, also supports that the OJCC complies with this statutory measure.

Docket review of the 31 divisions, within the seventeen OJCC District Offices, supports the conclusion that each OJCC division is in compliance with the requirement of timely pretrial notice.

Mediation:

Timeliness of mediation is addressed in Fla. Stat. §440.25(1). This Legislative measure requires that mediation, on each PFB, must be held within 130 days of the PFB being filed. This statute also requires that mediation is continued only if the parties agree or if good cause is shown. The following graph depicts the average number of days between PFB filing and the first mediation for each OJCC mediator ("Mediator Average") in the state (red bars). The statewide average is also depicted (horizontal green line). All figures are below the 130 day statutory parameter (blue line). The average days between PFB filing and the first mediation is also provided for the mediators within each district in the district appendices at the end of this report. Greater detail regarding the success

of state mediation within the OJCC is provided in the 2012 Settlement and Mediation Report,⁴² available under the “Notices, Orders and Reports” tab on the OJCC website, www.fljcc.org.



The data for this measure indicates significant improvement in the frequency of timely mediation. Since fiscal year 2005-06, the statewide average for all state mediators has decreased from 212 days to 88 days. In 2007-08 twenty-two (69%) of the state mediators had an average of less than 130 days (the statutory period) from PFB filing to the first mediation; in each fiscal year since 2007-08,⁴³ **one hundred percent (100%)**, of the state mediators had an individual average that was within the 130 days.

Final Hearing Notice:

Timely notice of final hearing is mandated by Fla. Stat. §440.25(4)(c). This statutory measure requires that the Judge provide the parties with fourteen (14) days’ notice of final hearings. The issuance of timely notices for final hearing is difficult to measure accurately. Some divisions utilize the automatic notice generation process in the JCC Application, as discussed above, regarding pretrial hearings. When this process is employed, the database generates the notice and automatically documents that in the electronic case docket. The 2011-12 statistical audit of case dockets supports that timely notice is being provided for all final hearings. Some case dockets do not contain automatic docket remarks because that particular Judge has elected not to utilize the database function which uses automation for producing the trial notice. As mentioned above, the absence of any complaints of untimely final hearing notice also anecdotally supports that appropriate statutory notice is being provided. The OJCC continually monitors and audits to assure compliance with this requirement.

Final Hearing Continuance:

In this regard, the meaning of “continuance” is worthy of reiteration. Many cases cannot be mediated or tried on the date upon which they are scheduled. This is often known before, or fairly soon after, the hearing or mediation is noticed. If the parties seek to change that date, and an alternate date can be agreed upon within the applicable statutory period (trial = 210 days; mediation = 130 days), the hearing or mediation is “rescheduled” not “continued.” This characterization is a logical differentiation that recognizes both the statutory parameters and that many times the new hearing or mediation date is prior to the originally scheduled event. Any hearing that is characterized as “continued” in the database should have a corresponding continuance order in the case docket. The order should document the circumstances. The order should also set forth the new event (trial or mediation) date.

Continuance of final hearings is addressed in Fla. Stat. §440.25(4)(b). This statutory measure requires that the Judge generally only grant a continuance in defined circumstances. Ten continued final hearings were randomly

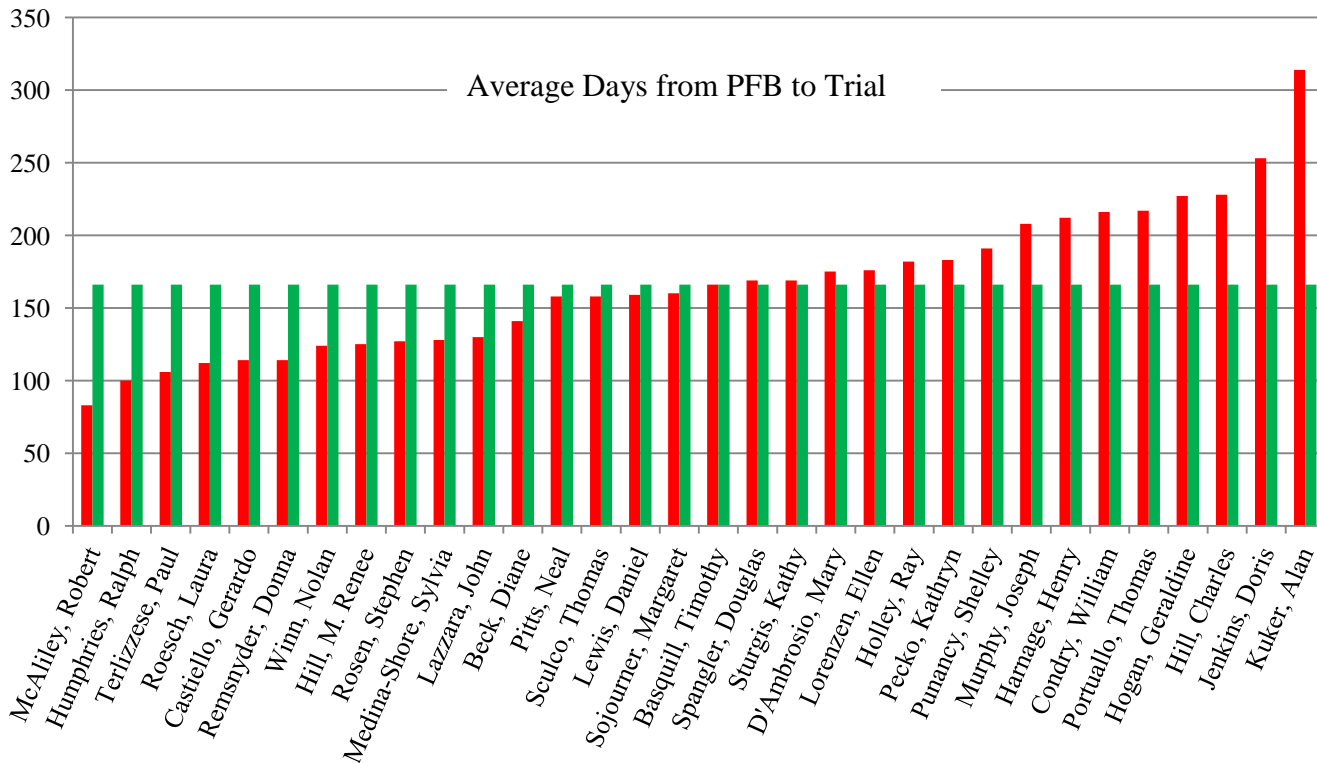
selected for each Judge during 2008-09 (except those Judges whose assignments demonstrated less than 10 continuances overall). Each case docket was searched for a corresponding order “continuing” that hearing. The aggregate statistics support that most Judges are entering continuance orders and the vast majority of those orders set forth a new hearing date. Comparable examination in 2009-10, 2010-11 and 2011-12, have yielded the conclusion that most divisions remain in substantial compliance with this statutory parameter.

Final Order Filing:

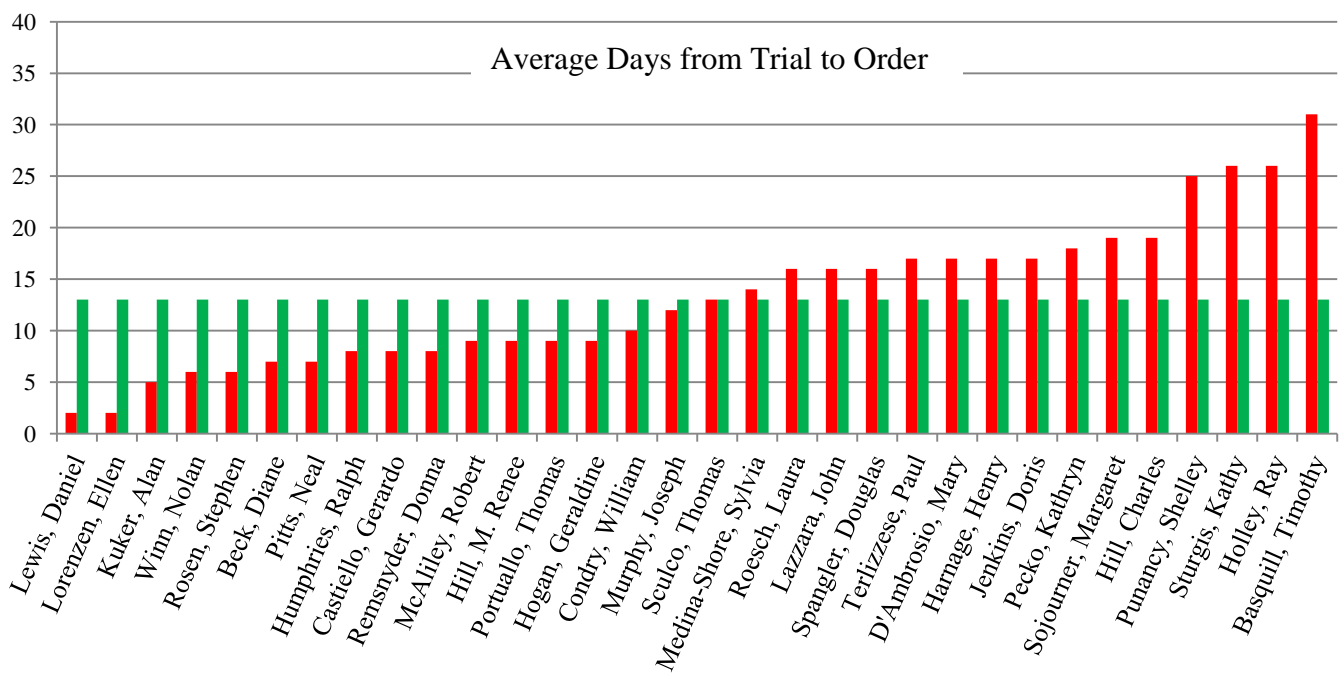
The filing of final orders in Tallahassee, Florida is mandated by Fla. Stat. §440.25(4)(e). This statutory measure requires that the Judge file all final orders with the Office of the Judges of Compensation Claims in Tallahassee, Florida. The data supports that all of the JCCs are in complete compliance with this statutory requirement. As an aid to the public, the OJCC initiated a program in 2009-10 which provides a list of “recent trial orders” to the public on the OJCC website, www.fljcc.org. This listing is automatically updated each time a division complies with this statutory requirement and uploads a trial order.

Timely Final Hearings and Final Orders:

Timely final hearing proceedings are defined by Fla. Stat. §440.25(4)(d). This Legislatively mandated measure requires that the Judge conduct a final hearing within two hundred ten (210) days of PFB filing. This statute also mandates that the resulting final order be published and served within thirty (30) days of the final hearing. Each trial order entered by each JCC during the 2011-12 fiscal year was reviewed. For each Judge, this report states the average number of days between PFB and trial, and the average number of days, between trial and final order. The following graph depicts each JCC’s average number of days between PFB filing and the first day of trial (red bars), and the statewide average for all Judges (green bars), which was 166 days in 2011-12, down from 201 days overall in 2010-11.



Each JCC’s average is also set forth in the district appendices that follow this report. The following graph depicts the average number of days between the commencement of trial and the entry of a final order for each JCC (red bars) and the statewide average for all Judges (green bars), which was 13 days in 2011-12, down from 16 days in 2010-11.



Attorney’s Fee Orders:

Contents of attorneys fee orders is addressed in Fla. Stat. §440.34(2).⁴⁴ This statutory measure requires the JCC to identify the amount, statutory basis, and type of benefits obtained through legal representation which shall be listed on all attorneys’ fees awarded by the judge of compensation claims. Claimant attorney's fees must be approved by the assigned Judge. There has been some argument advanced that the applicable statutory provisions should be interpreted to require the same scrutiny and approval for fees paid to counsel for the employer/carrier (see above and endnotes 24-25). The operative statutory language was added to Chapter 440 in 1994. Then Chief Judge Walker interpreted the law as applying to only claimant attorney's fees, and a notice of that interpretation was published. The current OJCC leadership does not construe anything in Chapter 440 as sufficient authority for the Deputy Chief Judge to issue such legal interpretations purportedly to control or influence the independent decision making of the 31 various Judges of Compensation Claims.

Within the current process of claimant fee determinations, fee issues can be contested in terms of entitlement to fees and/or the amount of fees. Entitlement to attorney's fees and/or costs is generally pled in the petition for benefits that seeks a statutory benefit for the injured claimant, such as a change in physician or a period of indemnity. In a general sense, it is common that fee or cost entitlement is not litigated simultaneously with the litigation of entitlement to the underlying claimed benefit. It is therefore common that parties will agree or stipulate to the provision/acceptance of some benefit, such as a new physician authorization, and will “reserve jurisdiction” for later determination of attorney’s fees and/or costs that flow from previously obtaining that benefit. When issues are tried, the “final order” will grant or deny the claimed issues, and will usually address entitlement to fees and costs associated with any benefits awarded.

Thus, after a claimant has received a benefit through agreement, entitlement and/or amount of fees and costs may remain pending. After an award of such a benefit, entitlement to fees and costs is usually adjudicated, leaving only the issues of the appropriate amounts. Such entitlement or amount issues are re-pled for adjudication in a Motion or Petition for attorneys’ fees and/or costs. The subject Motion or Petition is sometimes filed years after the underlying benefit is provided or awarded. This is one of the reasons that fees awarded or approved, in each fiscal year often include fees for dates of accident in the reasonably remote past, see above. The OJCC regularly holds hearings on attorney fee issues that are divided into two main categories, fee entitlement hearings and fee amount hearings. The trial orders resulting from such hearings are filed with the OJCC in Tallahassee.

Throughout this process of fee determination, it is common for the parties to resolve/stipulate the issues involved. This sometimes occurs in conjunction with a settlement of the claimant’s entire case. Those instances are commonly referred to as a “side stipulation” resolving some fee for previously obtaining some benefit through the efforts of the claimant’s attorney. In other instances, without any settlement of the claim, the parties may agree to

the fee to be paid to claimant’s counsel either by the employer/carrier (commonly referred to as an “interim” fee) or by the claimant (commonly referred to as an “ex parte” fee). Thus, four kinds of OJCC orders address claimant’s attorney fee agreements, case settlement fees, side stipulations and ex-parte fee orders. A fifth category of orders, the trial order on a Motion or Petition for fees, also addresses the fee issue.

The OJCC audited JCC orders awarding contested attorney’s fees for fiscal 2011-12. This audit revealed overall compliance with the statutory requirements for order content found in Fla. Stat. §440.34(2). The same conclusion was reached following 2010-11 audits. As the OJCC progresses with the ability to collect and report data, further scrutiny will be addressed to compliance in the four fee “agreement” orders.

Compliance with the Code of Judicial Conduct:

JCC judicial conduct is controlled by Fla. Stat. §440.442. This Legislatively mandated measure requires that the Judge of Compensation Claims comply with the Code of Judicial Conduct. Complaints regarding failure to comply with this Code are investigated by the Director of the Division of Administrative Hearings (DOAH). In 2011-12, allegations against Judge Jenkins (TPA) were deemed a violation of the Code and the matter was referred to Governor Scott for action.⁴⁵ His Executive Order is appended to this report, page 236. All other JCCs fulfilled this measure for fiscal year 2011-12. The OJCC has instigated significant efforts to assure future compliance with this Code. These efforts include ongoing continuing education and individual efforts at reinforcing appropriate judicial action.

Conclusion:

The OJCC made great strides in 2006-07 to bring uniformity and consistency to performance. The efforts directed toward defining terms and consistent data entry throughout the Districts resulted in better overall data for analysis in the years since. The success of that process is patently clear again in the 2011-12 data output which demonstrates the general consistency and marked improvement in the OJCC overall performance. The OJCC recognizes the integral role that technology will play in the future of all litigation, and has embraced the benefits of electronic filing, web-based dissemination of information, electronic mail for service, and video teleconference (VTC) technology. In 2009-10 the OJCC participated in a process of support for the deployment of electronic filing at the Appellate Courts and was proud of the progress of the First District Court of Appeal. Legislation to require use of OJCC electronic filing was passed in 2011. The OJCC has adjusted processes to facilitate compliance with this new requirement. Enforcement of these requirements began in 2011-12, and has met with great success. The OJCC currently receives virtually no daily U.S. Mail. In 2010-11 the Legislature eliminated sixteen OJCC staff positions, approximately seven percent of the Office. In 2011-12, the Legislature removed four mediator positions and one judge position from the OJCC.⁴⁶ Answering the Legislature’s call, the OJCC has done more with less again, in each of the last five fiscal years. The effects of effort and dedication should be recognized by the Legislature, and adequate funding should be appropriated from the industry-supported trust fund to provide adequate staff, mediator and Judicial salary in 2012-13.



Glossary of Terms:

District	The OJCC operates seventeen offices throughout Florida. Each office is responsible for adjudication of disputes regarding accidents in one or more counties in that vicinity. These groups of counties are “districts,” and the offices are referred to as “district offices.”
Division	A subdivision of the Office of Judges of Compensation Claims (“OJCC”) managed by a Judge, and consisting of that Judge, a State Mediator, and various clerical personnel.
DFS	The “Department of Financial Services” is an autonomous department of the Executive branch which is under the authority of the Chief Financial Officer.
DLES	The “Department of Labor and Employment Security” was an autonomous portion of the Executive branch of Florida government until 2001. While that Department existed, the OJCC and the DWC were both part of it. When it was dissolved, the OJCC was transferred to the DOAH and the DWC was transferred to the DFS.
DOAH	The “Division of Administrative Hearings” is an autonomous Division, which is part of the Department of Management Services, and part of the Executive branch of Florida government responsible to the Governor.
DWC	The “Division of Workers’ Compensation” or DWC is part of the Department of Financial Services (“DFS”), and part of the Executive branch of Florida government responsible to the Chief Financial Officer (“CFO”).
E/C	An insured “employer” and their “carrier” from whom disputed workers’ compensation benefits are sought, are generally referred to collectively as the “employer/carrier” or E/C.
e-JCC	The “electronic JCC” is an internet-based computer program that allows attorneys and adjusters to electronically file documents in workers’ compensation disputes pending before the OJCC.
e-PFB	A web-form available to users of the e-JCC system. This form allows preparation and filing of an “electronic petition for benefits.”
e-RACN	A web-form available to users of the e-JCC system. This form allows preparation and filing of an “electronic request for assignment of case number,” and provides virtually instantaneous assignment.
e-Response	A web-form available to users of the e-JCC system. This form allows adjusters to prepare and file an “electronic response to petition for benefits.”
e-Service	An electronic mail alternative to the U.S. Postal Service, which will allow users of the e-JCC system to serve copies of pleadings on other users through e-mail.
E/SA	Many self-insured “employers” utilize companies to facilitate payment of workers’ compensation benefits to injured workers. These “employers” and these “servicing agents” are generally referred to collectively as the “employer/servicing agent” or E/SA.
i-JCC	An electronic portal similar to the e-JCC system. This system is used by OJCC District Office staff to upload orders to the electronic OJCC docket. This program also permits internet data access to Judges and Mediators through the internet.

JCC	The “Judge of Compensation Claims” is an individual appointed by the Governor for a term of four years. Each JCC is the head of one of the thirty-two divisions in the OJCC.
JCC Application	The case management program used by the OJCC to document pleadings filed, orders entered, hearings scheduled or conducted, and other case activity. This Application is also a database from which statistics for this report are generated.
Mediation	A process of informal dispute resolution in which an independent intermediary works with all litigants in a case to find compromise solutions to disputes. Mediation has been mandatory in Florida workers’ compensation cases since 1994.
OJCC	The “Office of Judges of Compensation Claims” is a small State organization comprised of a Deputy Chief Judge, thirty-two Judges of Compensation Claims (“JCC”), thirty-two mediators, and approximately one hundred forty support personnel. In 2001 it was transferred from the Department of Labor and Employment Security (“DLES”) to the Division of Administrative Hearings (“DOAH”).
PFB	A pleading called a “Petition for Benefits” or PFB is the document that usually invokes the jurisdiction of the Office of Judges of Compensation Claims (“OJCC”) and begins the litigation of some dispute regarding workers’ compensation benefits.
VTC	Video teleconference, an electronic two-way video communication medium used by the DOAH for Judges to conduct trials in remote locations without associated travel expense.

2012 Appendices Notes:

The Appendices to this report are different than prior reports. Since 2006-07, the Annual Report has included an appendix for each District Office. The practice has been to represent the individual data in a series of column graphs. With the passing years, an increased volume of data has been accumulated, and the column graphs have become increasingly difficult to format for readability, and fonts have been reduced to accommodate that left-to-right bar graph format. For 2011-12, the column format has been abandoned and replaced with bar graphs. These graphs expand with additional data to consume more space vertically rather than horizontally. It is hoped that this format will better accommodate the growth of the data, and facilitate the ready use of this resource.

There are no longer 32 divisions in the state. The Florida Legislature in 2012 reduced the funding for Judges of Compensation Claims from 32 to 31. The funding was also cut from 32 mediator positions to 28. When this decision was made, the Governor had already announced his decision not to reappoint Judge Terlizze in District Melbourne (MEL). Therefore, the judicial position reduction was absorbed by not filling that vacant position. Shortly after that decision, and while the OJCC was working to cover the trial and other responsibilities in District Melbourne, Judge Donna Remsnyder graciously volunteered to transfer to District MEL.

The reductions in mediator strength were absorbed in District West Palm Beach (WPB), District Ft. Lauderdale (FTL), District Tampa (TPA), and District Lakeland (LKL). The OJCC has adjusted by asking other district mediators to provide telephonic mediation in WPB. The remaining two mediators in both TPA and FTL have undertaken the full load of mediations in those Districts. The Mediation volume in District LKL is being covered through the efforts of the St. Petersburg District, with mediator Rob Arthur of SPT travelling to LKL for mediations, and mediator Rita Young covering for his resulting absence in SPT.

Because of these changes, Judge Remsnyder is credited with statistics in both SPT and MEL in the appendices that follow. The statistics for District SPT have been adjusted using statistical modeling to accommodate for the limitations of the OJCC database, which report data as of the date it is generated from the database. Because of this limitation, and since all SPT cases had been transferred to JCC Rosen by the time the annual statistics were generated, The figures had to be adjusted to accommodate.

Appendix “1” District DAY (Portuallo):

District DAY includes the following counties: Flagler and Volusia. Seminole county was also included until it was transferred to District ORL in 2006-07. District DAY traditionally had above average PFB and new case filing volumes. Daytona was below average in 2008-09, but each has returned to slightly above average in recent years. District Daytona has been remarkably consistent in annual PFB and new case filings despite consistent overall downward trends in recent years.

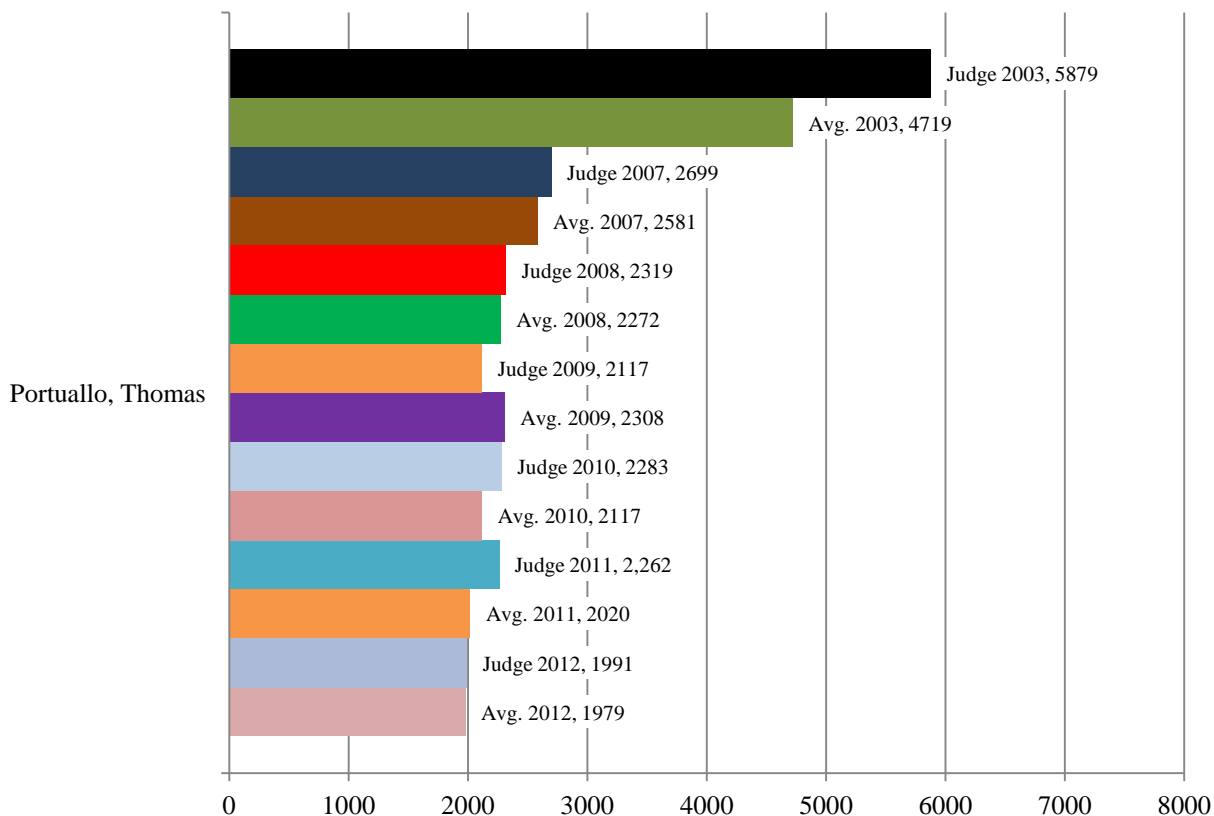
As this report is completed, the Judges around the state have begun to pitch-in in Daytona following the appointment of Judge Portuallo to the Circuit bench in October 2012. During the majority of Fiscal 2013, the OJCC anticipates covering the needs of District DAY with the assistance of Judges Hill (GNS), Humphries (JAX), Lazzara (TLH), Lorenzen (TPA), McAliley (PSL), Pitts (ORL), Roesch (PMC), and Sculco (ORL). The Statewide Nominating Commission is expected to meet in February 2013 and provide nominees to the Governor to fill this vacancy.

Judge Portuallo has demonstrated a consistent performance within the statutory parameters for trial orders. In 2012, trials in Daytona occurred on average within 217 days of filing the petition or other operative pleading. The trend in Daytona has been towards more rapid trial occurrence.

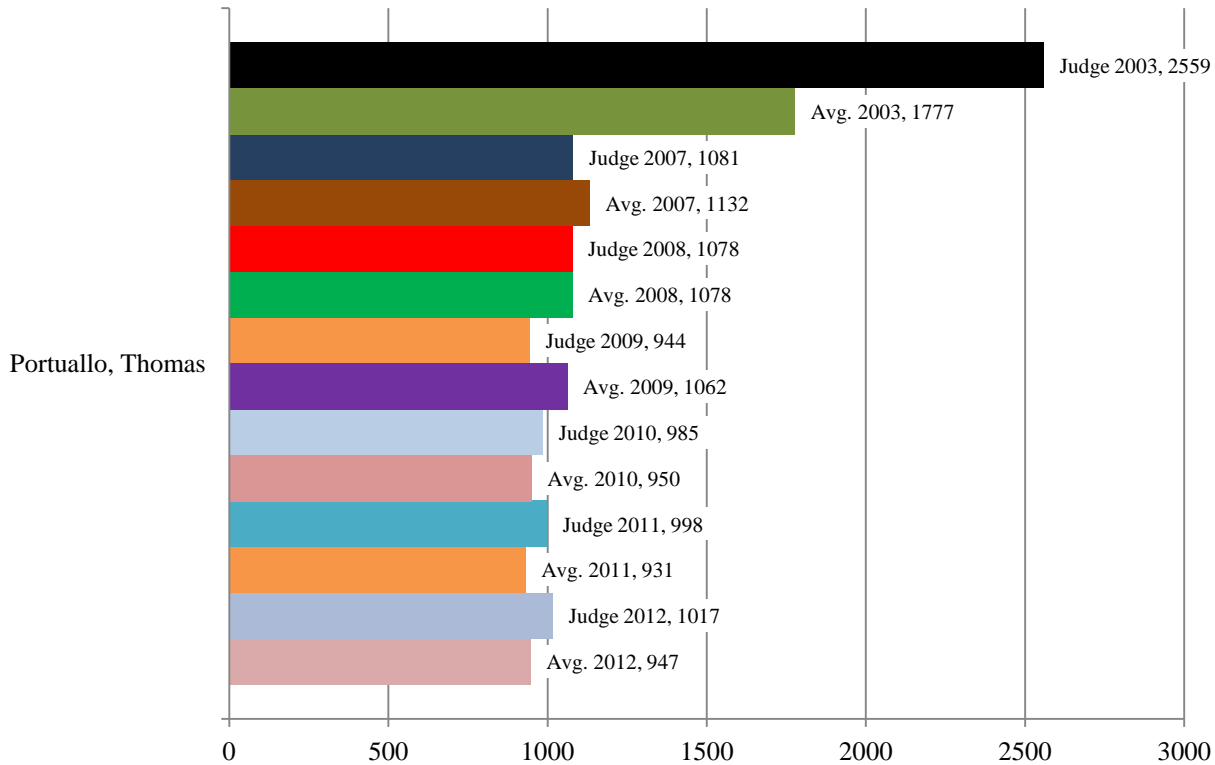
Judge Portuallo is a Volunteer Judge with the Volusia County Teen Court, a criminal court diversion program focused on peer intervention. He has volunteered with them since 1998. He was awarded a Certificate of Appreciation from The Volunteer Lawyers Project “in recognition of time and dedication in pursuing justice for all and for providing free legal assistance to low-level income residents of our community” as a result of his teen court efforts. Judge Portuallo was also recognized last year by The Supreme Court of Florida, the Young Lawyers Division of The Florida Bar, and the Florida Pro Bono Coordinators Association for his exceptional pro bono efforts in Teen Court.

Judge Portuallo acted significantly as a visiting Judge in Orlando during Judge Farrell’s illness and absences through 2009-10 and into 2010-11. Since 2009-10 he has accepted assignments of “new cases” from District MIA, which helps with distribution of workload and facilitating timely hearings. The majority of Miami assignments pending in District Daytona have been transferred to Judge Remsnyder in Melbourne, pending appointment of a new judge in Daytona.

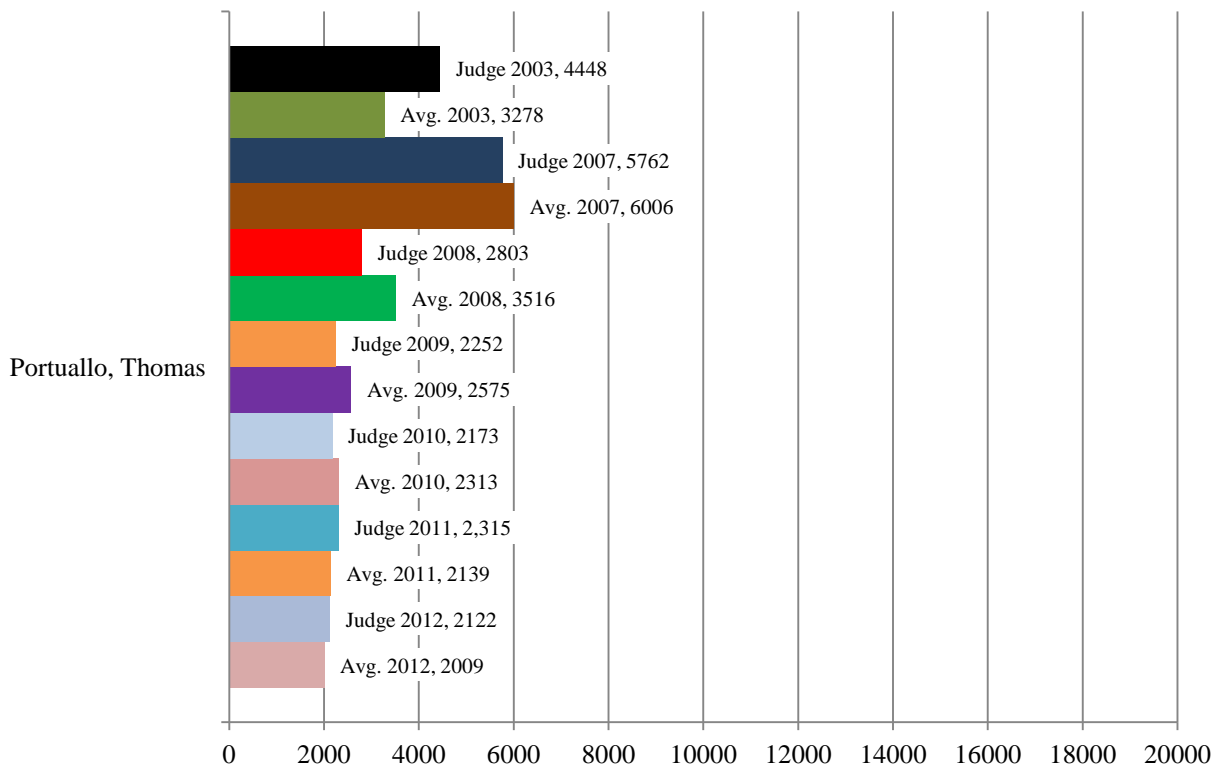
The following depicts the volume of PFBs filed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



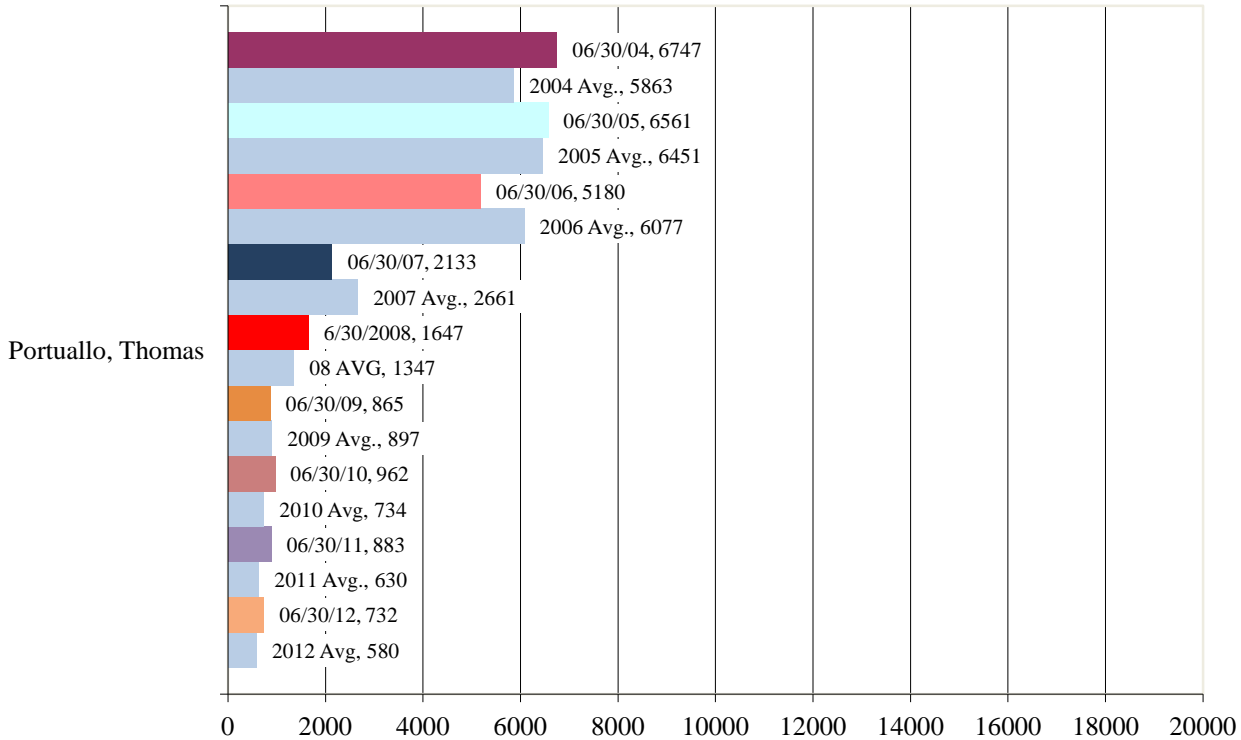
The following depicts the volume of new cases filed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



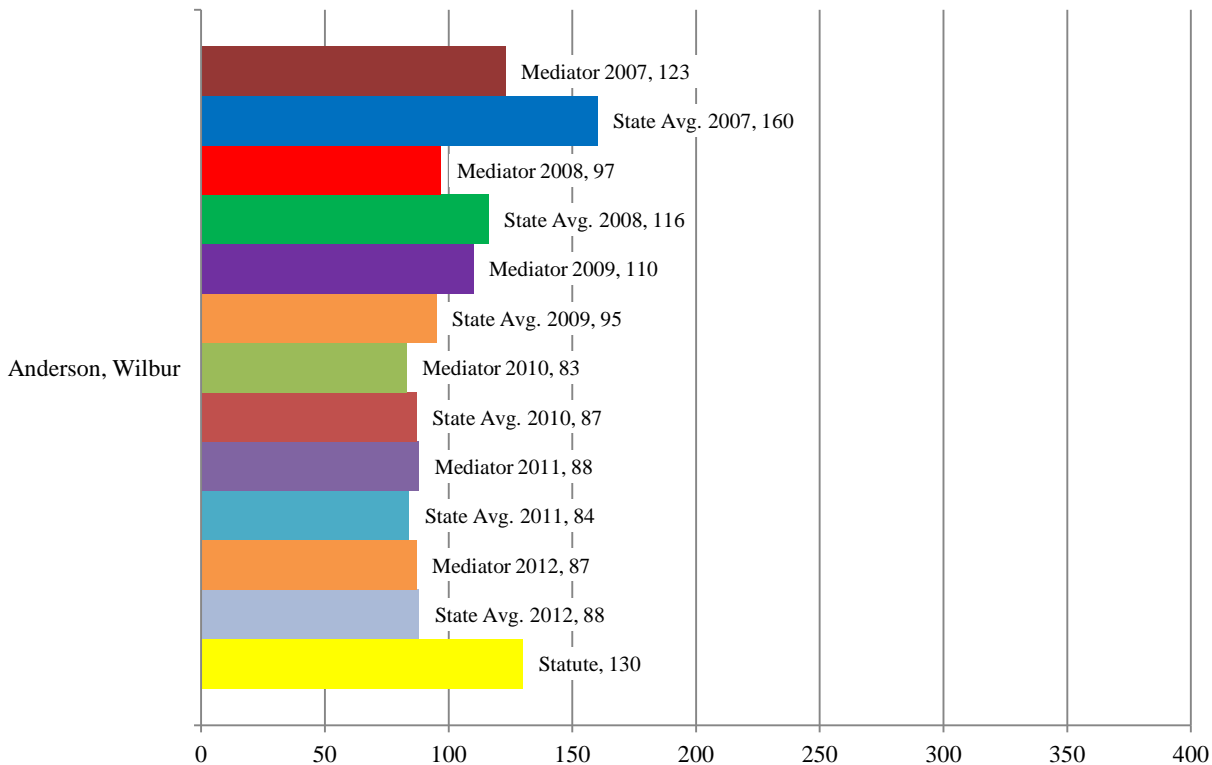
The following depicts the volume of PFBs closed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



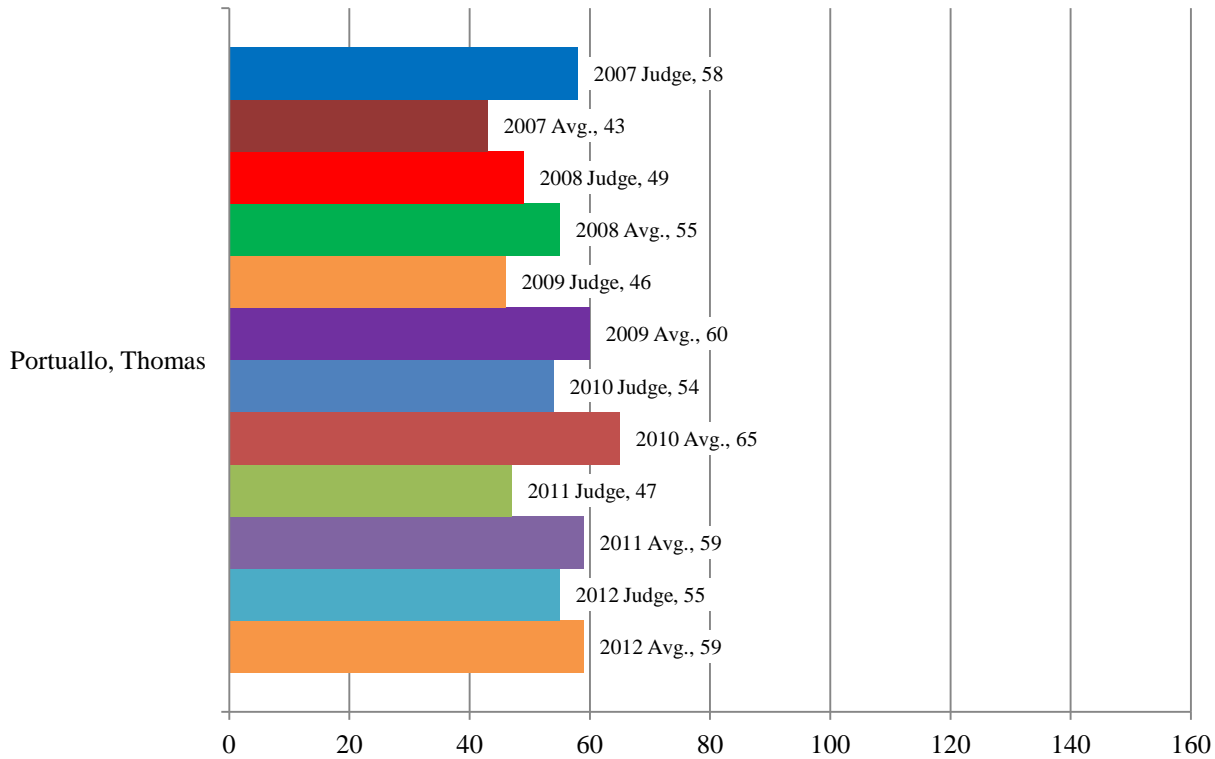
The following depicts the inventory of pending PFBs in this District and the statewide average between 2002-03 and 2010-11. The identification and values for each year are in each bar label.



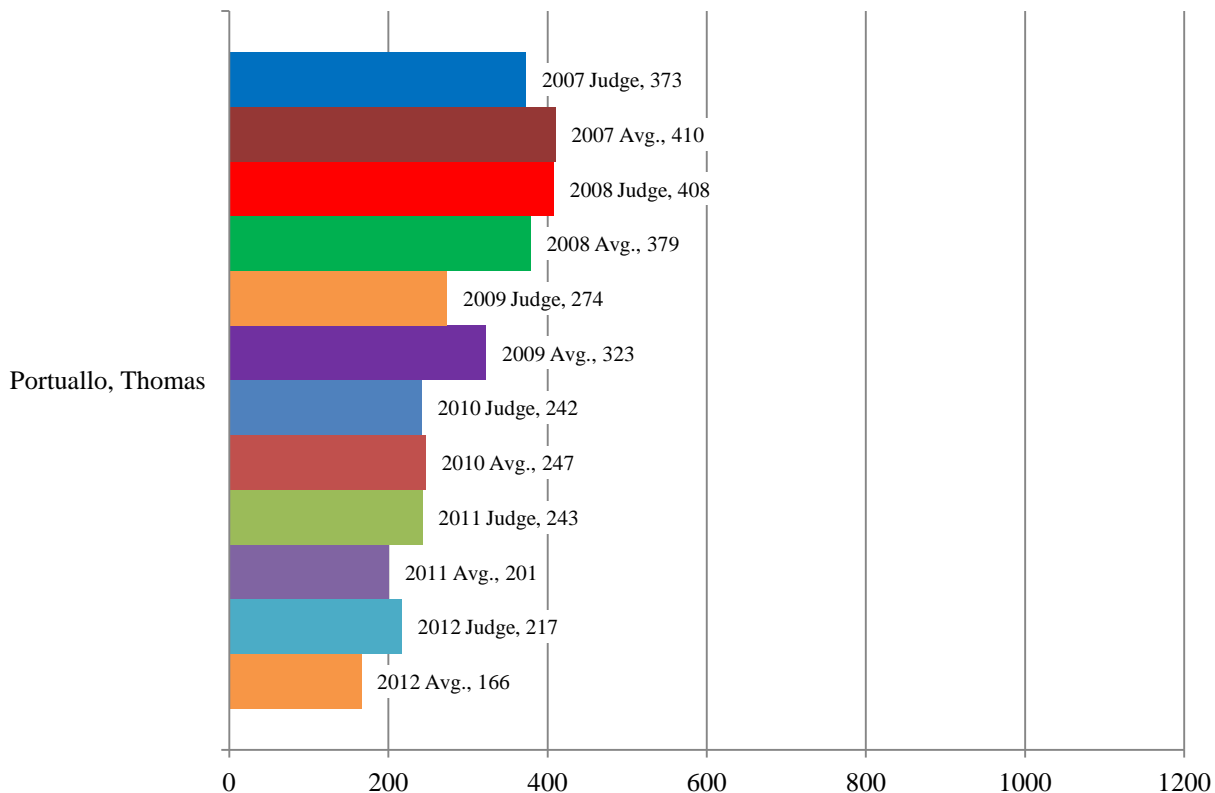
The following depicts the average days between PFB filing, and the first mediation held thereon, for each mediator in the District between 2002-03 and 2010-11. The identification and values for each year are in each bar label. The yellow bar represents the statutory 130 days.



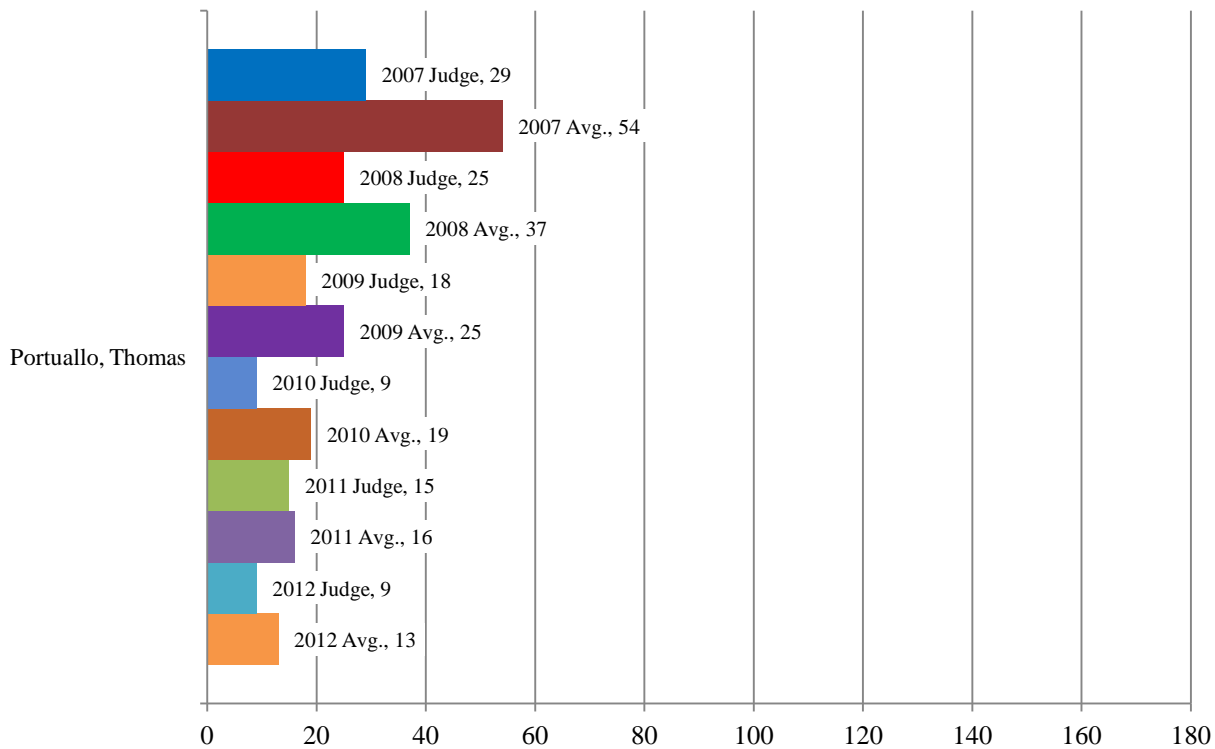
The following graph depicts the total volume of trial orders uploaded in this District and statewide averages between 2006-07 and 2010-11. The identification and values for each year are in each bar label.



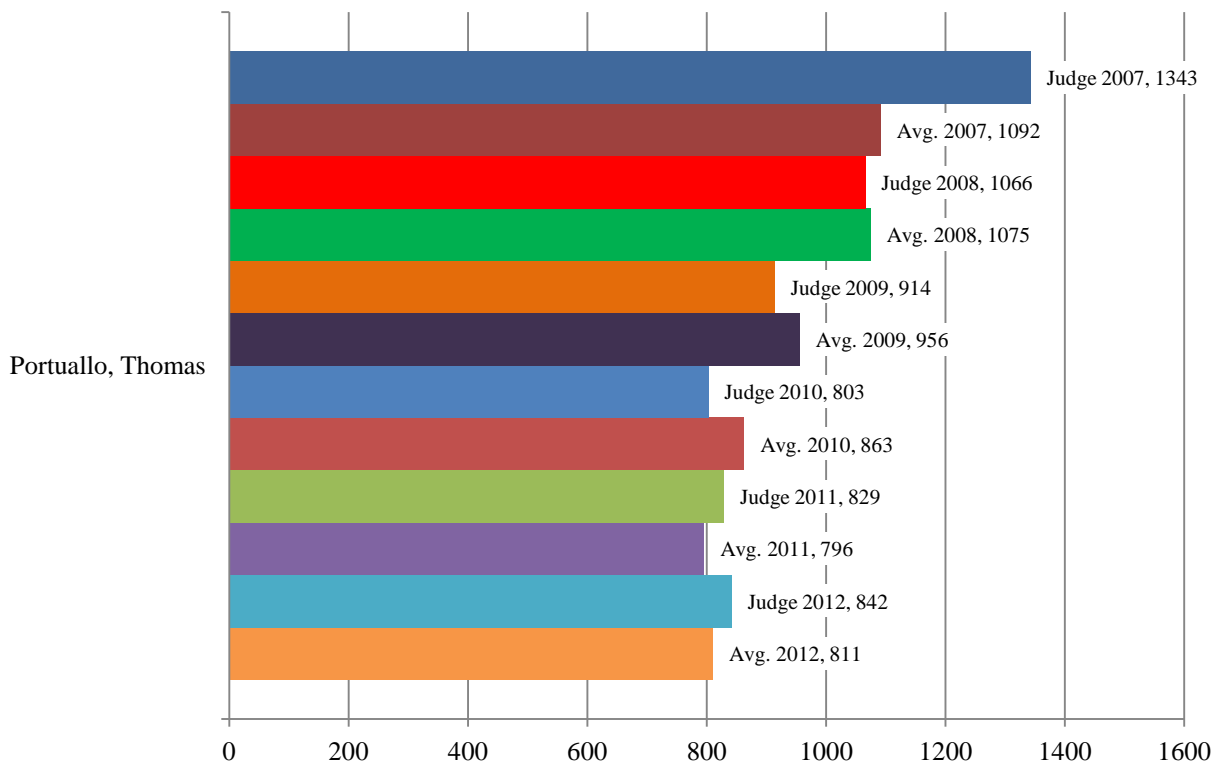
The following depicts the average days between PFB filing and trial commencing for each Judge and the statewide average between 2006-07 and 2010-11. For these calculations, only the first day of trial is considered, and days after the first trial day are included in the days between trial and final order. The identification for each year and the values are in each bar label.



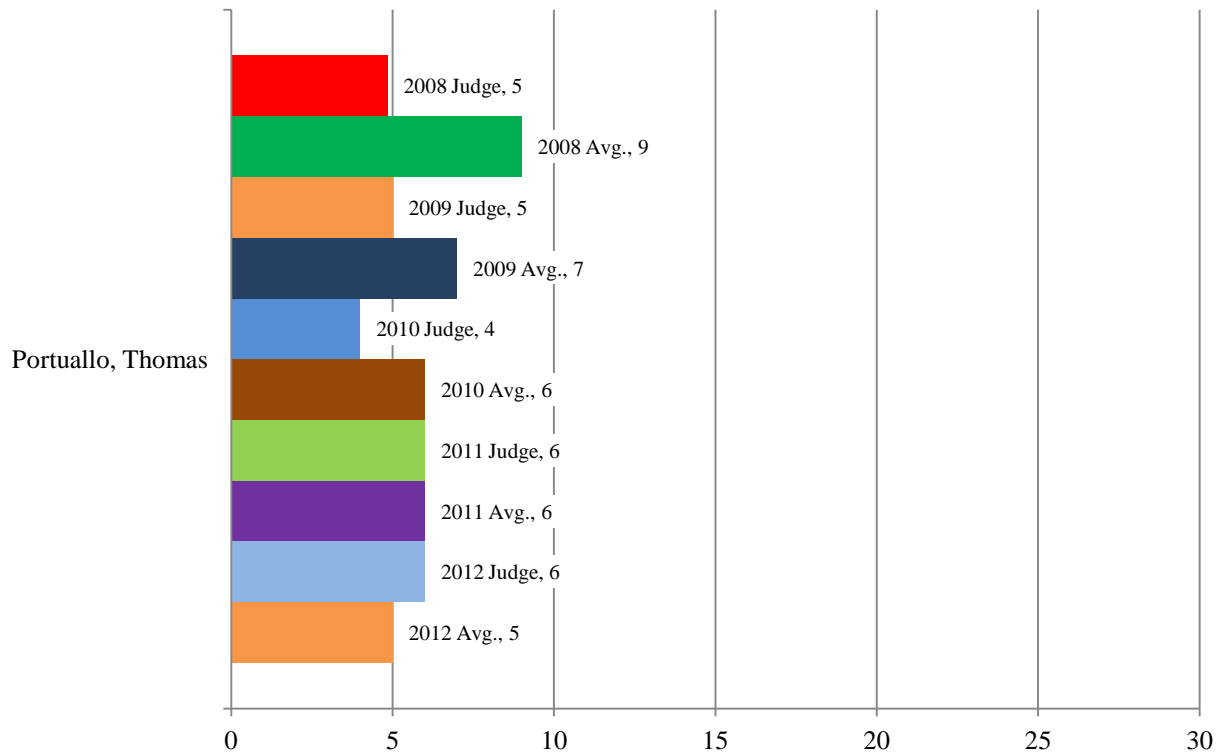
The following depicts the average days between trial commencing and entry of the trial order for each Judge and the statewide average between 2006-07 and 2010-11. All days between the first day of trial and last day of trial are included in the calculation of days between trial and final order. The identification for each year and the values are in each bar label.



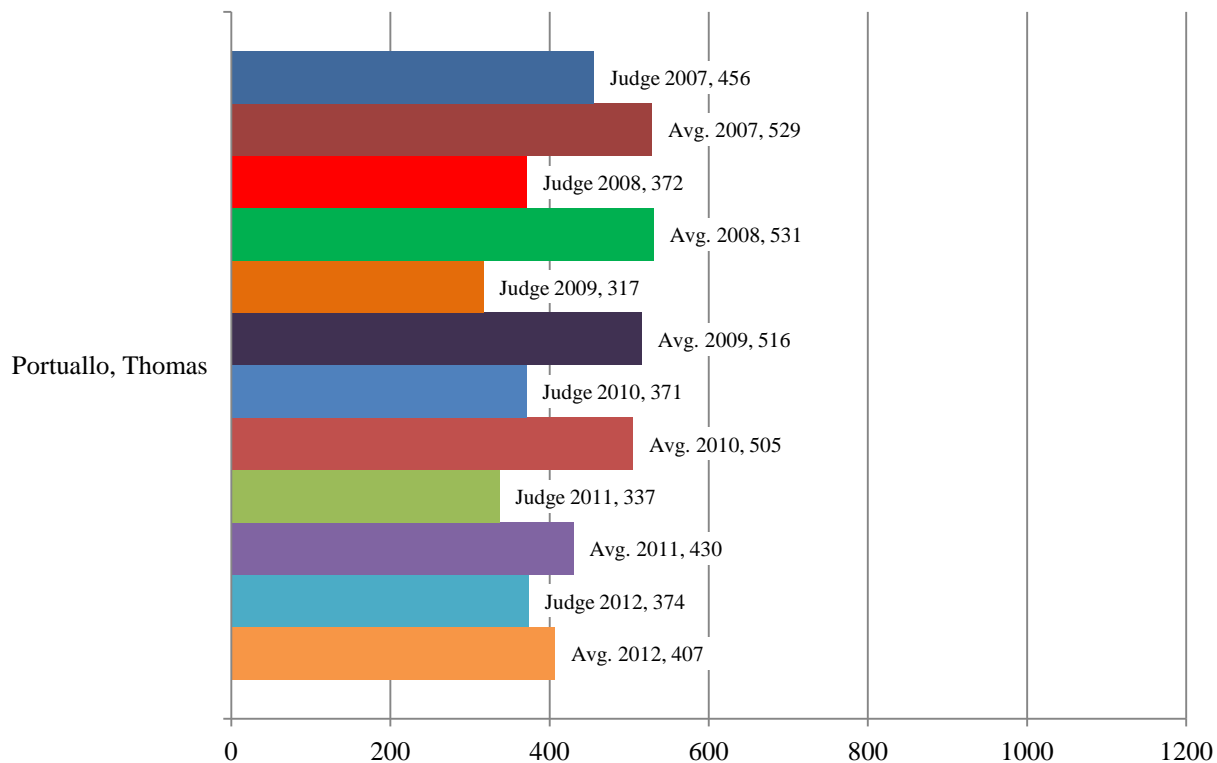
The following depicts the volume of settlement orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



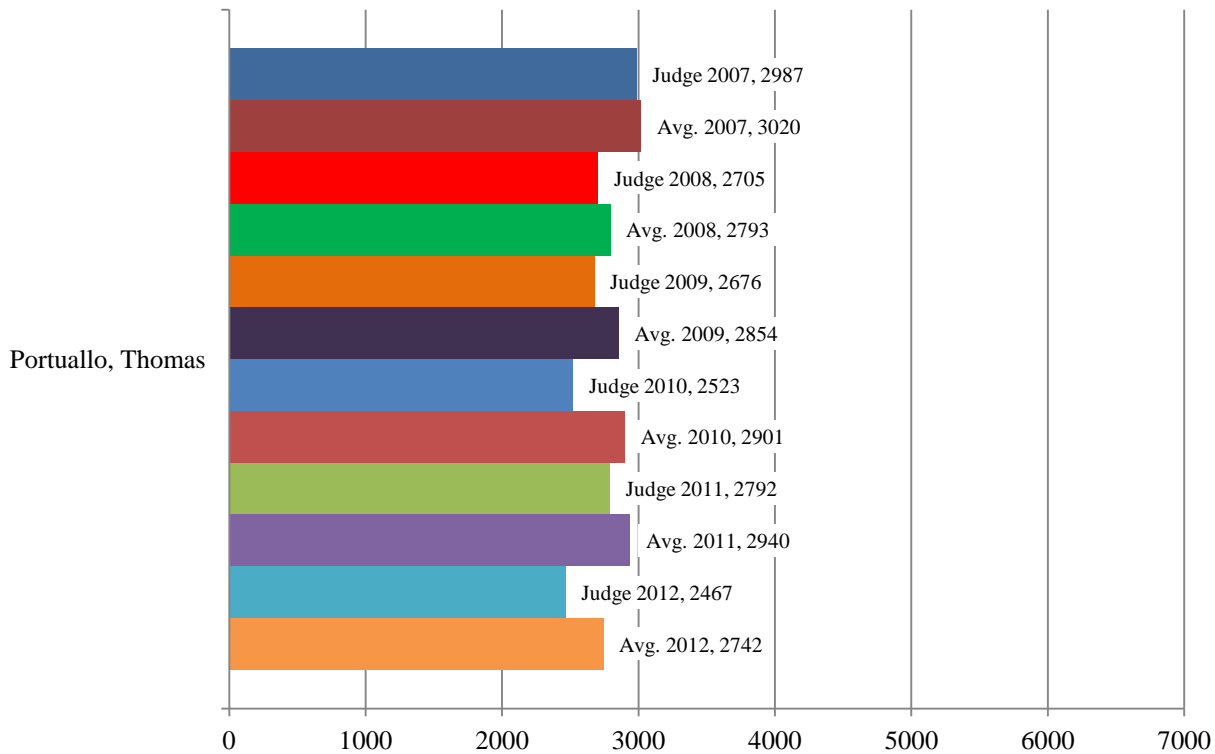
The following depicts the average number of days between filing of a settlement motion and entry of a settlement order by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



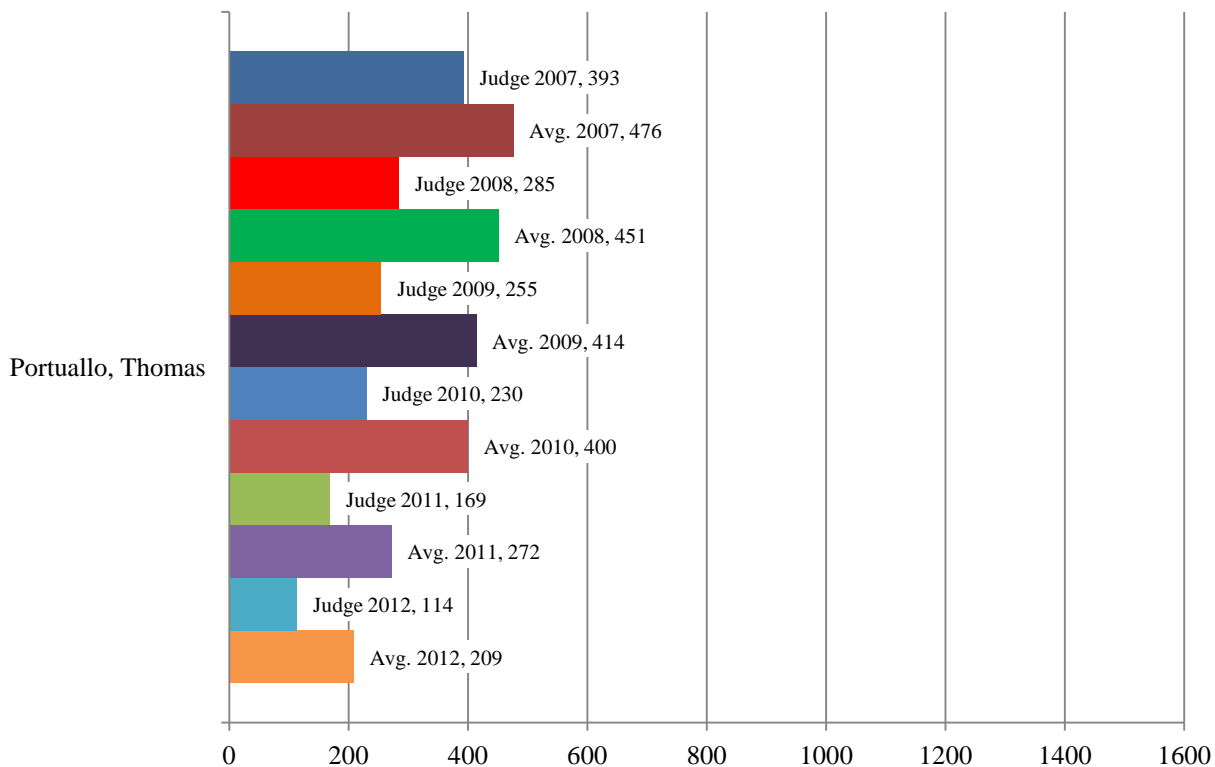
The following depicts the volume of stipulation orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



The following depicts the volume of “other” (meaning not settlement or stipulation) orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



The following depicts the volume of “other” (meaning not trials) hearings recorded as “held” by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



Appendix “2” District FTL (JCC Hogan, JCC Lewis, JCC Pecko):

District FTL includes only Broward County.

PFB and new case filings in District PFB were both below the statewide average in 2012. This is consistent because the FTL PFB volume has been close to, and even exceeded, the statewide averages in recent years. FTL has been assisted by Judges Humphries (JAX), Lazzara (TLH), Roesch (PMC) and Winn (PNS) in recent years. Each of these judges receives a portion of the new cases filed each month in Ft. Lauderdale. Until St. Petersburg became a one Judge office, resulting from the legislative decision to eliminate a JCC position, and the transfer of Judge Remsnyder to Melbourne to staff that office, Judge Rosen (SPT) also assisted with Ft. Lauderdale cases. The effects of this effort may be illustrated in the below average PFB assignments to the three Ft. Lauderdale judges in 2012.

Mediation timeliness has been notable in Ft. Lauderdale since 2009. That year, each Ft. Lauderdale mediator achieved an overall average from PFB to mediation of less than the statutory 130 days. It is hoped that this timeliness can be maintained with the reduction in mediators in that District, from three full-time mediators to two. The remaining Ft. Lauderdale mediators have undertaken to manage the three judges’ PFB volume for mediations without help from other districts.

The Judges in Ft. Lauderdale are all close to the statutory parameter for time between PFB filing and trial. Judges Lewis and Pecko were below the 210 day parameter in 2012, Judge Hogan only slightly above. Notably, Judge Lewis has averaged less than 130 days in each of the last three fiscal years. All three judges issued their trials orders in less than thirty days, on average, for the last two fiscal years. The diversion of Ft. Lauderdale PFBs to out-of-district judges is decreasing the volume of cases handled by the Ft. Lauderdale judges. It is plausible that the improvements in timing, and the decreased, and below average (statewide average in 2012 was 59 trial orders) trial volumes demonstrated by Judge Hogan (38) and Judge Pecko (47) in FTL, are attributable, in part, to this effort. However, it is also plausible that some portion of the lower trial volumes in these two divisions of FTL are attributable to other factors, as each of these divisions has demonstrated below average trial volumes since 2008-09.

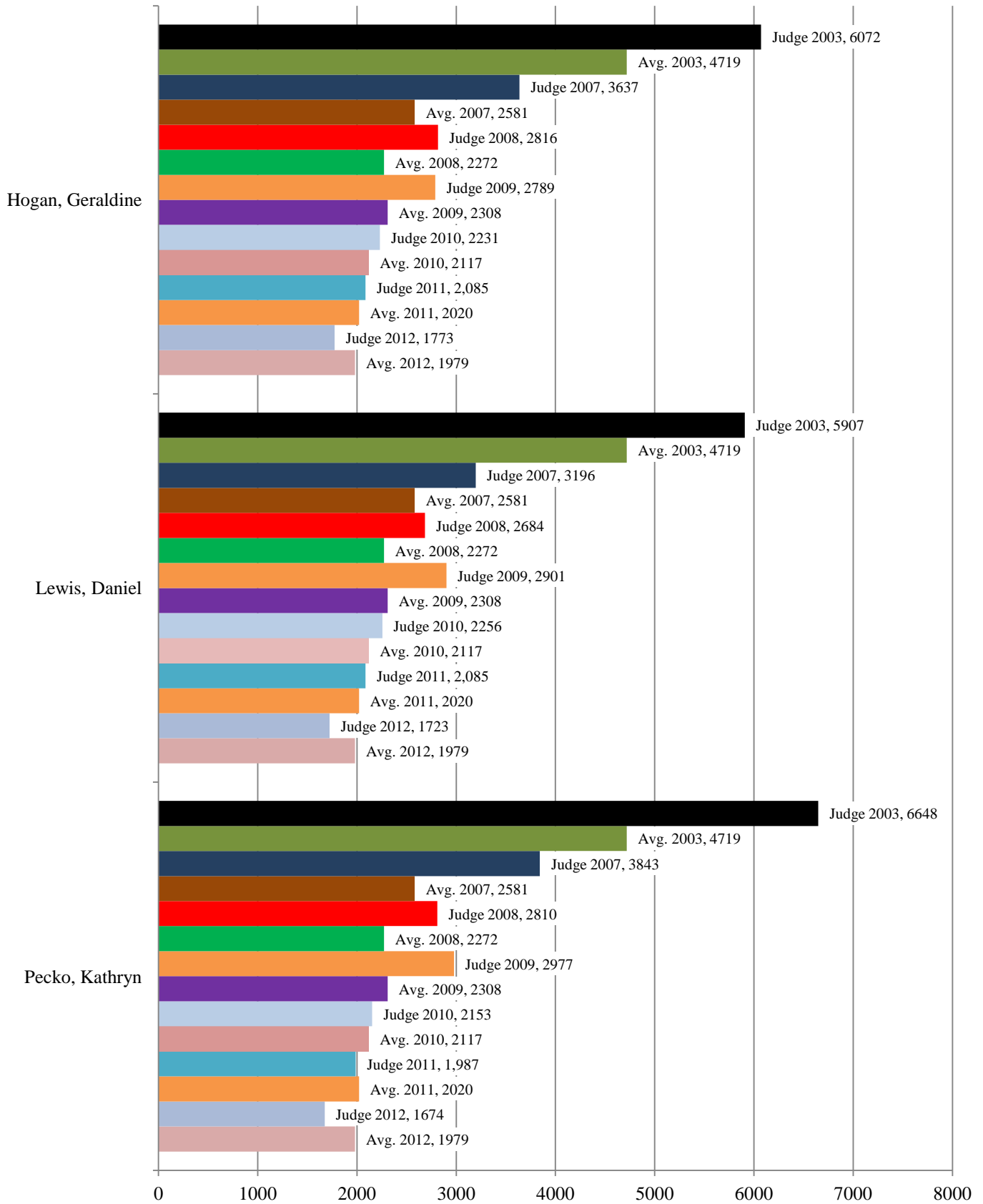
In 2011-12, Judge Lewis remained active in the Broward Bar Association, he presented a “Question and Answer Session with Broward JCCs” in February 2012. He also presented “A View from the Bench” at the Workers’ Compensation Institute Spring Forum in Orlando in May 2012.

Judge Hogan participated as a panelist at the 2012 Workers’ Compensation Seminar, “Workers Compensation 2012 – Staying a Step Ahead,” presented by the Broward County Bar Association.

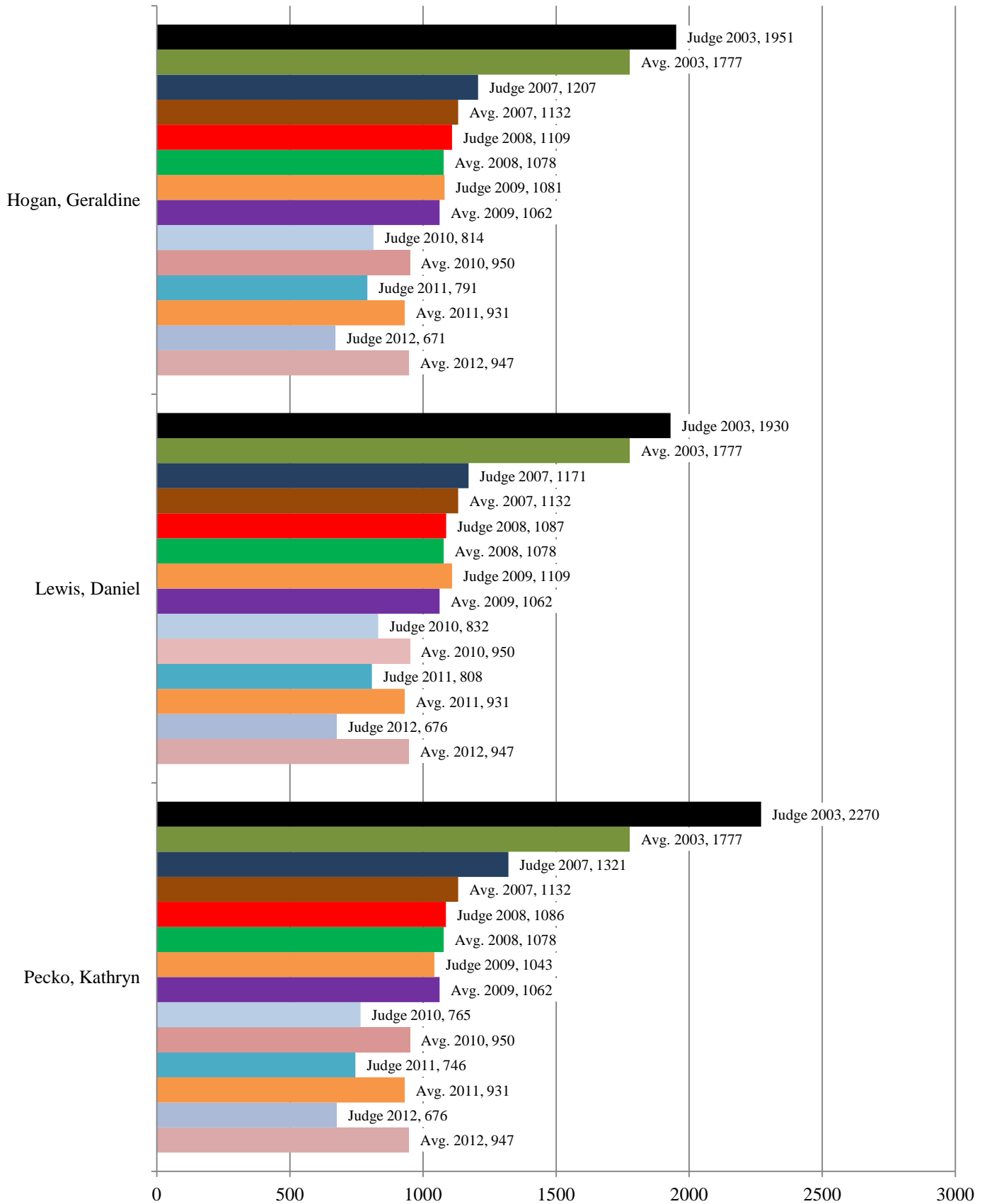


DOAH Chief Judge Robert Cohen (L) moderated a panel discussion on appellate review at the 2012 National Association of Workers’ Compensation Judiciary Judicial College

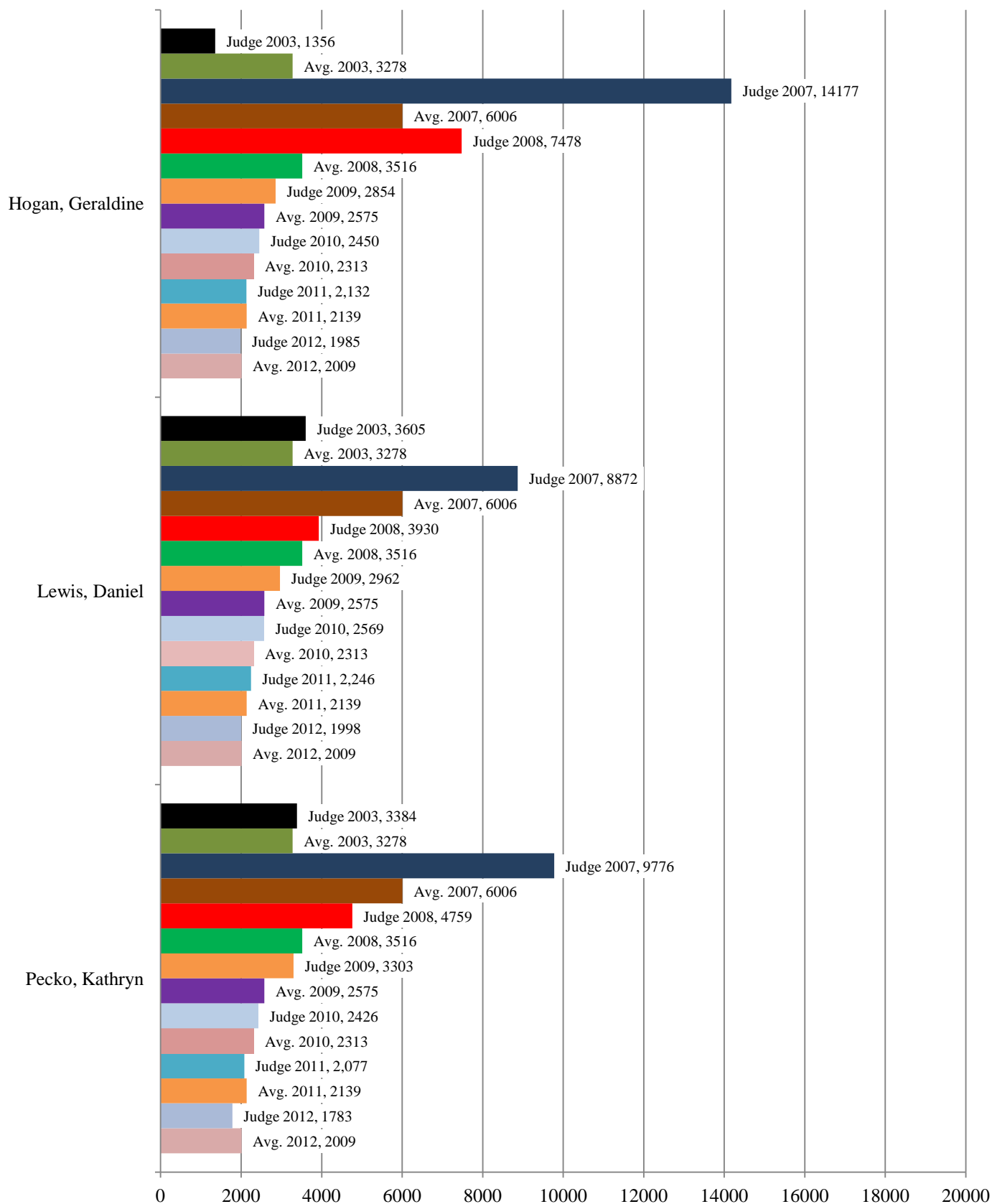
The following depicts the volume of PFBs filed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



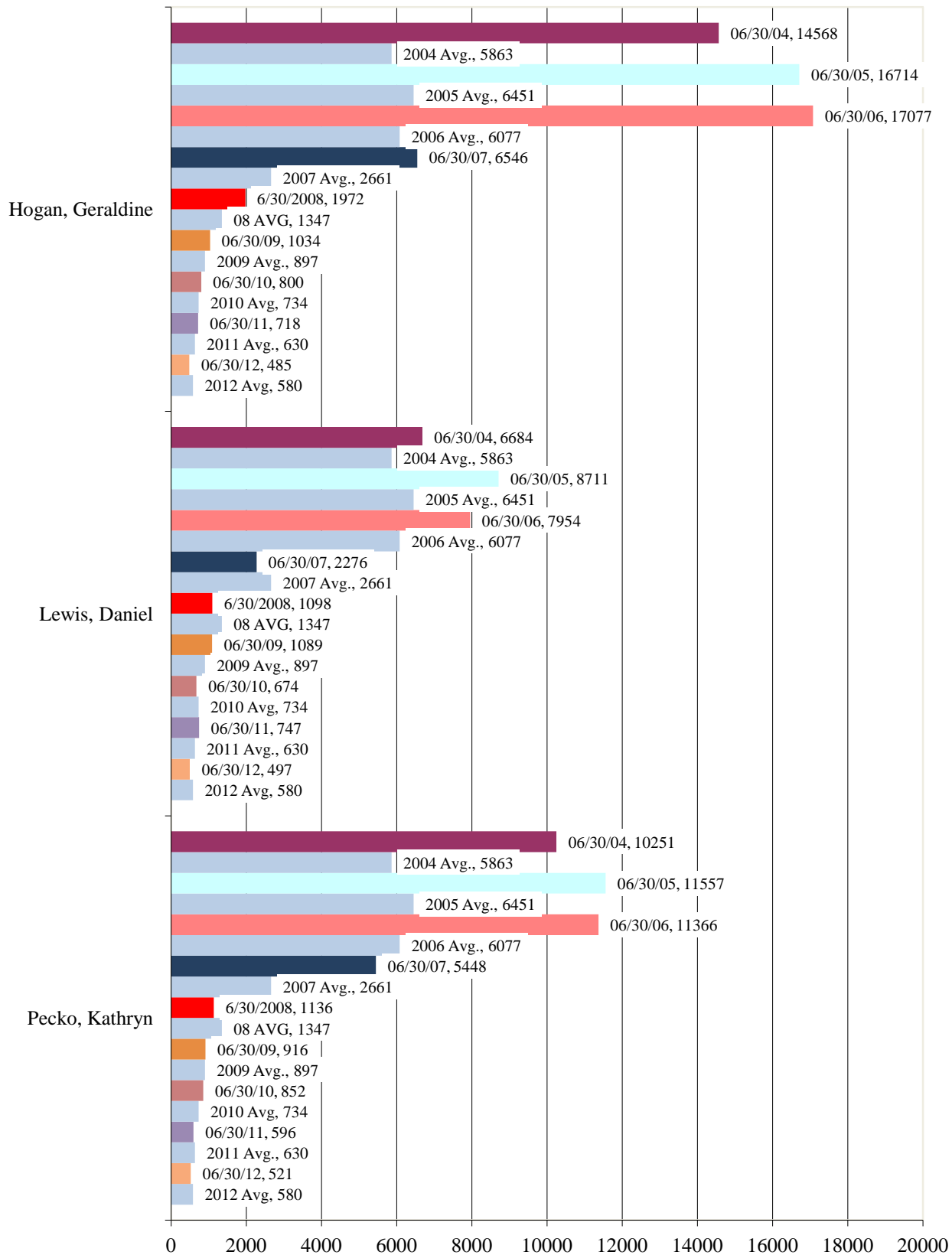
The following depicts the volume of new cases filed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



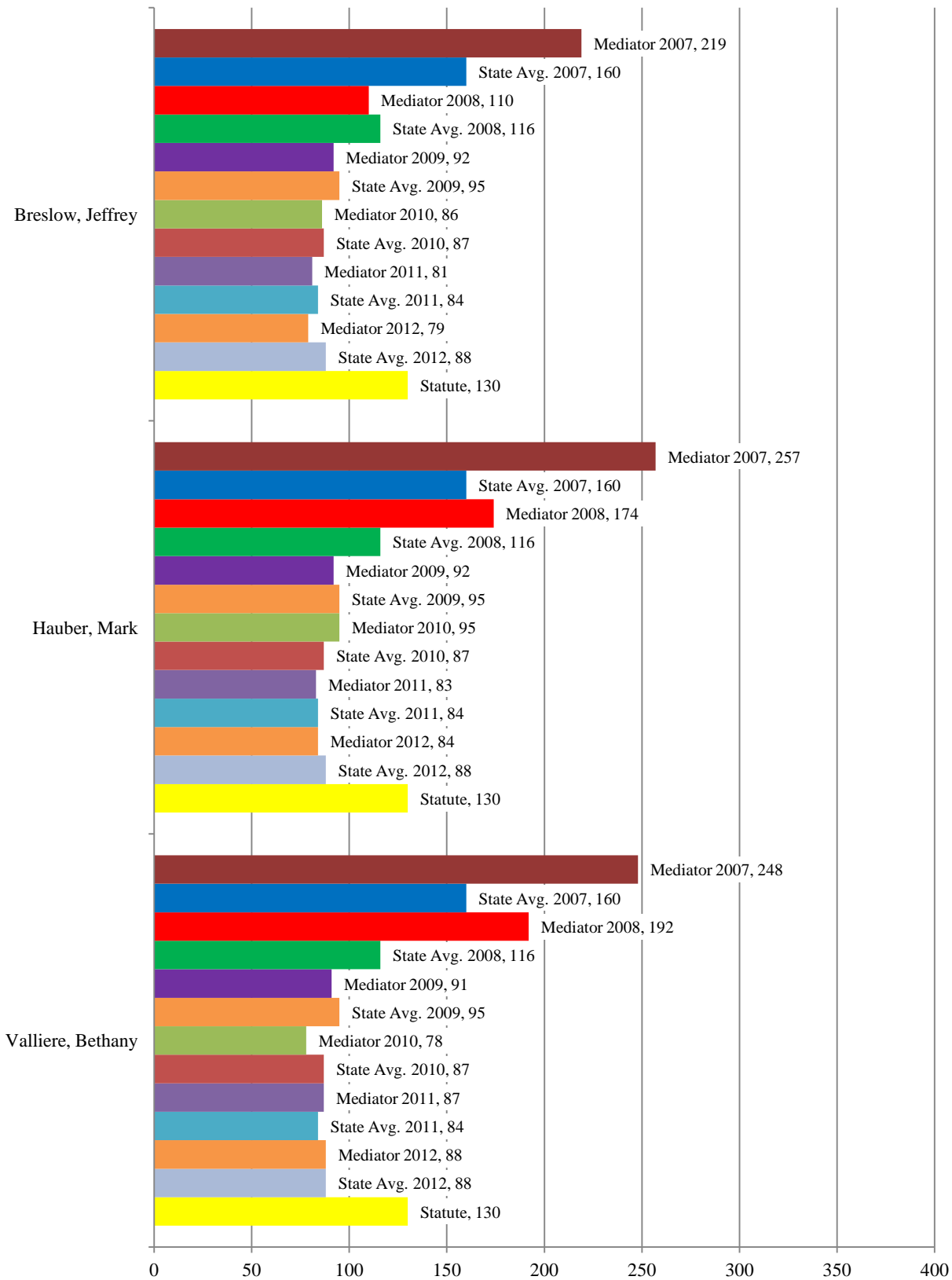
The following depicts the volume of PFBs closed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



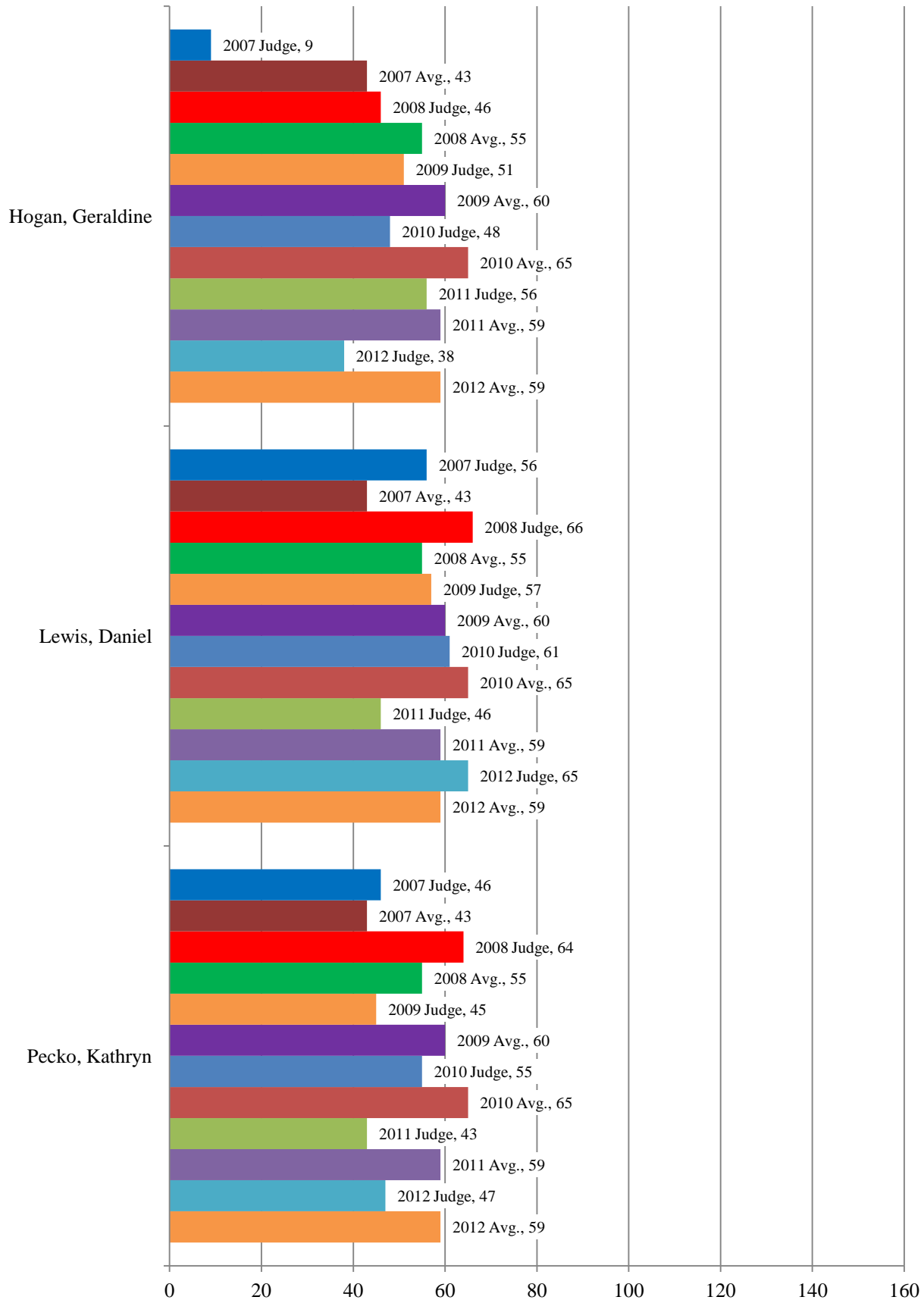
The following depicts the inventory of pending PFBs in this District and the statewide average between 2002-03 and 2010-11. The identification and values for each year are in each bar label.



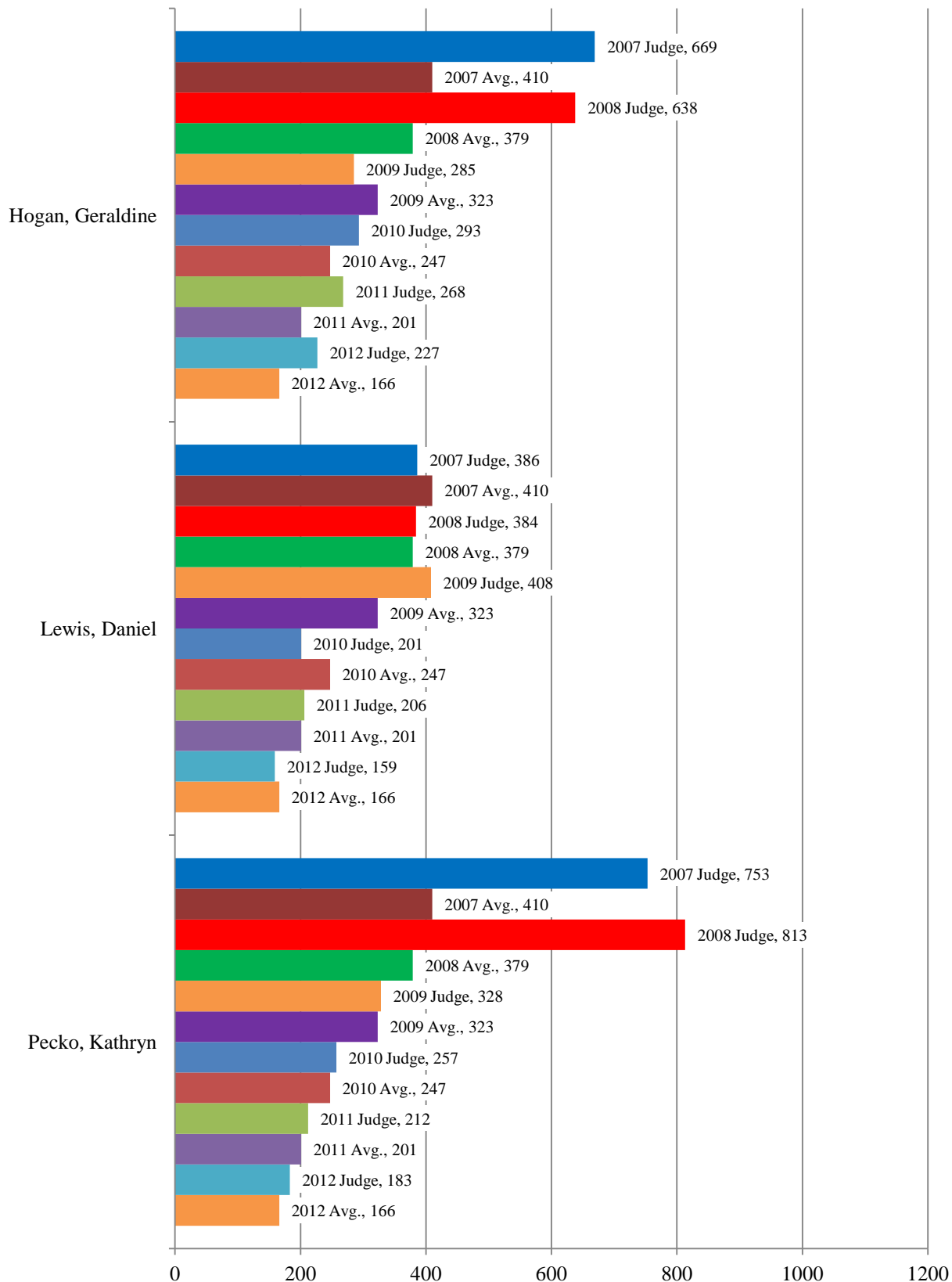
The following depicts the average days between PFB filing, and the first mediation held thereon, for each mediator in the District between 2002-03 and 2010-11. The identification and values for each year are in each bar label. The yellow bar represents the statutory 130 days.



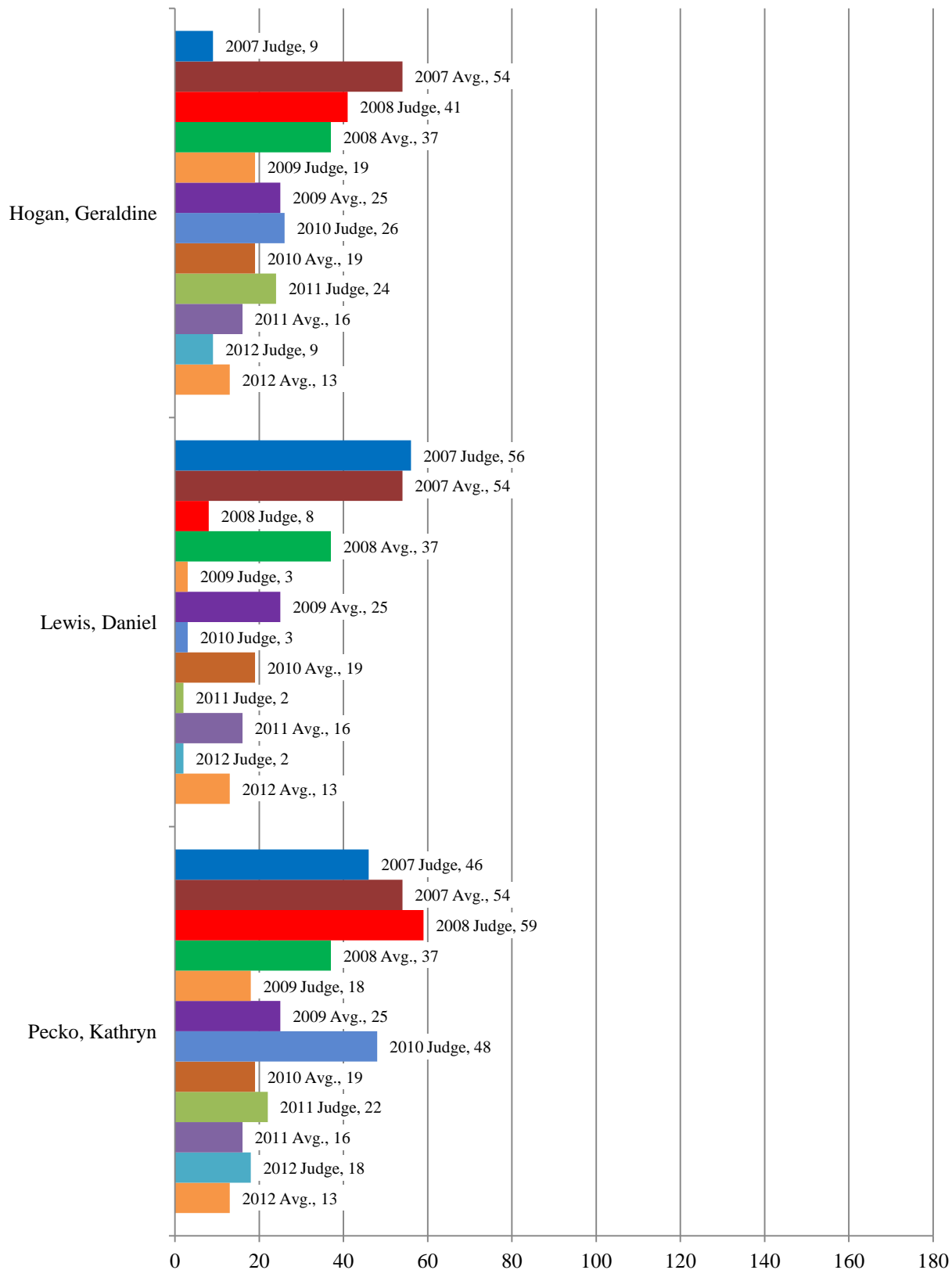
The following graph depicts the total volume of trial orders uploaded in this District and statewide averages between 2006-07 and 2010-11. The identification and values for each year are in each bar label.



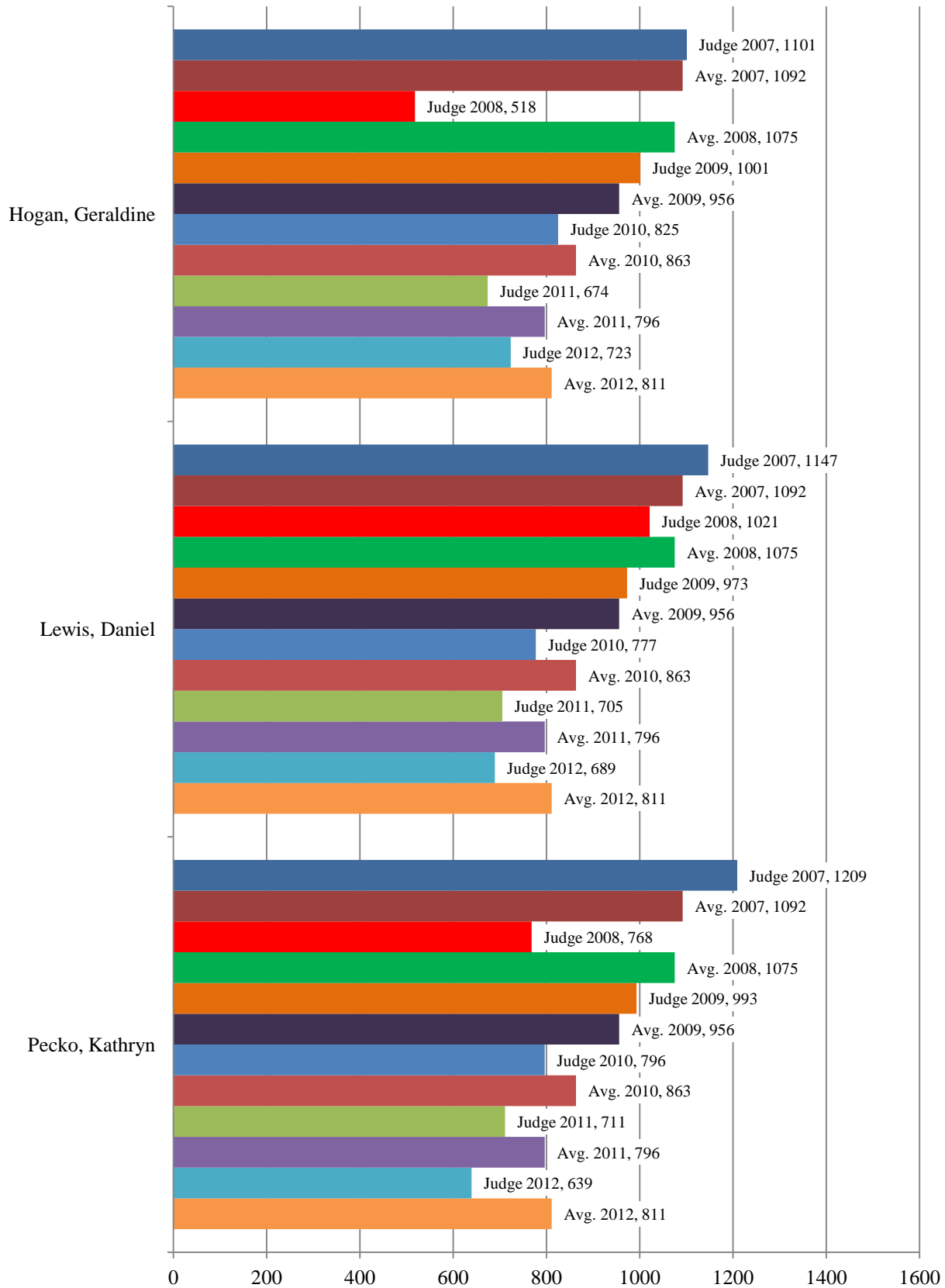
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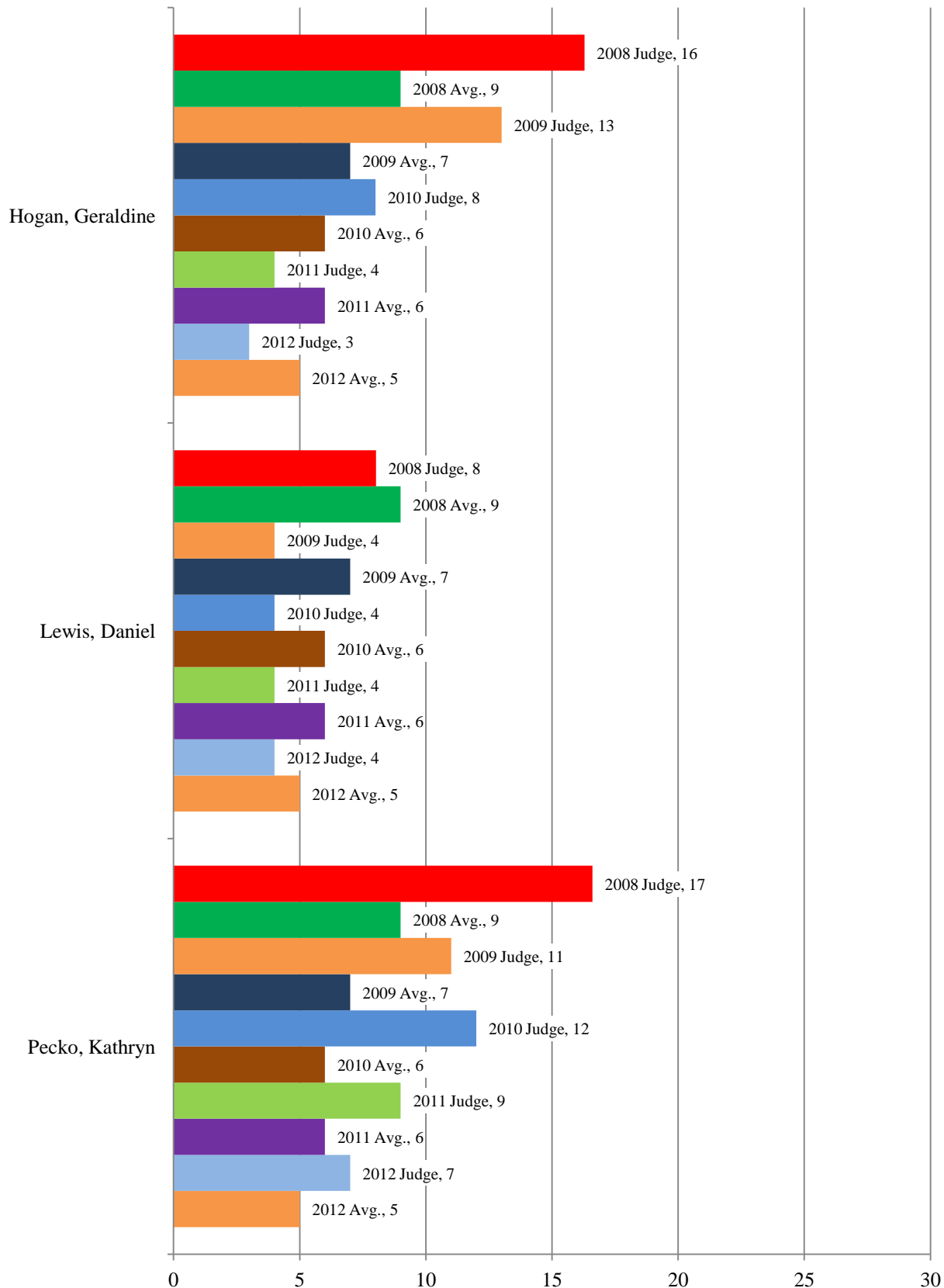
The following depicts the average days between trial commencing and entry of the trial order for each Judge and the statewide average between 2006-07 and 2010-11. All days between the first day of trial and last day of trial are included in the calculation of days between trial and final order. The identification for each year and the values are in each bar label.



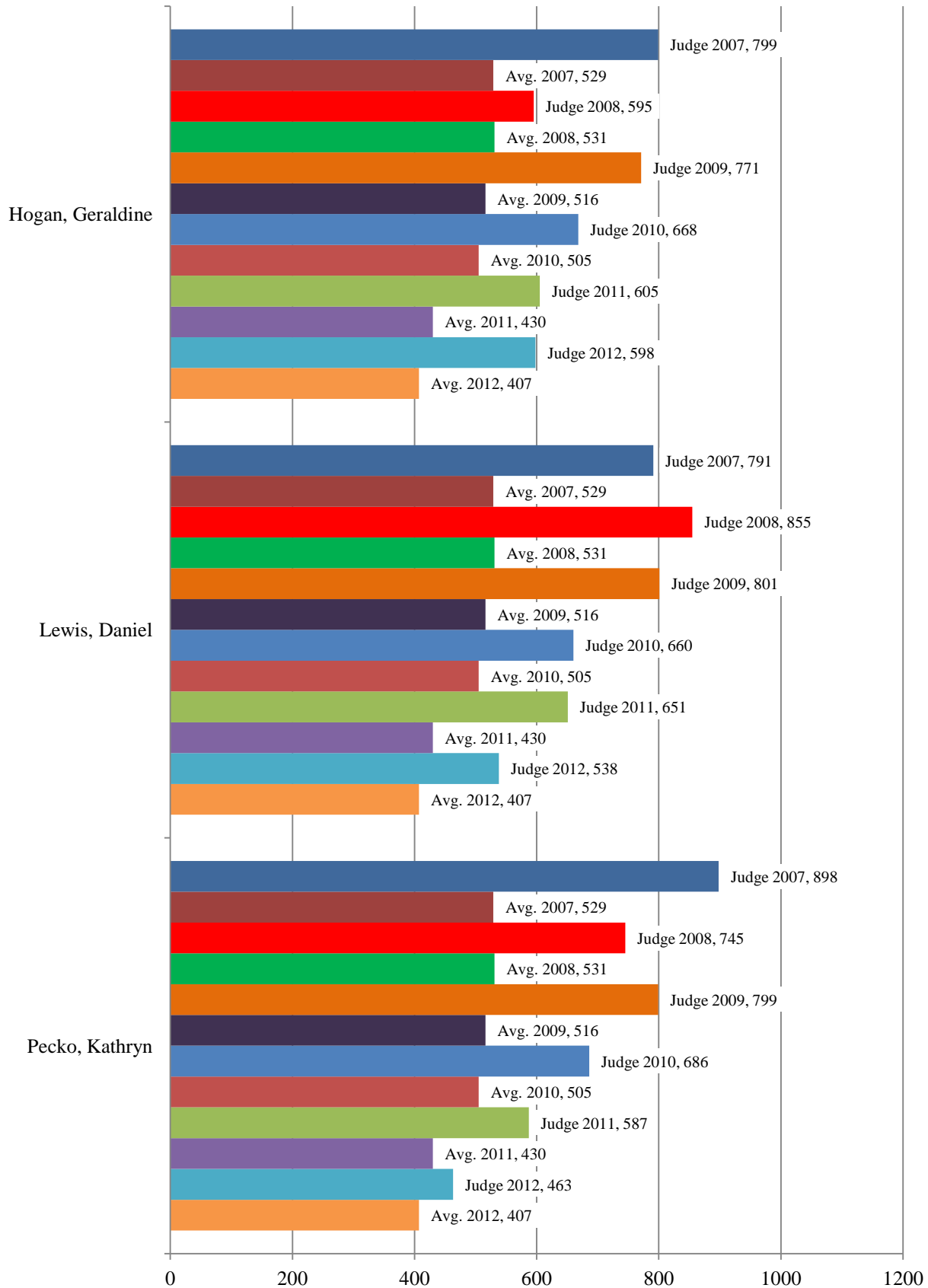
The following depicts the volume of settlement orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



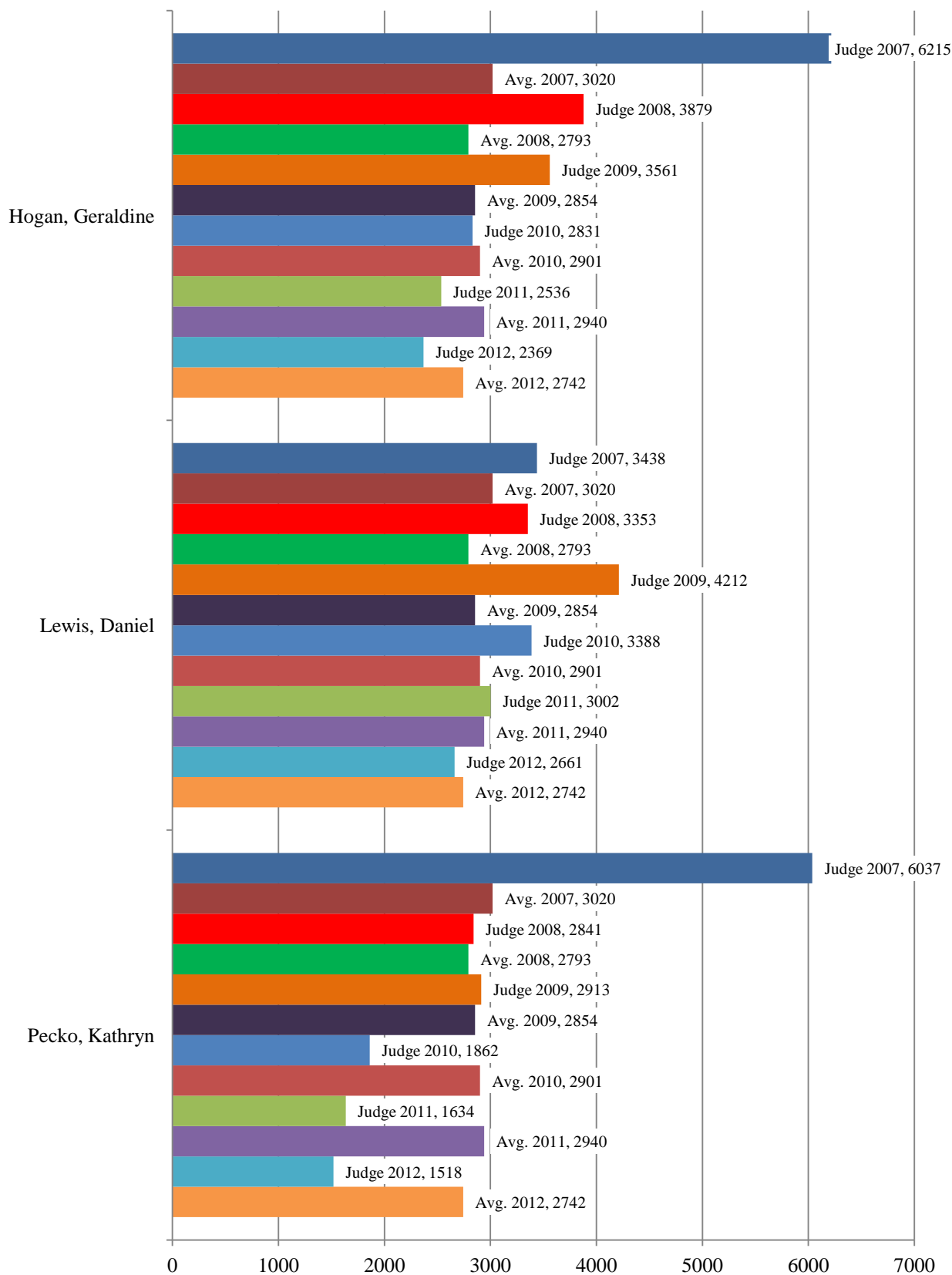
The following depicts the average number of days between filing of a settlement motion and entry of a settlement order by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



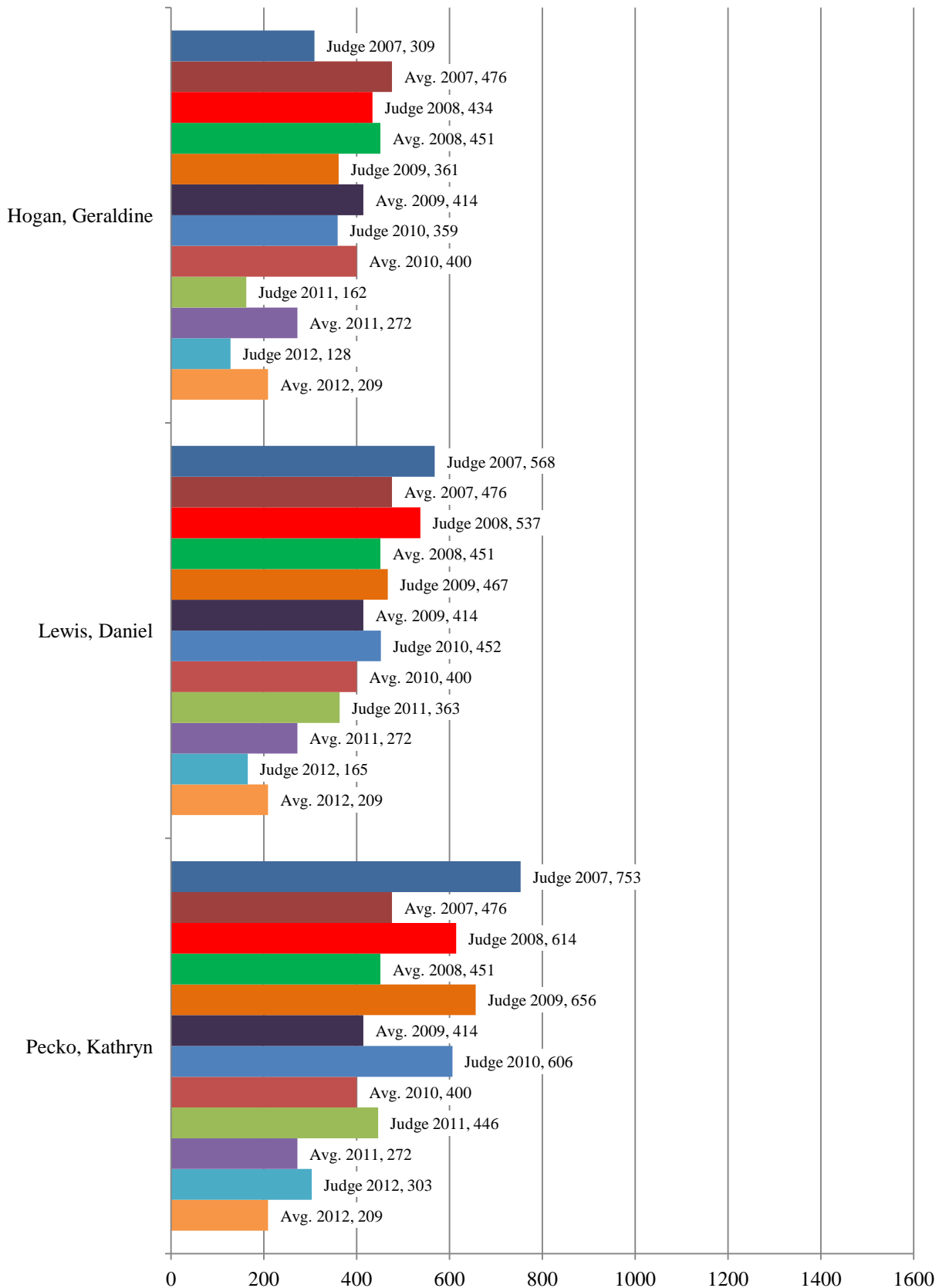
The following depicts the volume of stipulation orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



The following depicts the volume of “other” (meaning not settlement or stipulation) orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



The following depicts the volume of “other” (meaning not trials) hearings recorded as “held” by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



Appendix “3” District FTM (JCC Spangler, JCC Sturgis):

District FTM includes the following counties: Charlotte, Collier, DeSoto, Lee.

The volume of PFB filings in District FTM were close to the statewide average in 2011-12, much closer than in 2010-11. The volume of “new cases” slightly exceeded the statewide average during the last three years. This coincides with both FTM Judges accepting “new cases” from outside the District. This participation in the “out-of-district” program has stabilized workload in FTM. Both Judges in FTM closed about the same volume of PFB as were filed in each of the last three years. This supports that the docket “load” in FTM is manageable and in a state of equilibrium. Both FTM mediators averaged less than 130 days between PFB filing and first mediation, at or very close to the statewide average. This marks continued perseverance and performance.

Despite the New case and PFB volumes, the volume of trials in FTM in 2011-12 was well below the statewide average. This is consistent with the trial volumes in FTM for the previous two years, with 2011-12 marking the third consecutive year of low trial volumes. Both Judges in FTM averaged less than 210 days from Petition/Motion filing until trial. More significantly, both Judges entered timely trial orders following trial again in 2011-12.

Judges Spangler and Sturgis have each heard out-of-District cases since their initial appointment. In 2009-10 Judge Spangler began accepting “new cases” from District MIA, and Judge Sturgis began accepting them from District LKL. In 2010-11, with LKL under new management, and in light of the marked decrease of filings there, Judge Sturgis also began accepting out-of-District assignments in MIA. District FTM was a one Judge District until 2006. The population growth and litigation volumes there justified the placement of the OJCC’s thirty-second judicial position in FTM, when that position was added in 2006. With the decreasing volumes, the time may be approaching when logic will dictate the transition of FTM back to a one Judge District. With the OJCC videoteleconference capabilities, volume beyond the ability of one FTM Judge could then be assigned to Judges in single Judge Districts with less significant local workload.

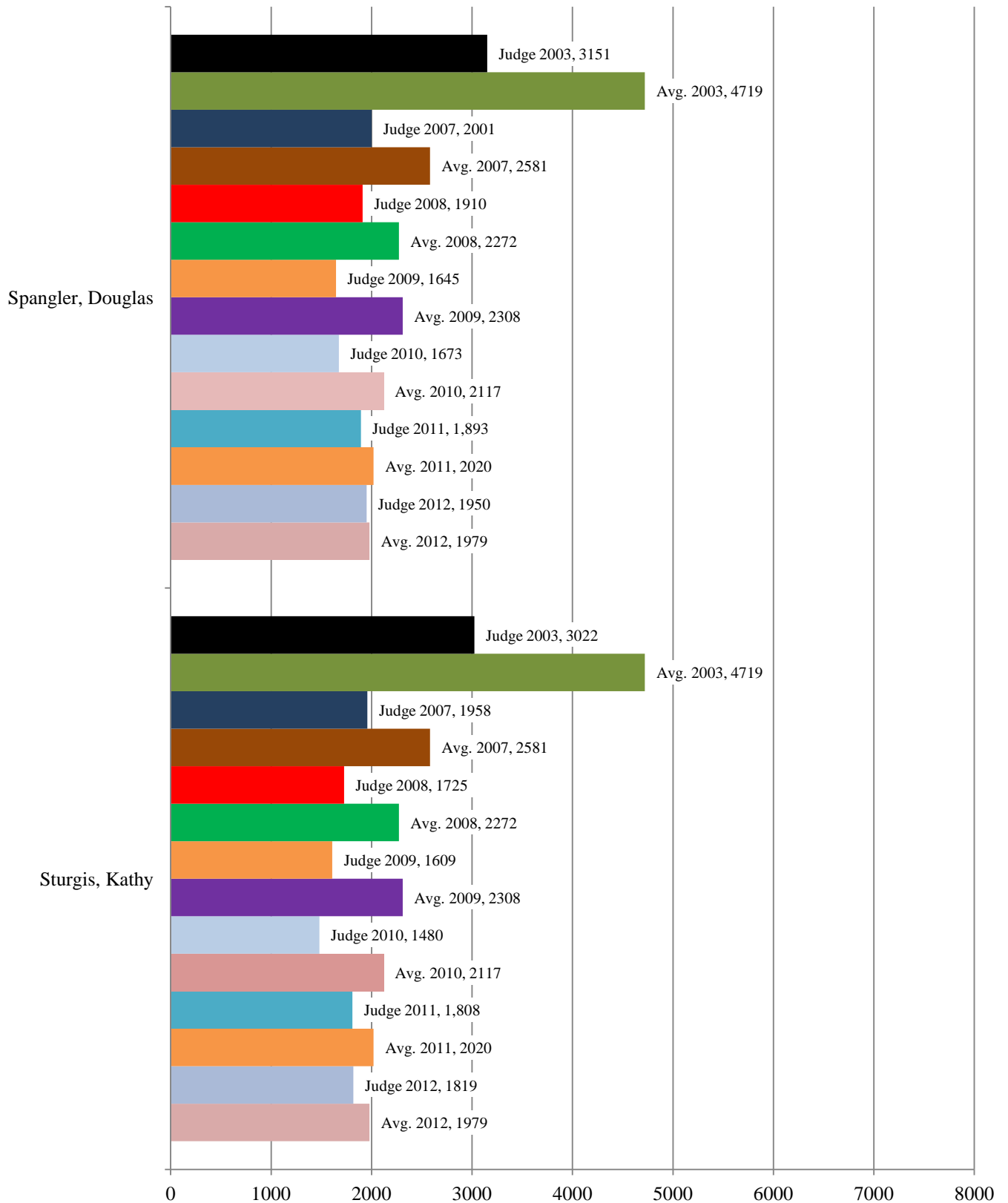
In 2011-12, Judge Spangler participated in a volunteer internship program with Ave Maria School of Law in Naples.

Judge Sturgis is a member of the Ave Maria Law School Board of Visitors, and serves as a mentor to Ave Maria students. In 2012 she participated in mock interviews for Ave Maria students and assisted the law school’s moot court team in their preparation for competition. Judge Sturgis is a Justice Teaching volunteer and a Scholarship Reader for the Southwest Florida Community Foundation. She is the Group Study Chair for the Downtown Rotary Club and serves as Judge for the Lee County Foundation for Public Schools, Colors of the Rainbow Dancing Classrooms Competition. In 2012, she concluded her term as Chairperson of the Southwest Florida Community Foundation Women’s Legacy Steering Committee.

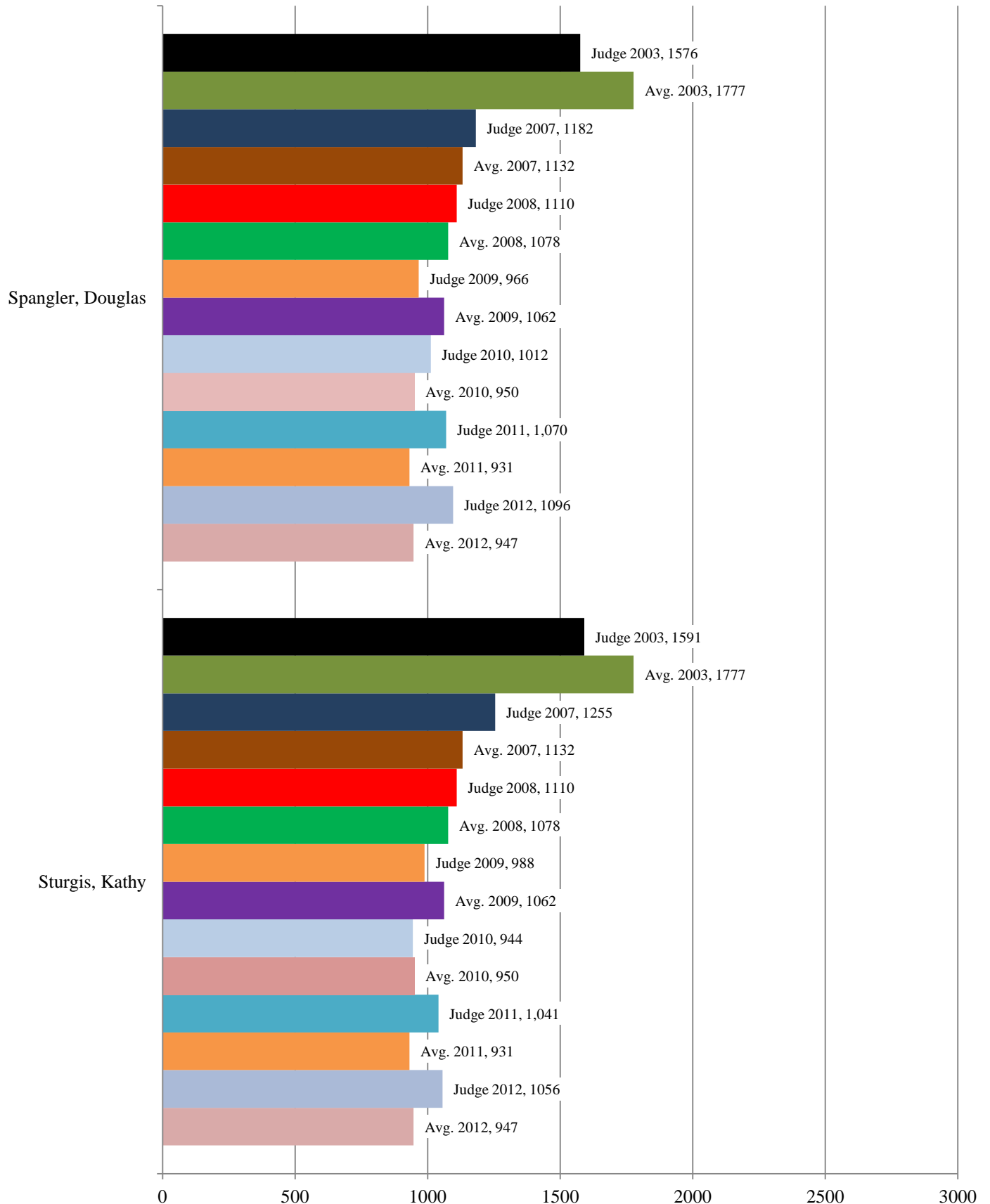


Judges Kuker (MIA) and Sturgis (FTM) Judged the Earle Zehmer Moot Court Competition, 2011.

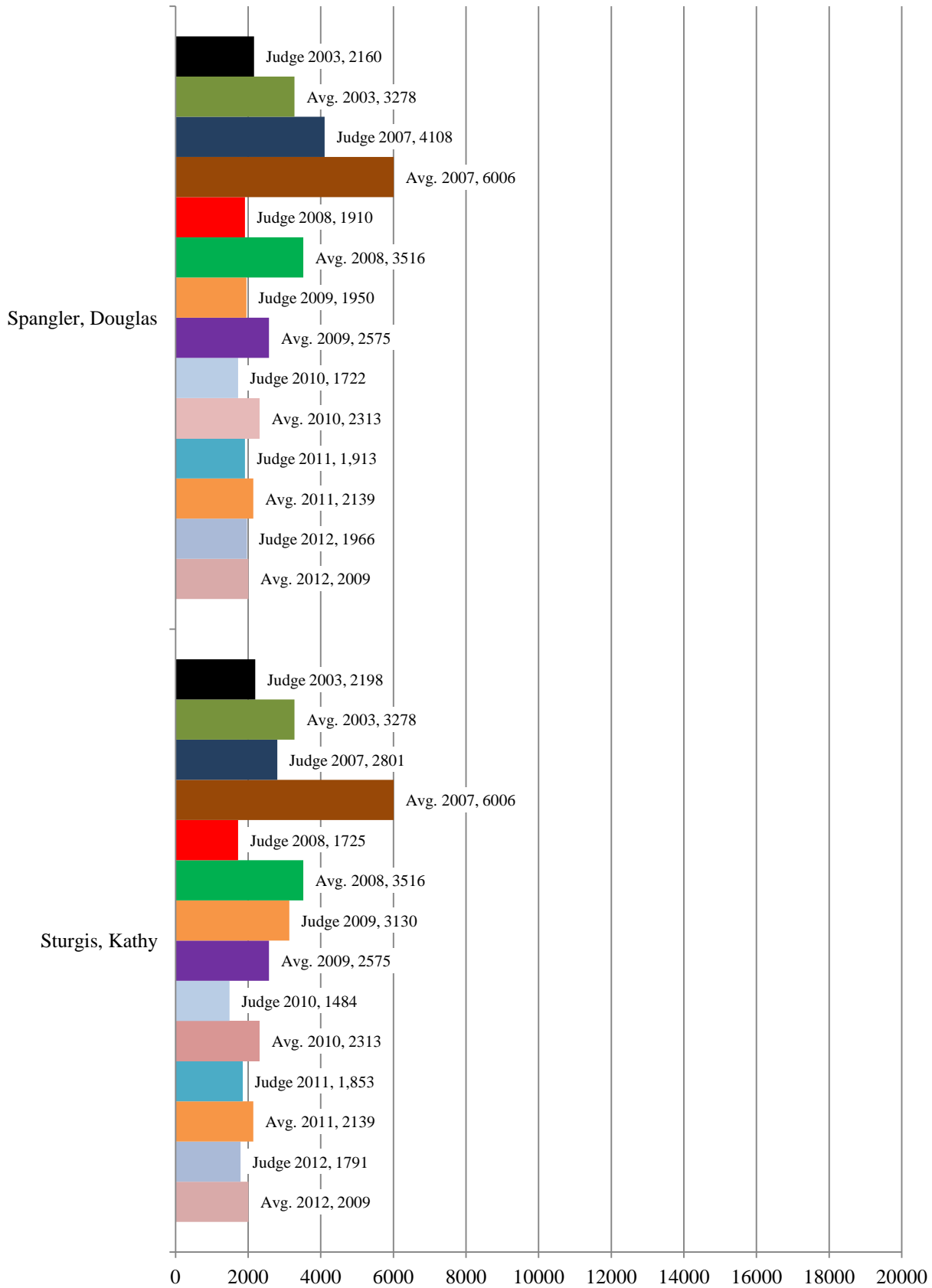
The following depicts the volume of PFBs filed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



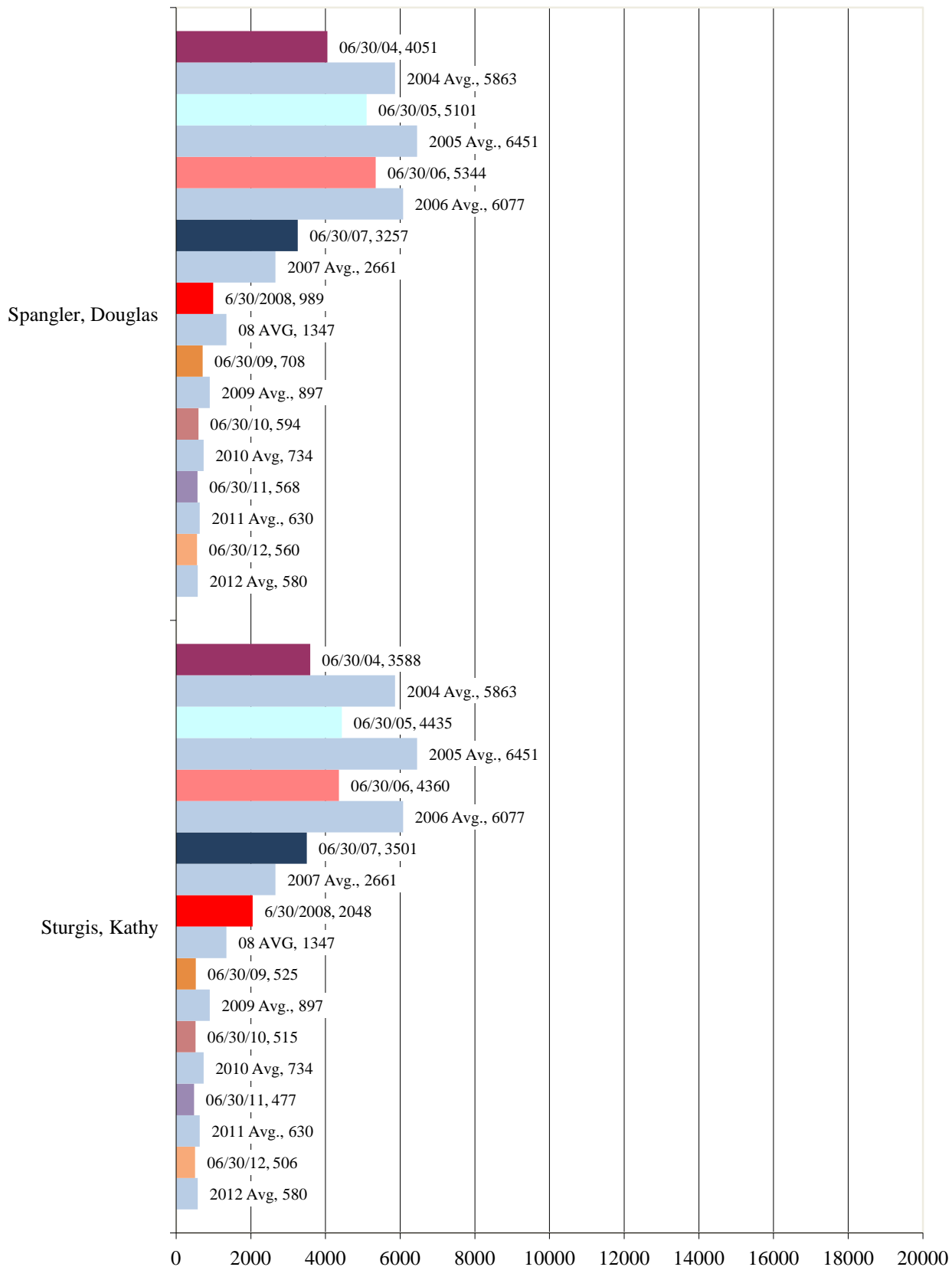
The following depicts the volume of new cases filed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



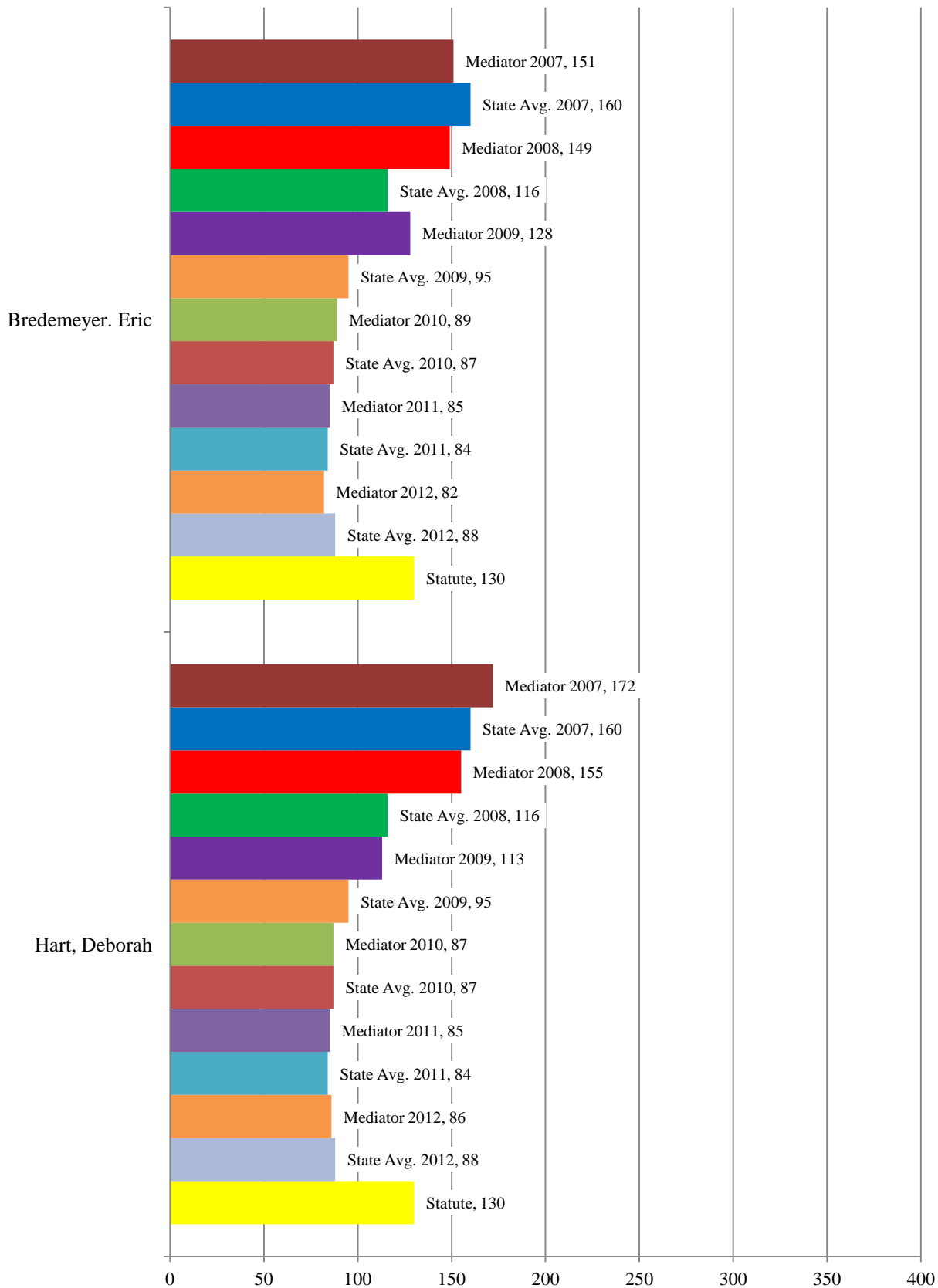
The following depicts the volume of PFBs closed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



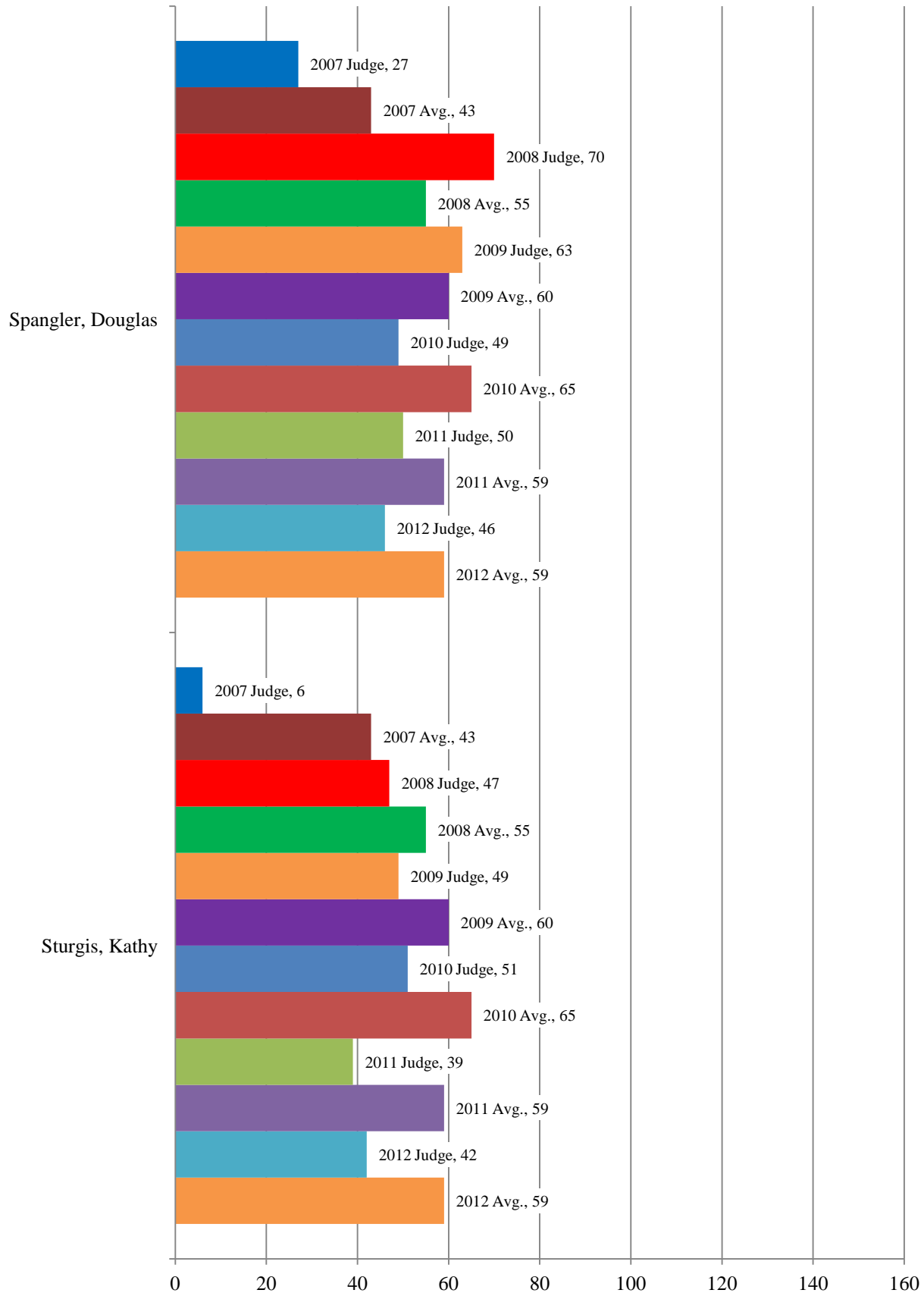
The following depicts the inventory of pending PFBs in this District and the statewide average between 2002-03 and 2010-11. The identification and values for each year are in each bar label.



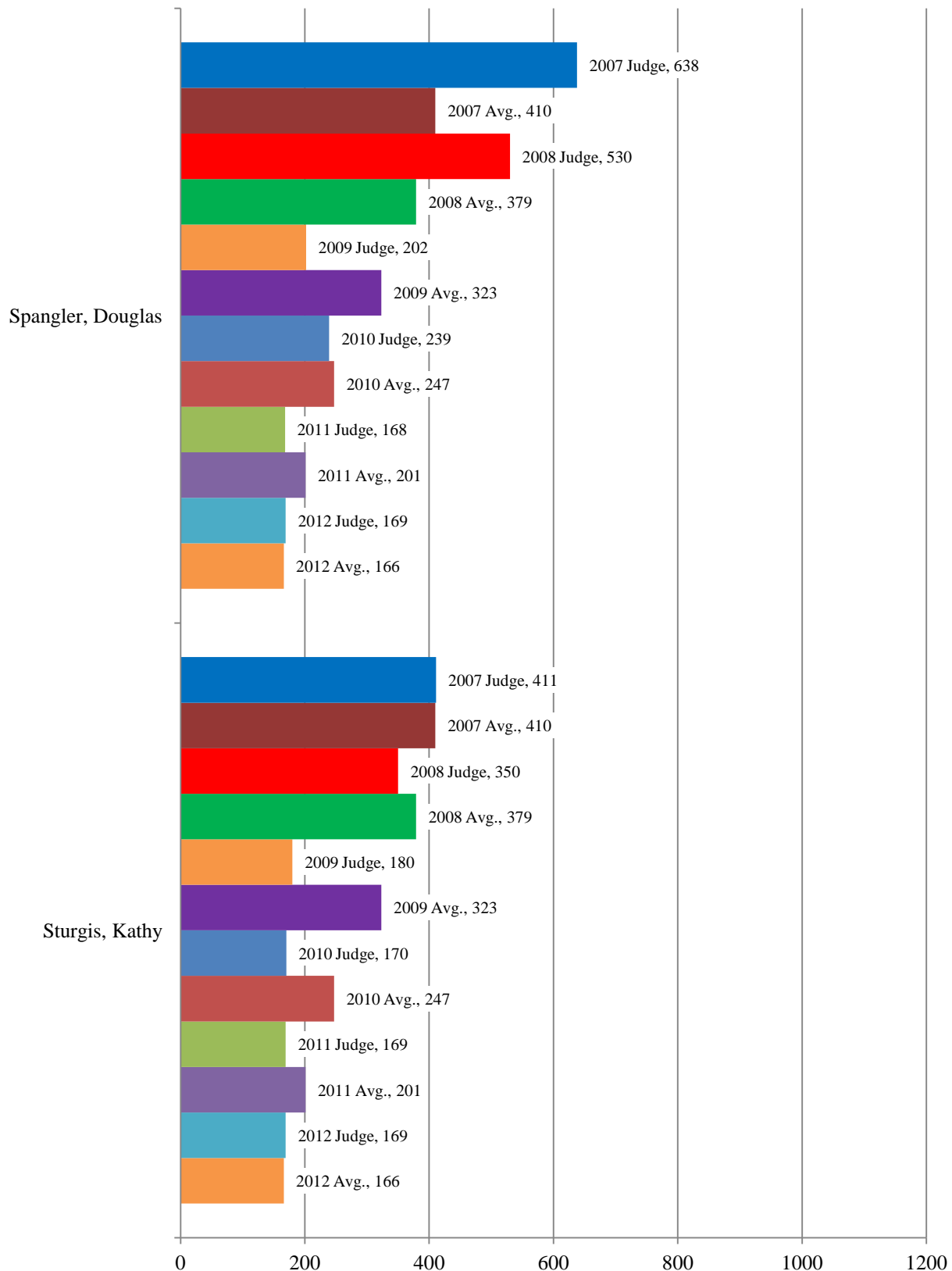
The following depicts the average days between PFB filing, and the first mediation held thereon, for each mediator in the District between 2002-03 and 2010-11. The identification and values for each year are in each bar label. The yellow bar represents the statutory 130 days.



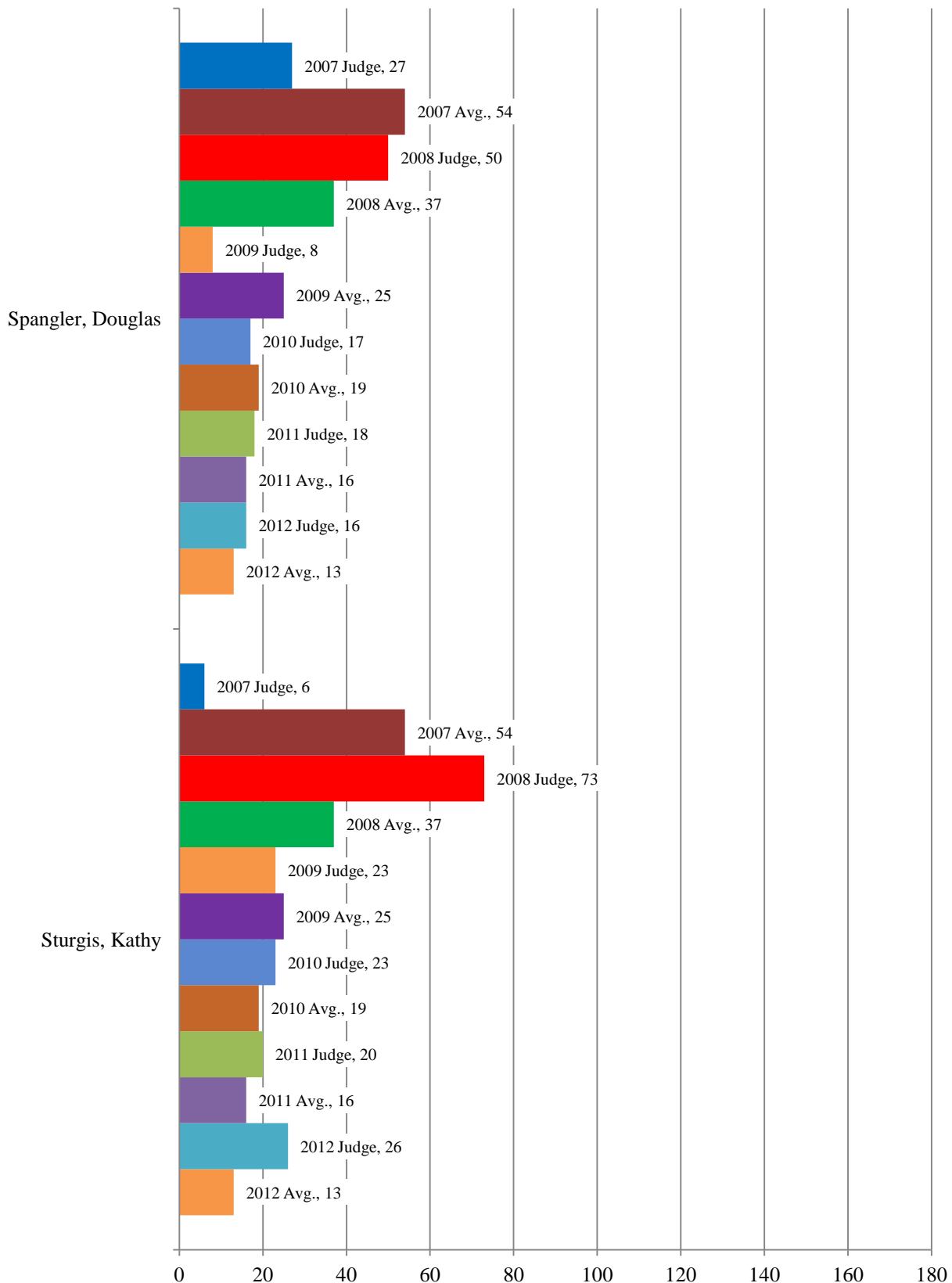
The following graph depicts the total volume of trial orders uploaded in this District and statewide averages between 2006-07 and 2010-11. The identification and values for each year are in each bar label.



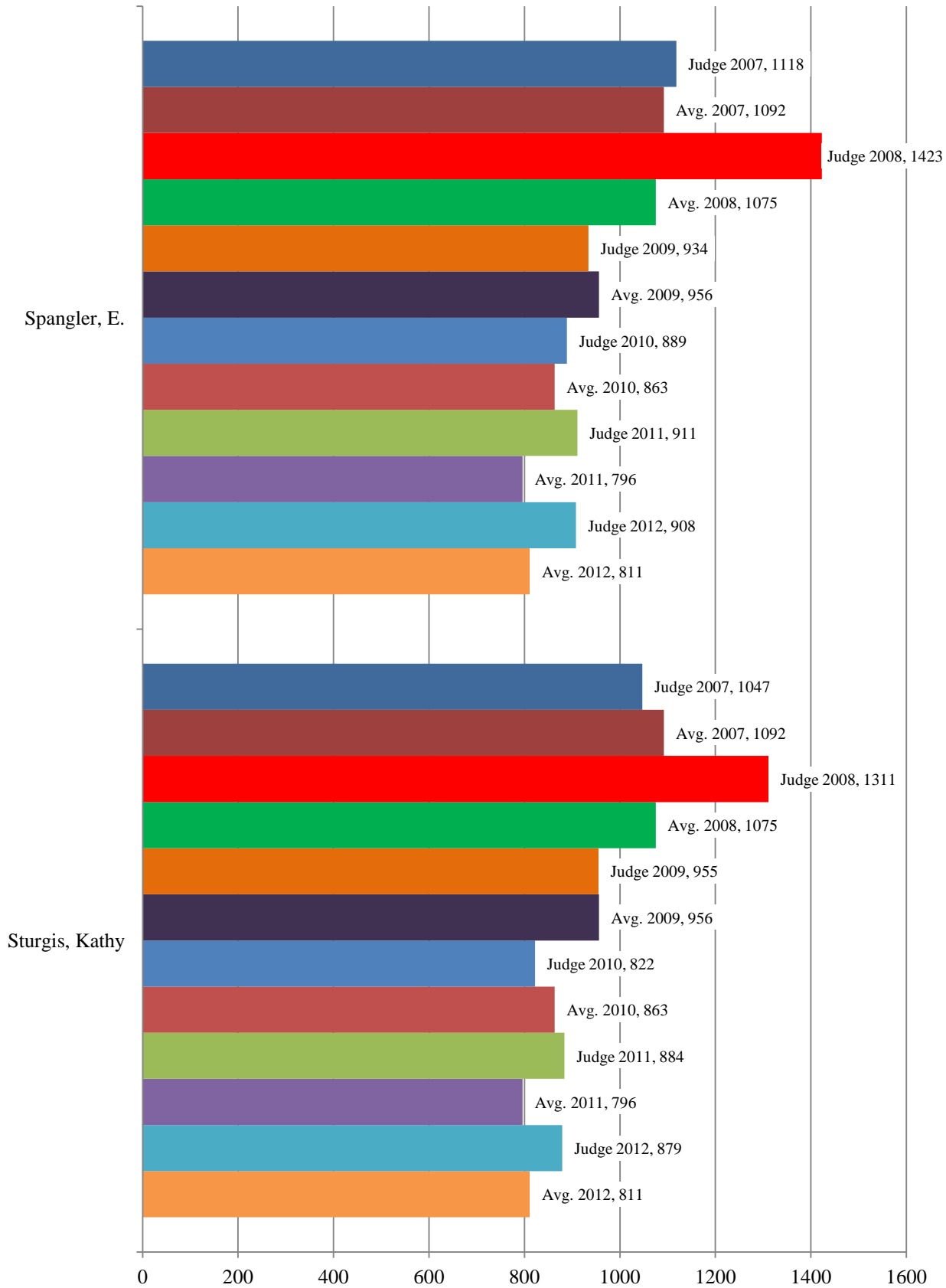
The following depicts the average days between PFB filing and trial commencing for each Judge and the statewide average between 2006-07 and 2010-11. For these calculations, only the first day of trial is considered, and days after the first trial day are included in the days between trial and final order. The identification for each year and the values are in each bar label.



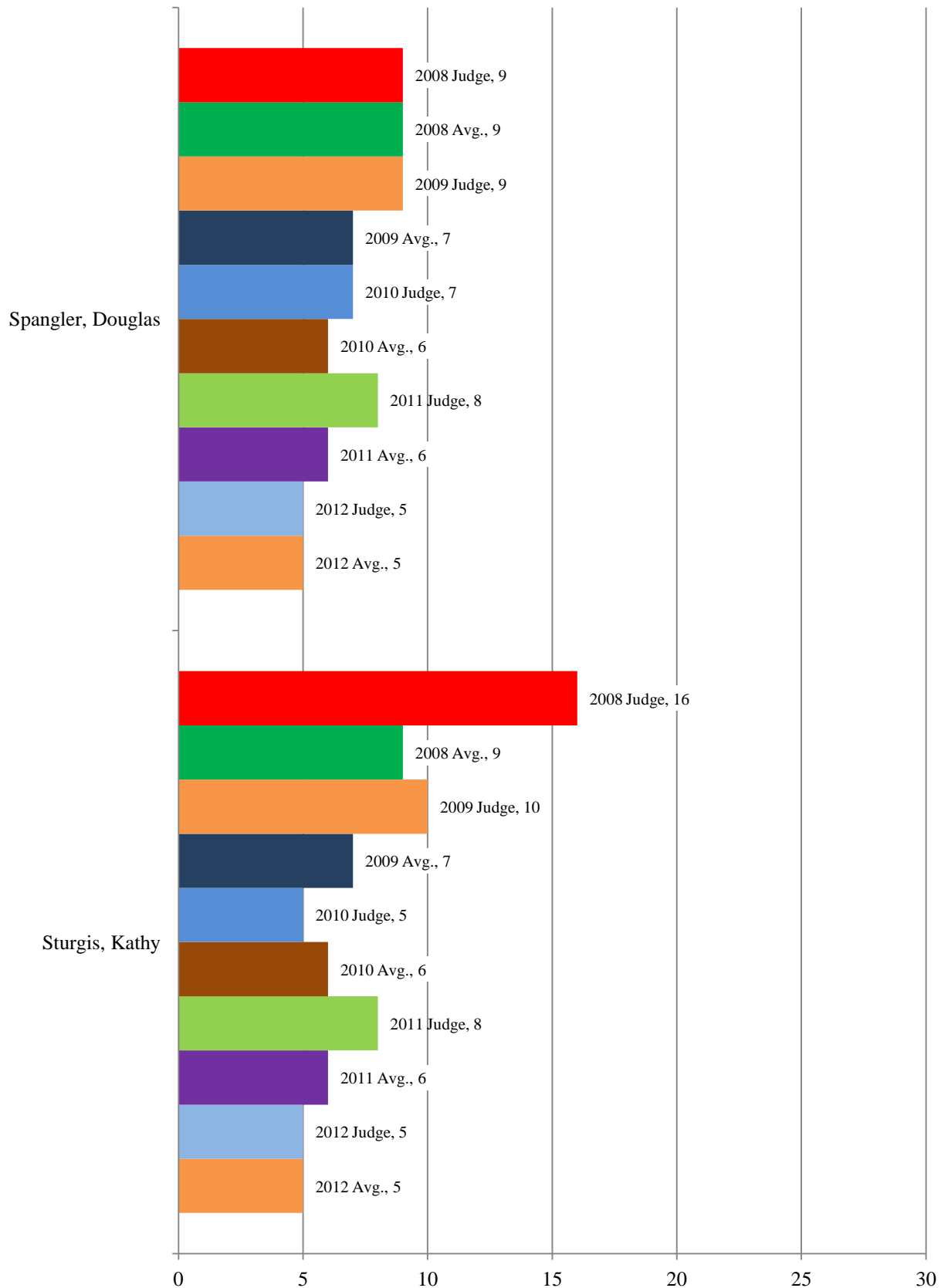
The following depicts the average days between trial commencing and entry of the trial order for each Judge and the statewide average between 2006-07 and 2010-11. All days between the first day of trial and last day of trial are included in the calculation of days between trial and final order. The identification for each year and the values are in each bar label.



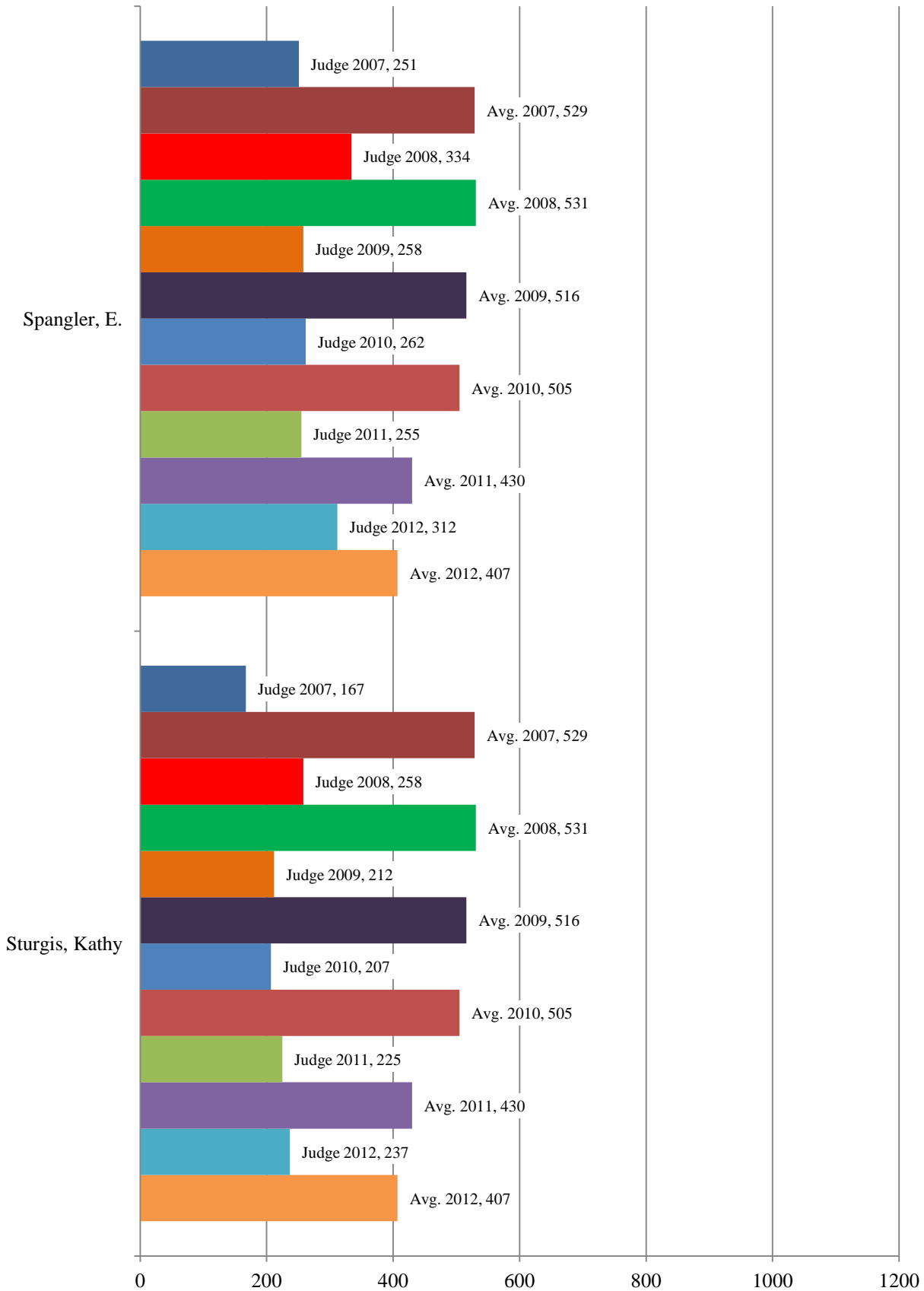
The following depicts the volume of settlement orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



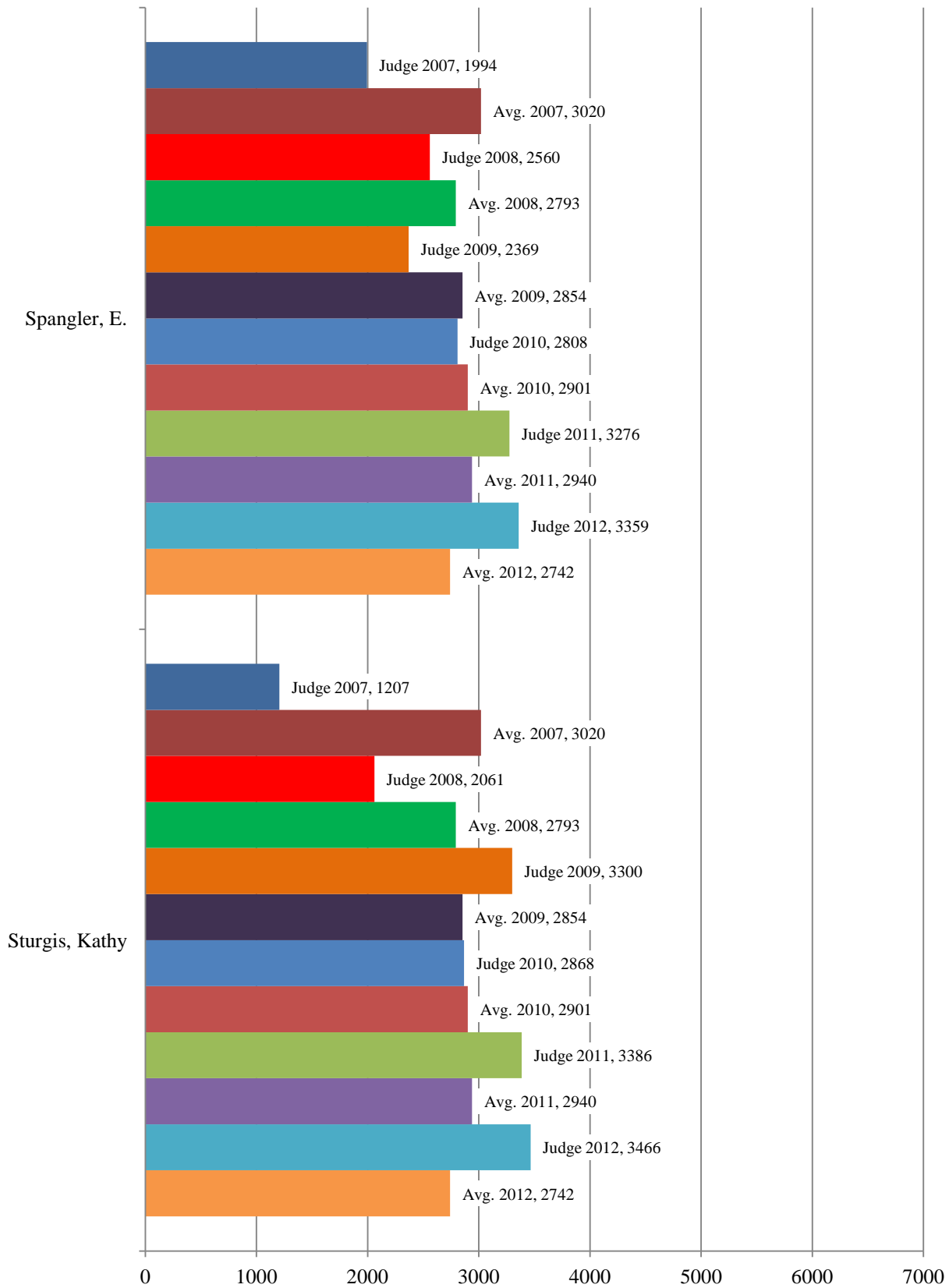
The following depicts the average number of days between filing of a settlement motion and entry of a settlement order by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



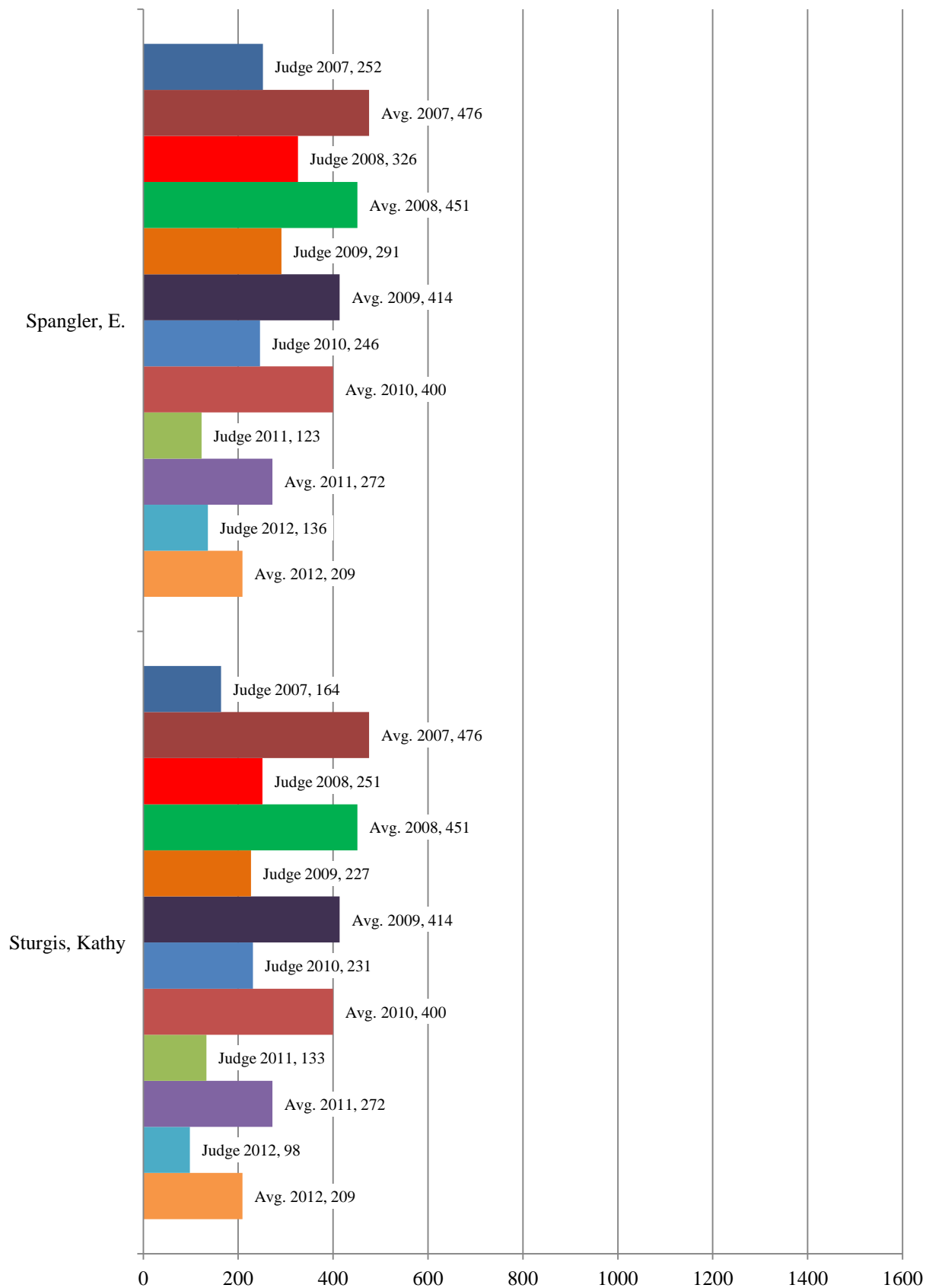
The following depicts the volume of stipulation orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



The following depicts the volume of “other” (meaning not settlement or stipulation) orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



The following depicts the volume of “other” (meaning not trials) hearings recorded as “held” by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



Appendix “4” District GNS (JCC Hill, R.):

District GNS includes the following counties: Alachua, Columbia, Dixie, Gilchrist, Levy, Marion.

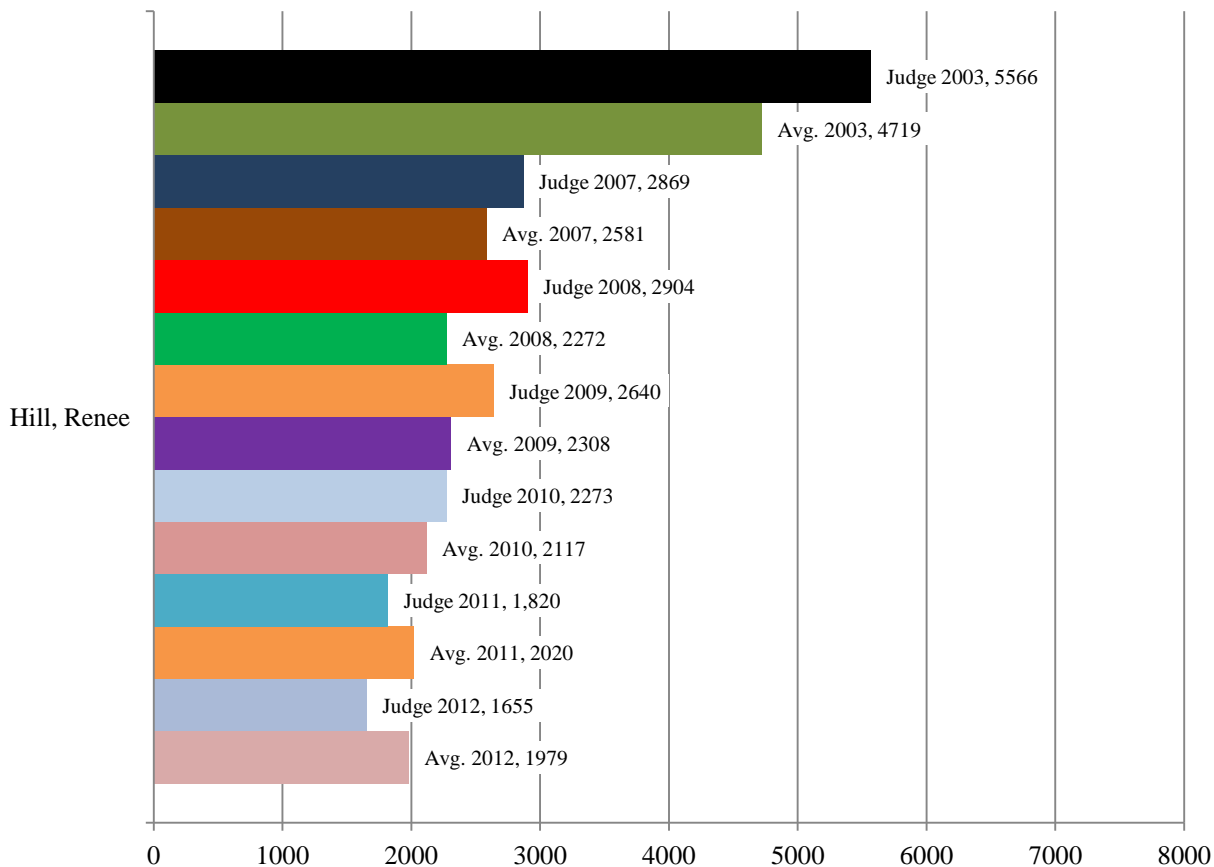
District GNS has experienced significant change in recent years, as noted in the 2008-09 and 2009-10 OJCC Annual Reports. Judge M. Renee Hill is the third Judge to serve in that office in the last five years. In the 2010-11 Annual report, her presence has brought stability to District GNS, and that trend continues in 2011-12.

PFB filings decreased in District GNS for each of the last three years. PFB filings in GNS were well below the statewide average for the last two years. Similarly, “new case” filings have been below the statewide average for the last two years, but were much closer to the average than PFB filings. PFB filings in 2011-12 (1,655) were virtually mirrored by PFB closures (1,690) in 2011-12. After consecutive years of more significant PFB closures, Judge Hill’s efforts in GNS are demonstrating achievement of equilibrium between incoming claims and claims closure.

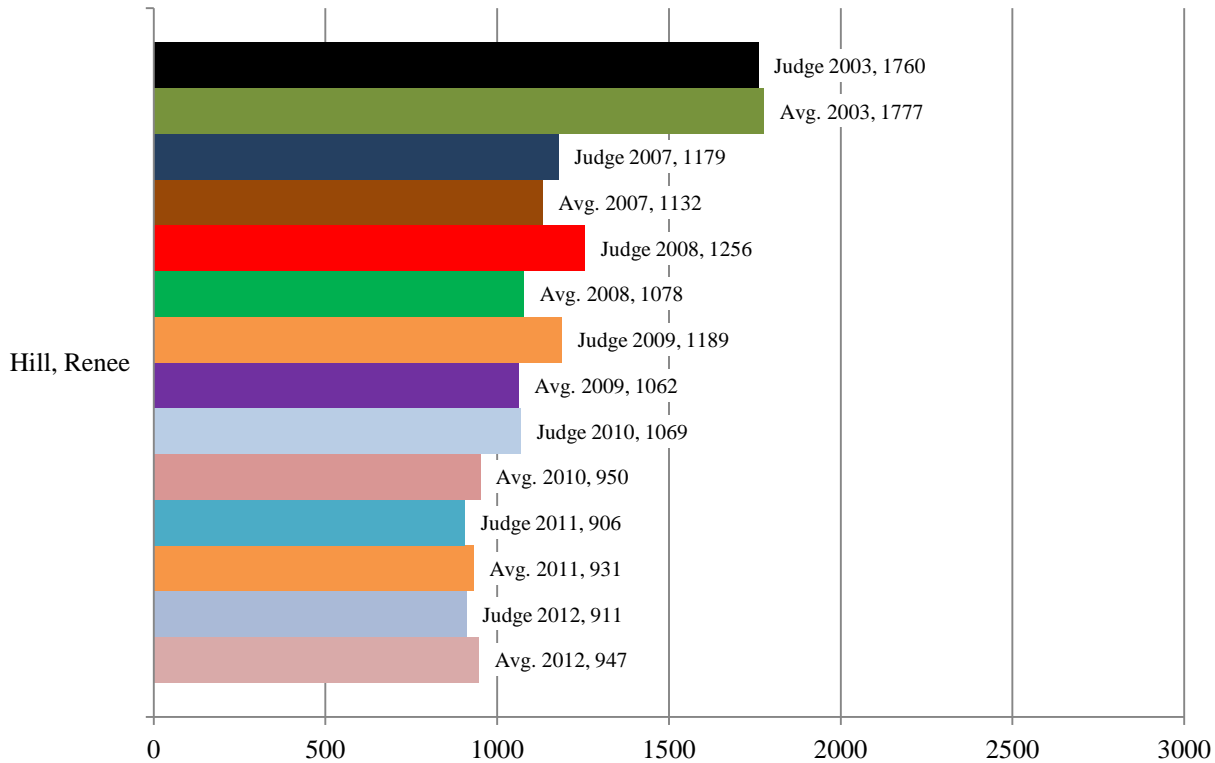
Despite these moderating filing rates, District GNS continued to significantly exceed the statewide average in trial volume in 2011-12. This is consistent with GNS trial volume for the last three fiscal years. Despite this volume, Judge Hill will begin hearing out-of-district cases by videoteleconference in fiscal 2012-13, on her request. Judge Hill averaged only 125 days from PFB to trial in 2011-12, and her average time from trial to entry of final order was nine days, well below the statutory 30 day parameter.

Judge Hill is a member of the Executive Committee of the Florida Conference of Judges of Compensation Claims, as well as serving on the Forms Subcommittee and Mediation Subcommittee. She has presented as a panelist in 2012 at “Ask the Experts,” sponsored by the Office of Judges of Compensation Claims in February and at “A View from the Bench,” sponsored by The Florida Bar Workers’ Compensation Section Forum. Judge Hill is an honorary member of the E. Robert Williams Inn of Court in Jacksonville. The Gainesville office participates in a legal internship program with the University of Florida Levin College of Law.

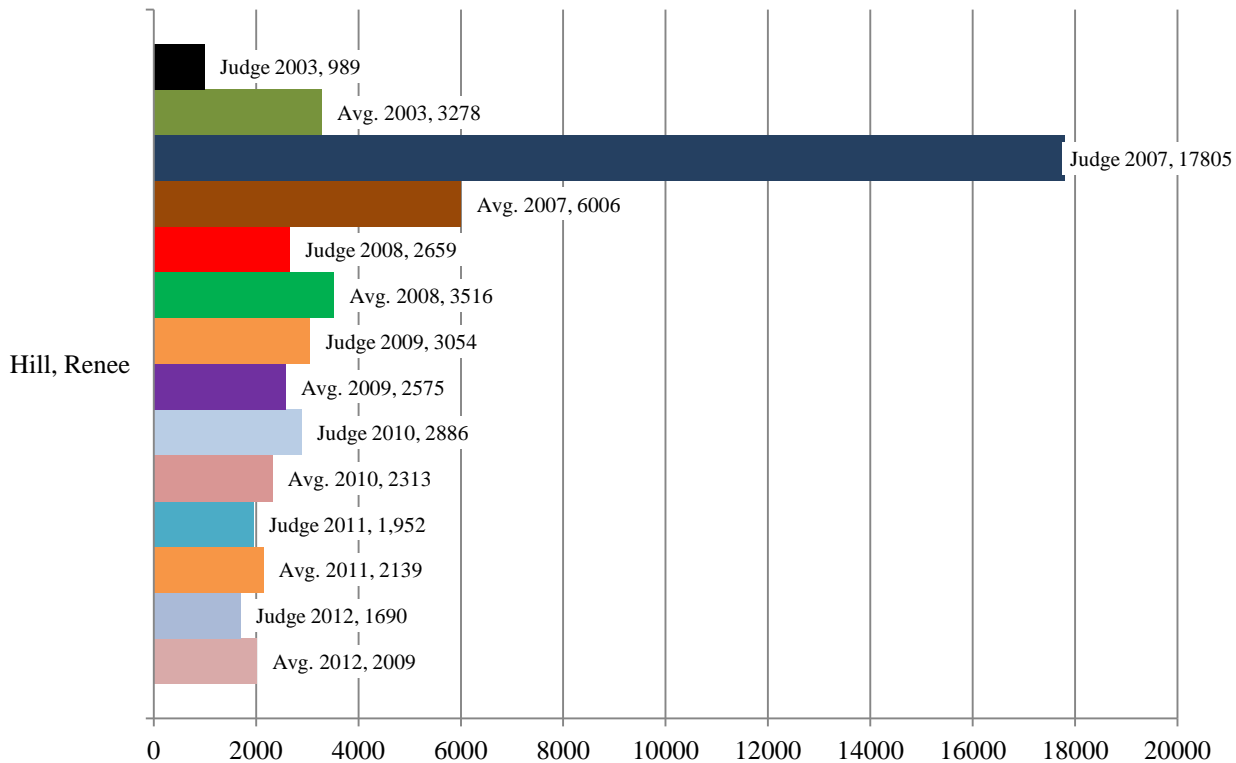
The following depicts the volume of PFBs filed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



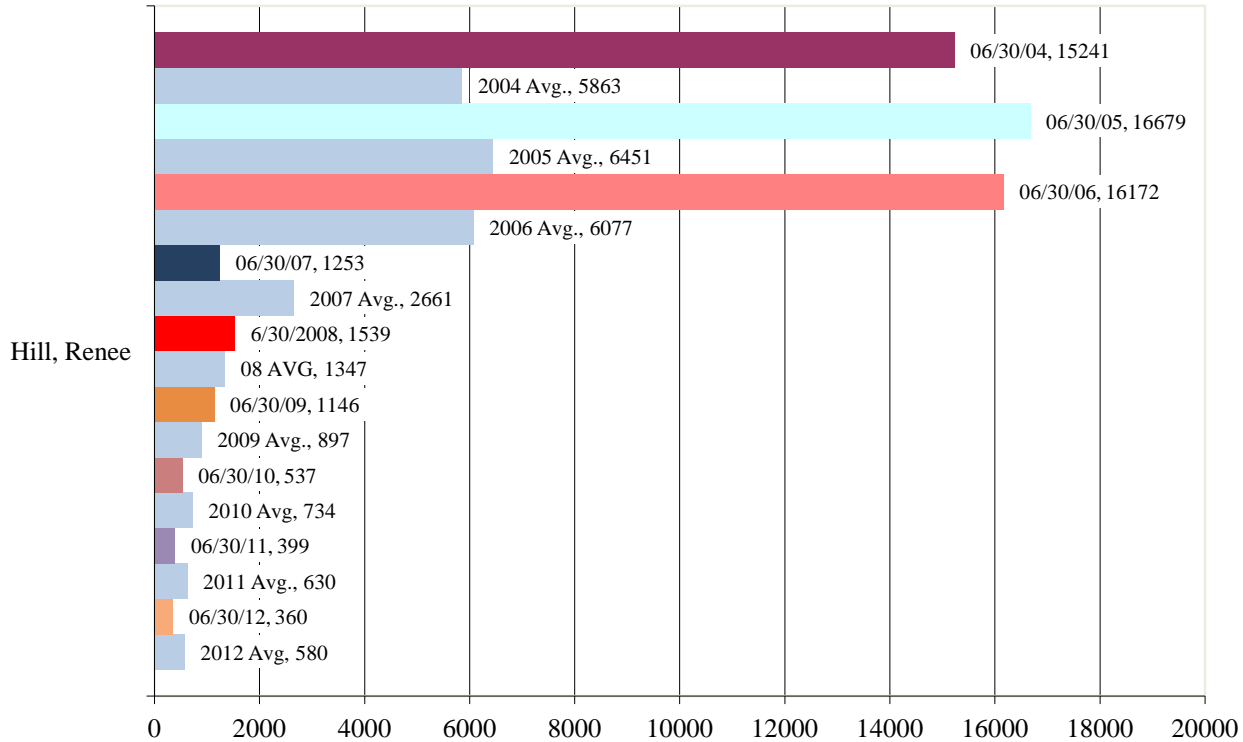
The following depicts the volume of new cases filed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



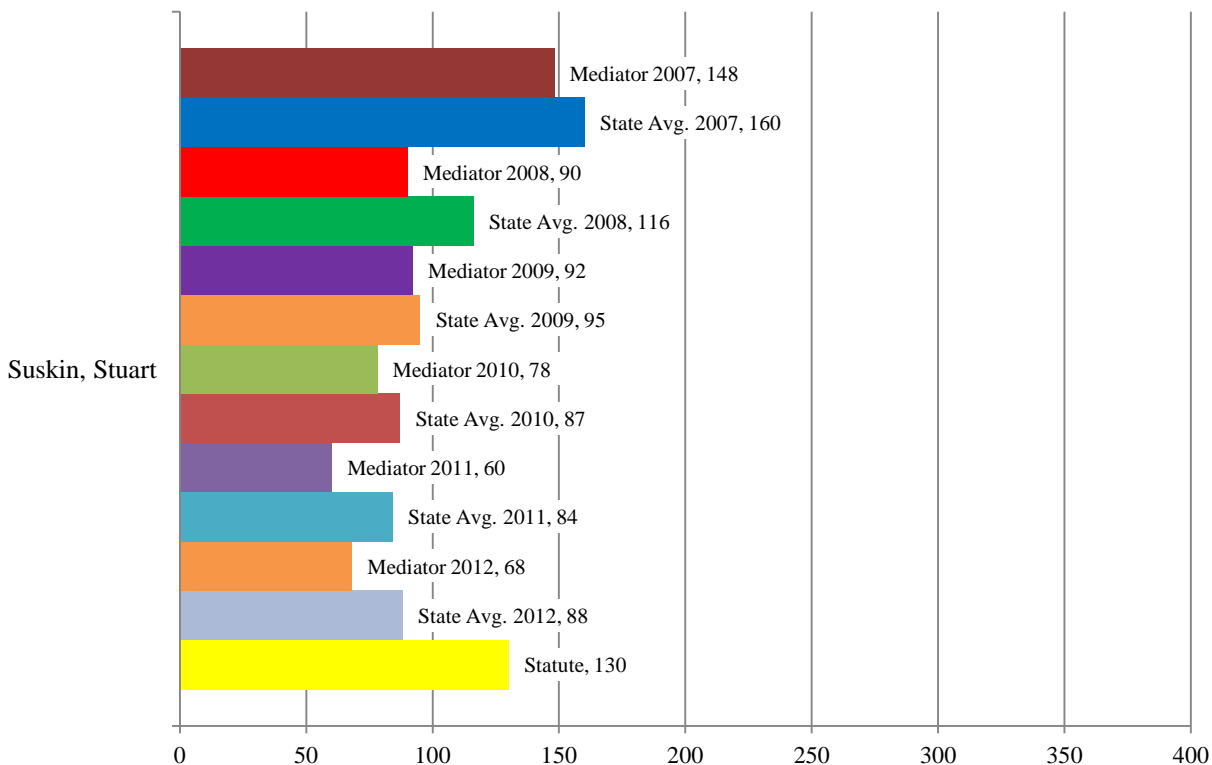
The following depicts the volume of PFBs closed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



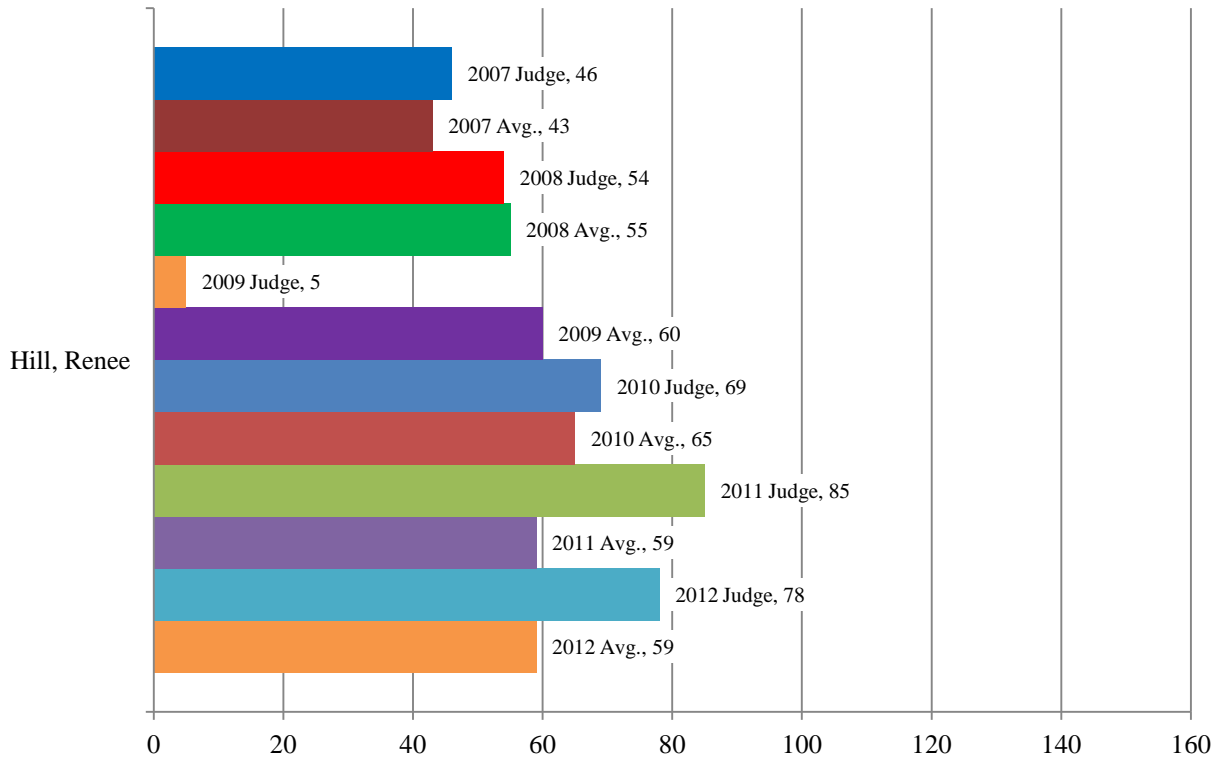
The following depicts the inventory of pending PFBs in this District and the statewide average between 2002-03 and 2010-11. The identification and values for each year are in each bar label.



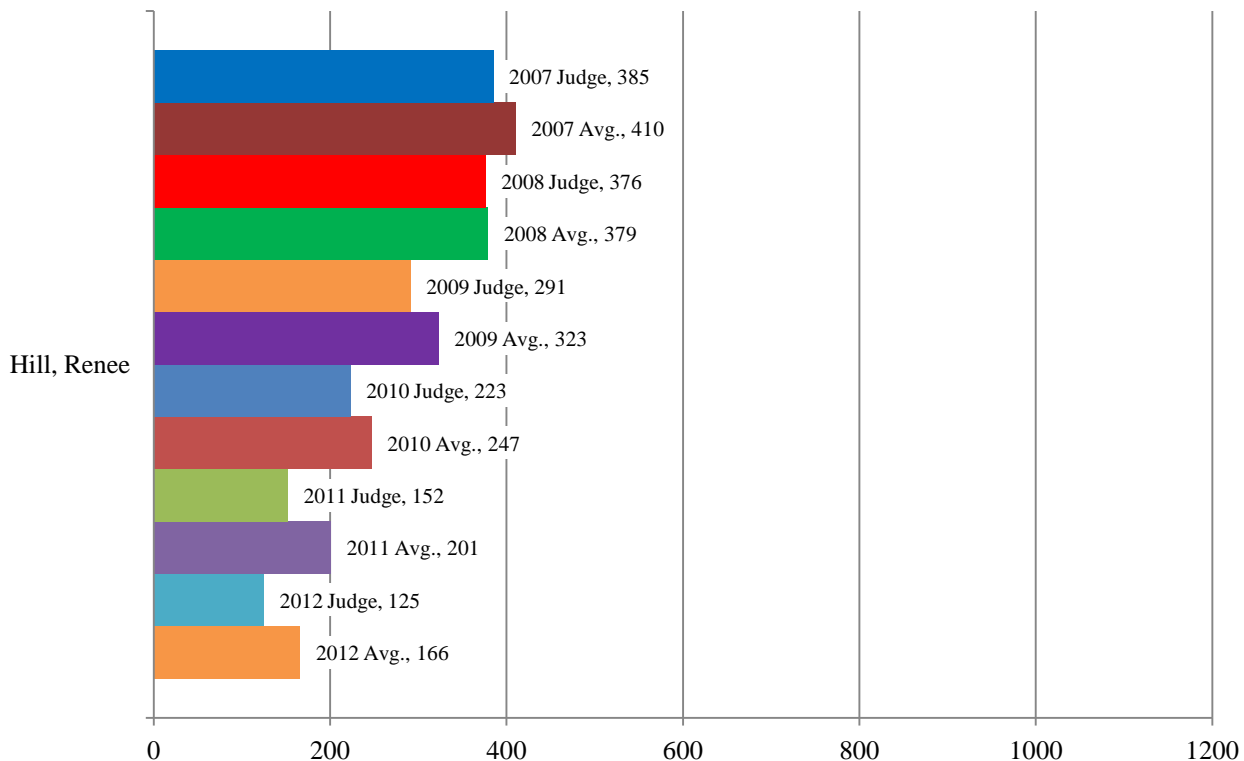
The following depicts the average days between PFB filing, and the first mediation held thereon, for each mediator in the District between 2002-03 and 2010-11. The identification and values for each year are in each bar label. The yellow bar represents the statutory 130 days.



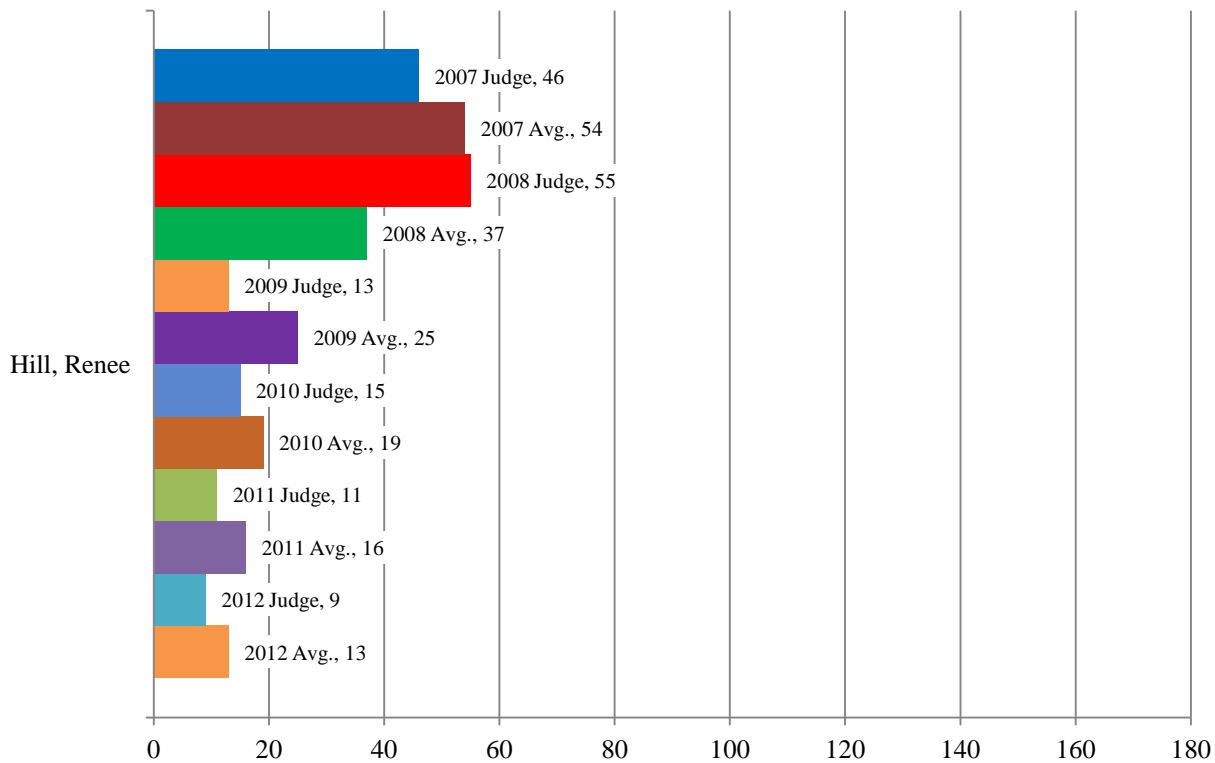
The following graph depicts the total volume of trial orders uploaded in this District and statewide averages between 2006-07 and 2010-11. The identification and values for each year are in each bar label.



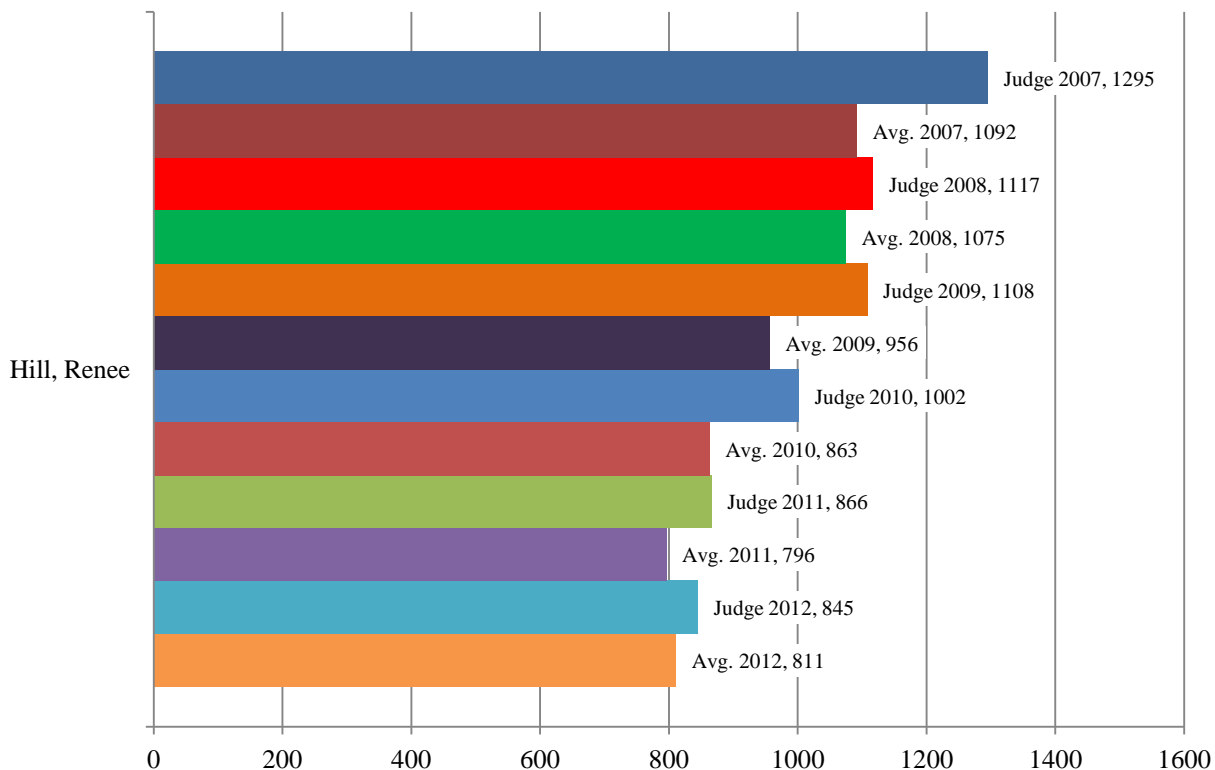
The following depicts the average days between PFB filing and trial commencing for each Judge and the statewide average between 2006-07 and 2010-11. For these calculations, only the first day of trial is considered, and days after the first trial day are included in the days between trial and final order. The identification for each year and the values are in each bar label.



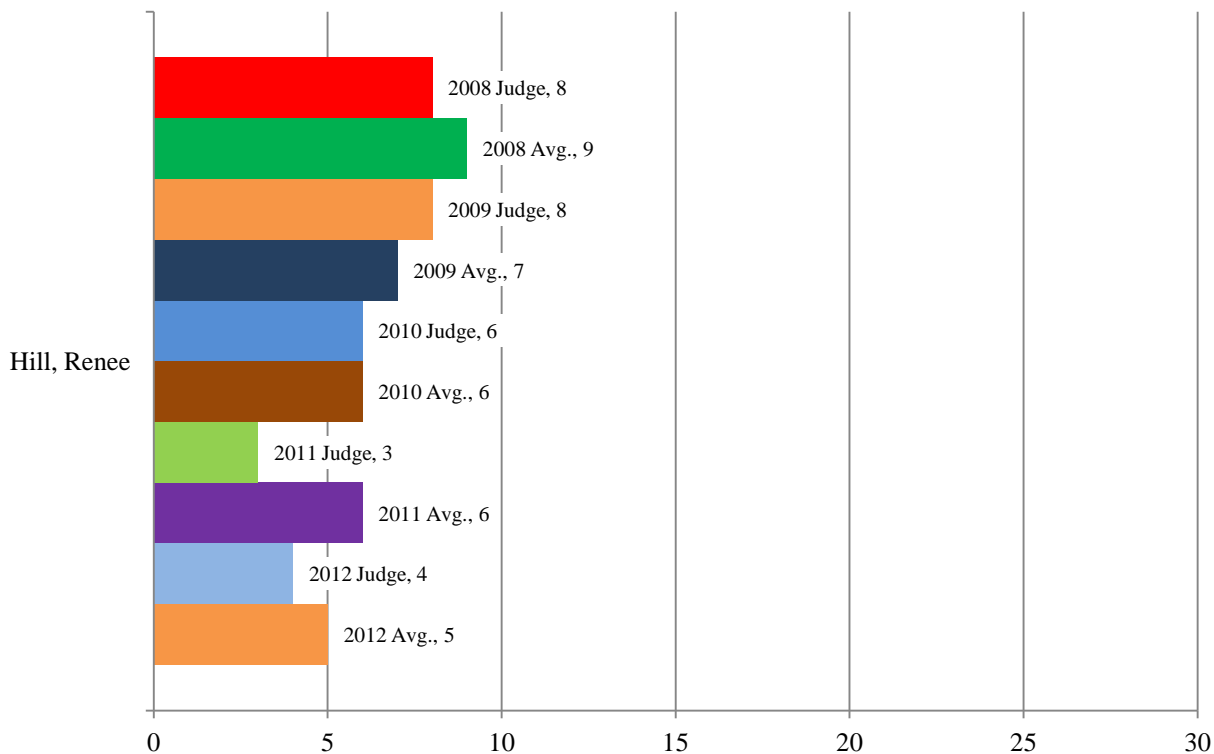
The following depicts the average days between trial commencing and entry of the trial order for each Judge and the statewide average between 2006-07 and 2010-11. All days between the first day of trial and last day of trial are included in the calculation of days between trial and final order. The identification for each year and the values are in each bar label.



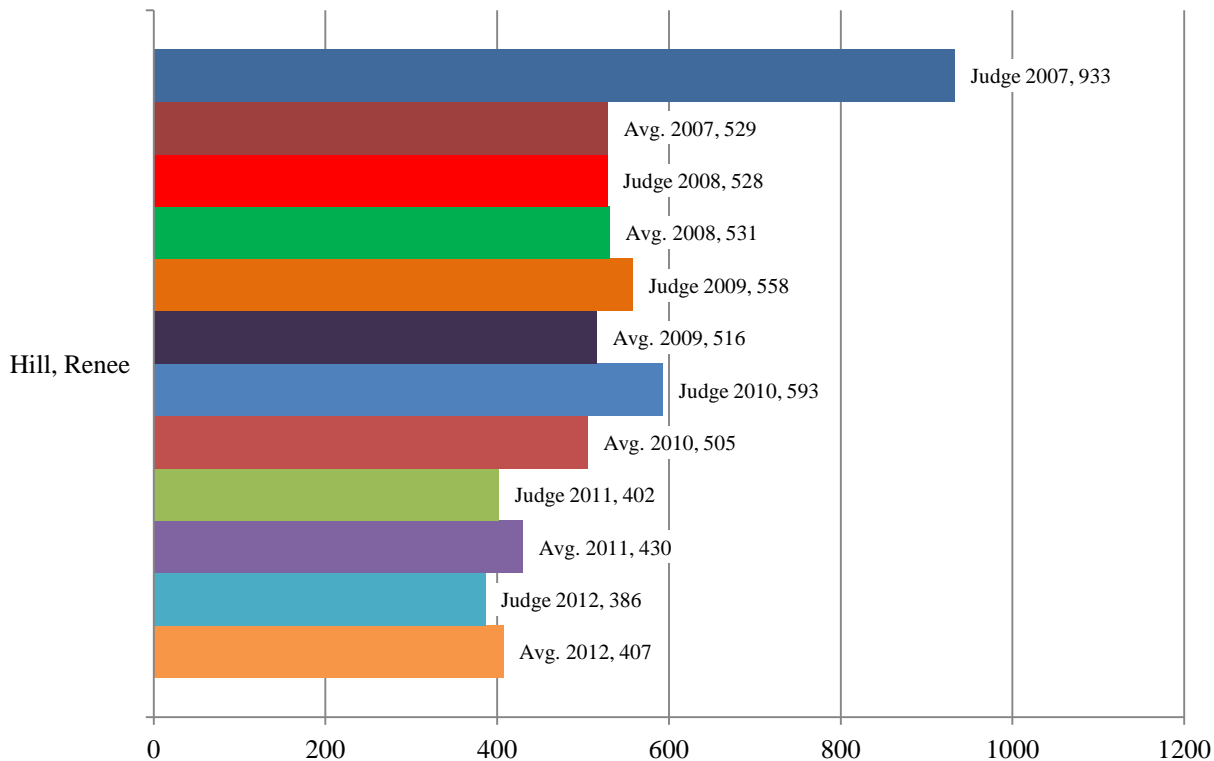
The following depicts the volume of settlement orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



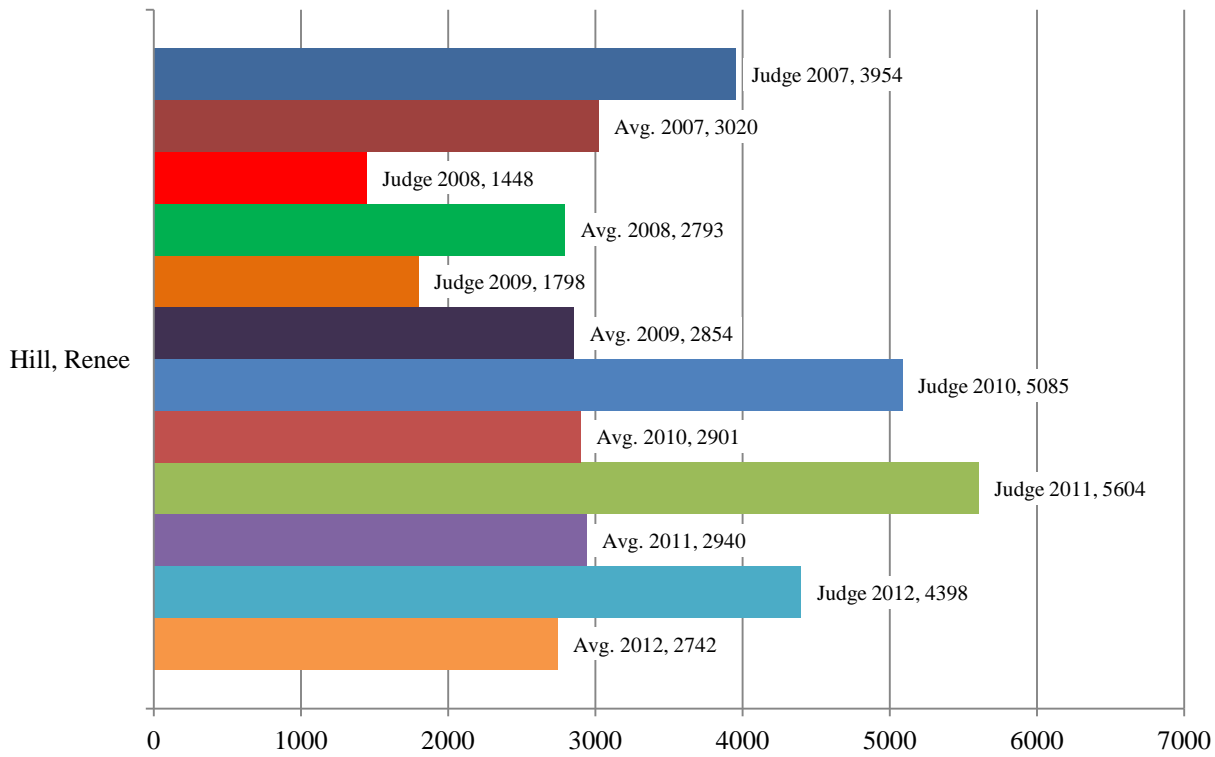
The following depicts the average number of days between filing of a settlement motion and entry of a settlement order by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



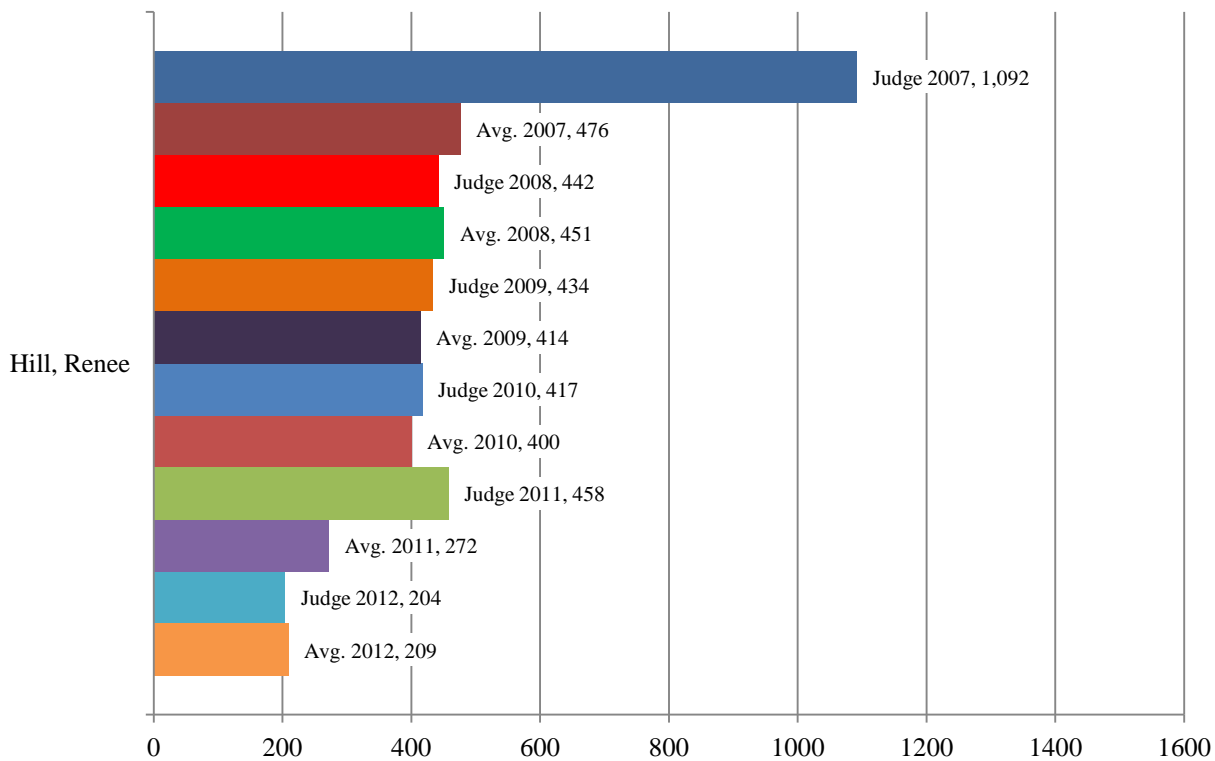
The following depicts the volume of stipulation orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



The following depicts the volume of “other” (meaning not settlement or stipulation) orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



The following depicts the volume of “other” (meaning not trials) hearings recorded as “held” by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



Appendix “5” District JAX (JCC Holley, JCC Humphries):

District JAX includes the following counties: Baker, Bradford, Clay, Duval, Nassau, Putnam, St. Johns, and Union.

District JAX has endured significant change in recent years, described in the 2009-10 OJCC Annual Report. Mid-year Fiscal 2010-11, Judges Holley and Humphries were appointed to replace Judges Pitts (transfer to District ORL) and Rosen (transfer to District SPT). Their presence has brought a significant stability to this District.

The volume of PFBs filed in JAX 2011-12 were below the statewide average, while the “new case” volume remained above the statewide average. This is consistent with District JAX historically, which has regularly experienced an above average volume of “new cases.” The volume in 2011-12 was significantly increased however, with each JAX Judge receiving more than 40% above the statewide average of new cases. The comparatively high volume of “new cases,” contrasted with average PFB volume, supports that JAX cases are relatively less litigious.

The JAX District has historically conducted fewer trials per Judge than the statewide average. The trend was difficult to measure precisely with the variety of Judges hearing JAX cases in 2010-11, as new appointments and transitions were managed. In 2012, however, each JAX Judge decided more than the statewide average of trials. Some volume of these were attributable to the “out-of-district” cases heard. The videoteleconference capabilities of District JAX were enhanced in 2012 with the addition of a second VTC hearing facility.

Judge Holley serves on the Program Awards Committee for the American Inn of Court and is actively involved in the local Inn as President-Elect and as a Master of the Bench. He is also engaged with the local and state organization or the Friends of 440 Scholarship Fund, Workers’ Compensation Rules Advisory Committee, Stetson University Alumni Board of Directors, Conference of Judges of Compensation Claims (executive committee) and the Rotary Club of Southpoint. In February 2012, he presented as part of a panel at “Ask the Experts, Workers’ Compensation 2012,” in Tallahassee.

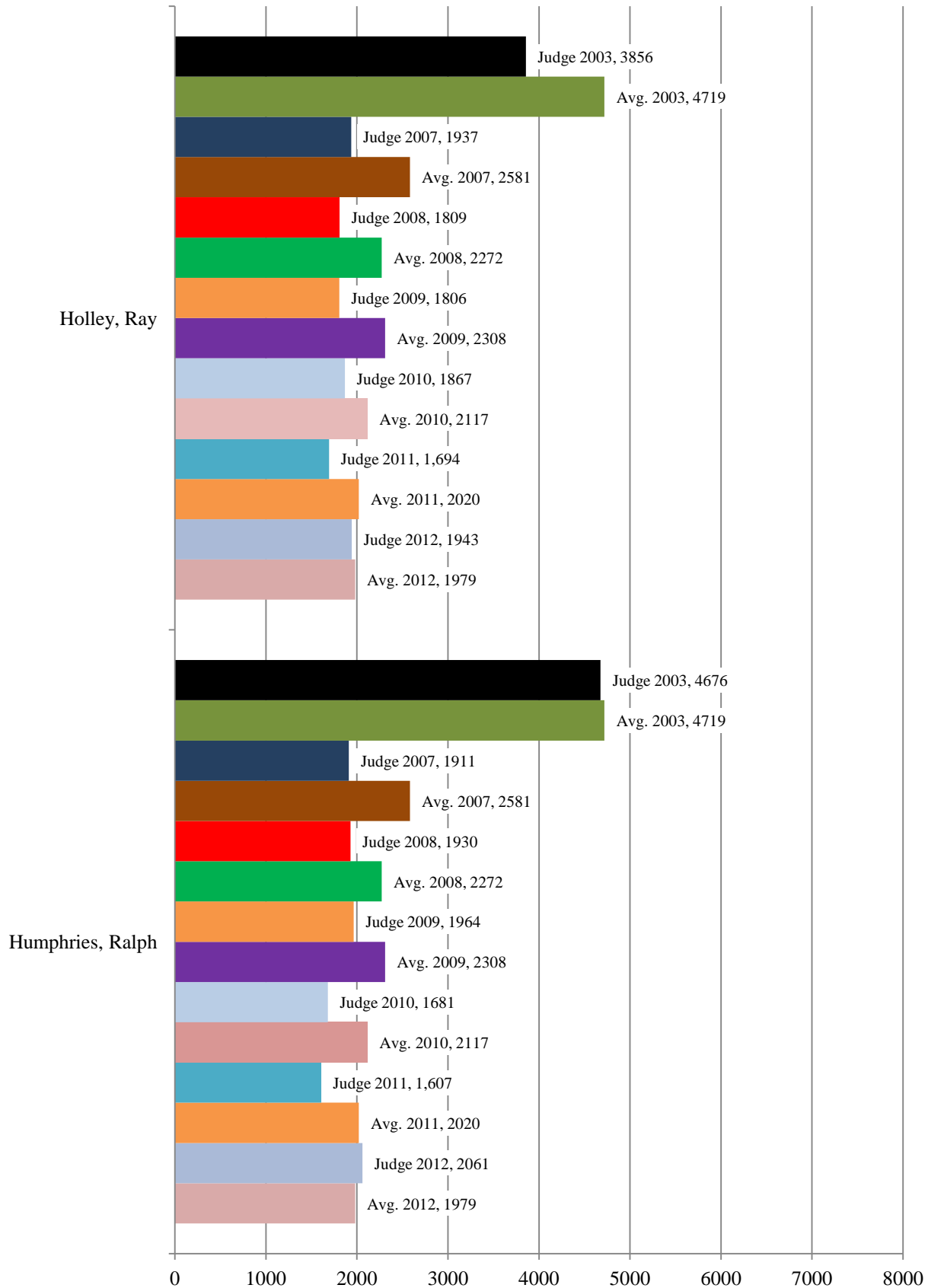
Judge Humphries is President-elect of the Florida Conference of Judges of Compensation Claims and is active in the E. Robert Williams Inns of Court. In February 2012, he presented as part of a panel at “Ask the Experts, Workers’ Compensation 2012” in Tallahassee. In June, Judge Humphries was a panelist at the annual meeting of the Florida Workers Advocates. He also made a presentation on the subject of “Return to Work” to the First Coast Manufacturers Association and in February spoke about the nuances surrounding entitlement to temporary partial disability benefits before a group of nurses, claim adjusters, rehabilitation providers and employers.

Mediator Gordon is the current President of the E. Robert Williams Inn of Court, which is dedicated to the practice of Workers’ Compensation law and is the only such Inn in Florida. He recently co-authored the article “What do You Mean, The Mediator Did Nothing?” that appeared in the Legal News Section of the Workers’ Compensation Institute (WCI) website.

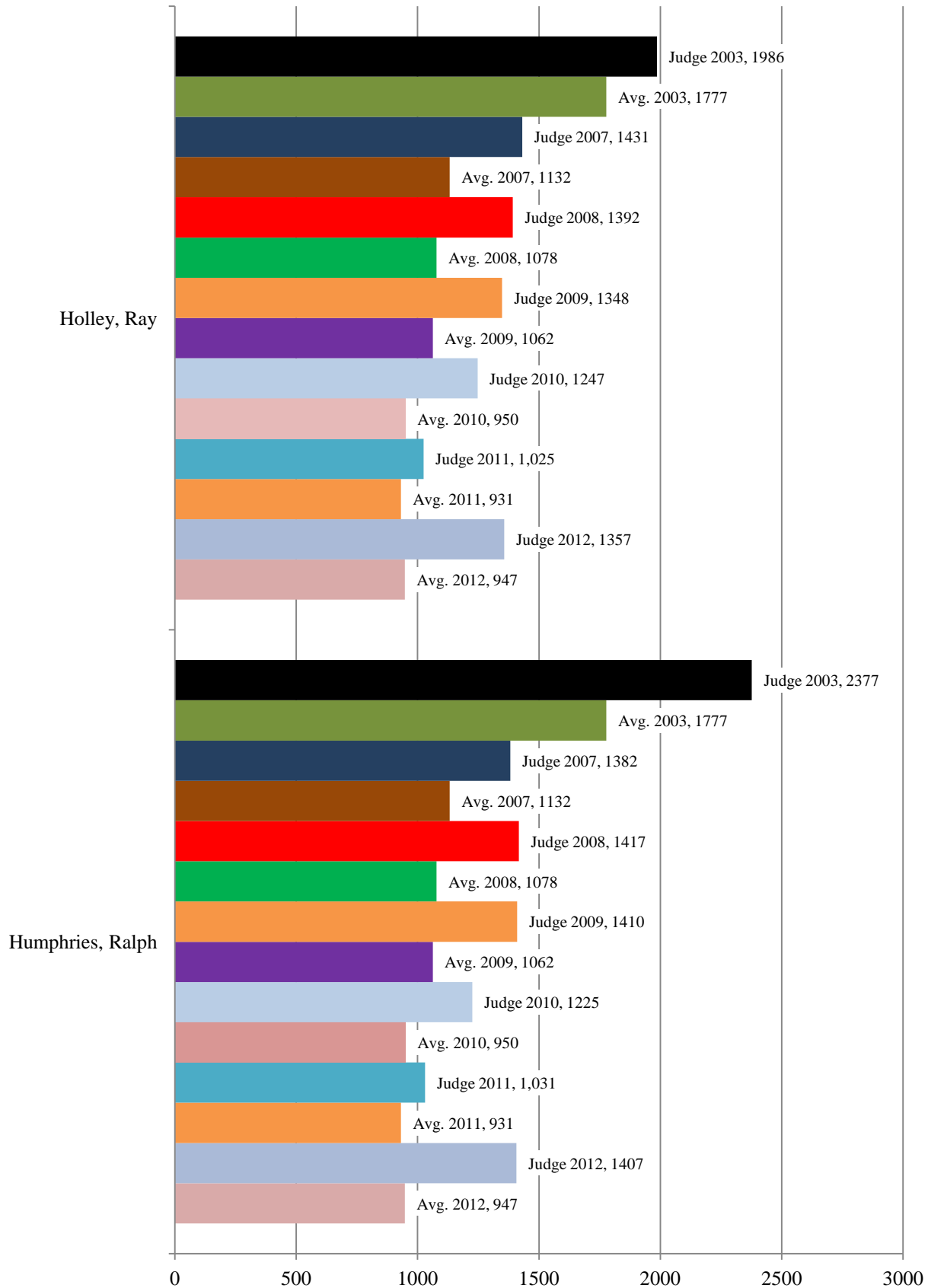


Over 100 people attended the OJCC CLE Program “Ask the Experts,” presented at the First District Court of Appeal in February 2012.

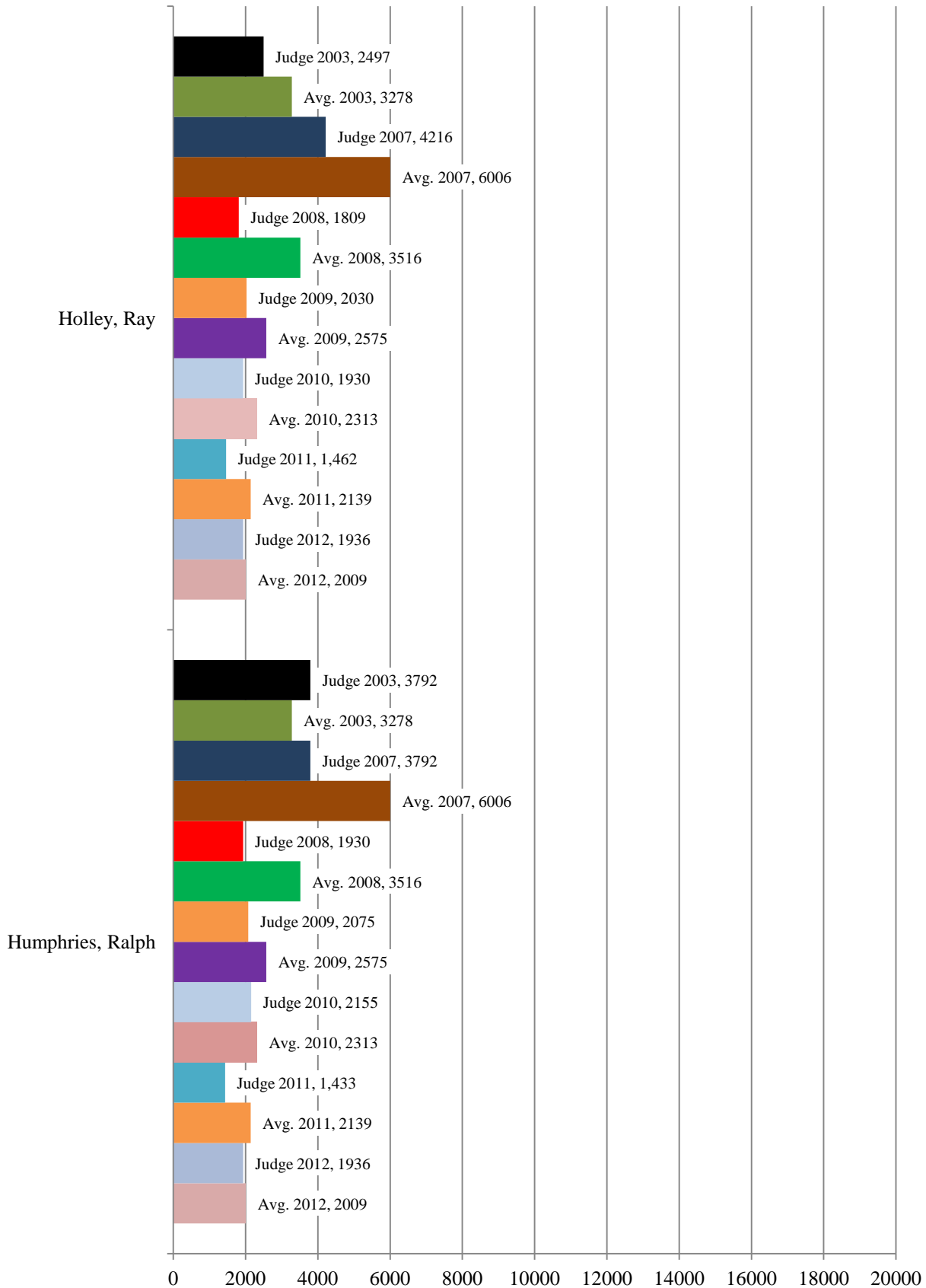
The following depicts the volume of PFBs filed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



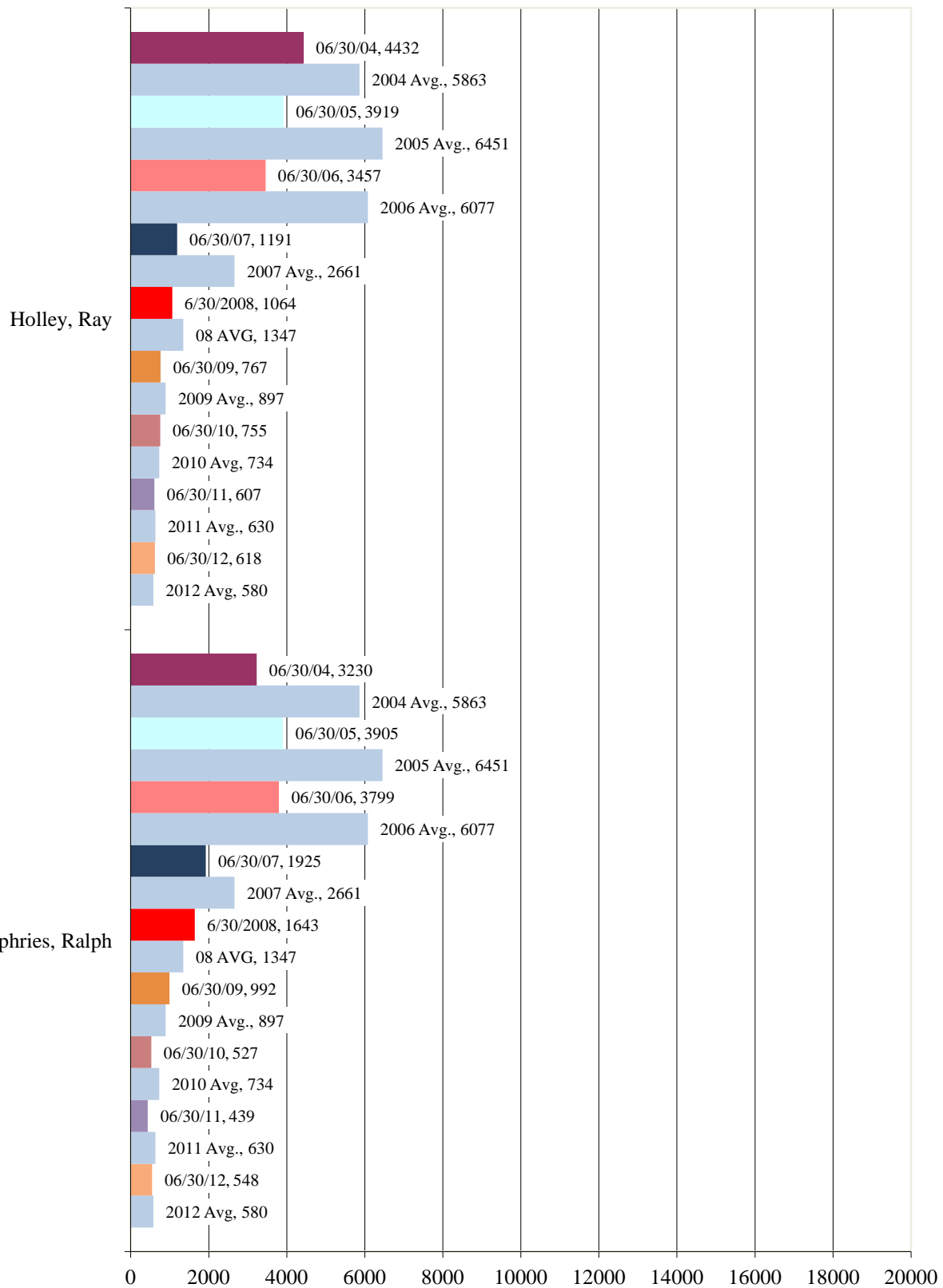
The following depicts the volume of new cases filed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



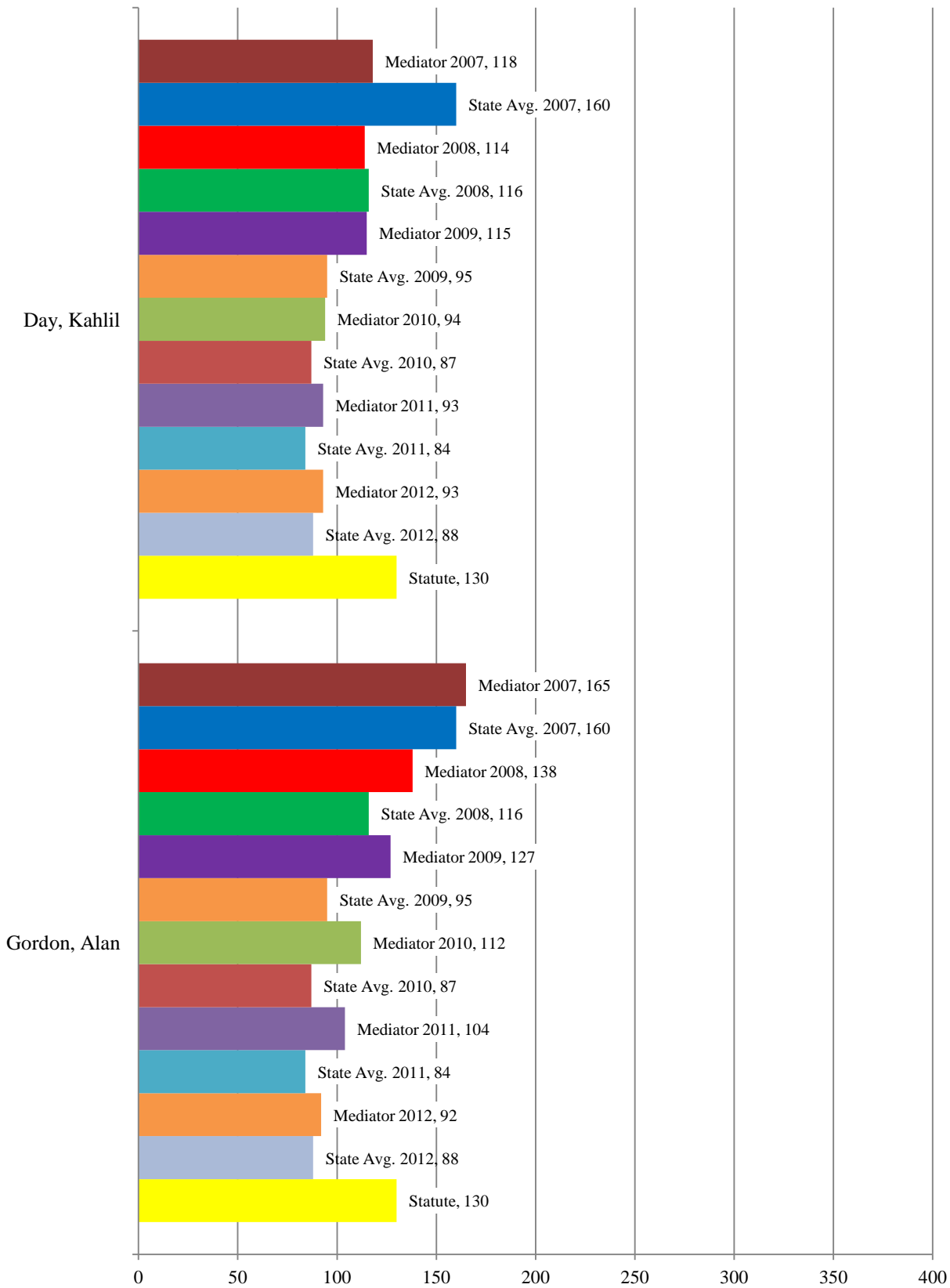
The following depicts the volume of PFBs closed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



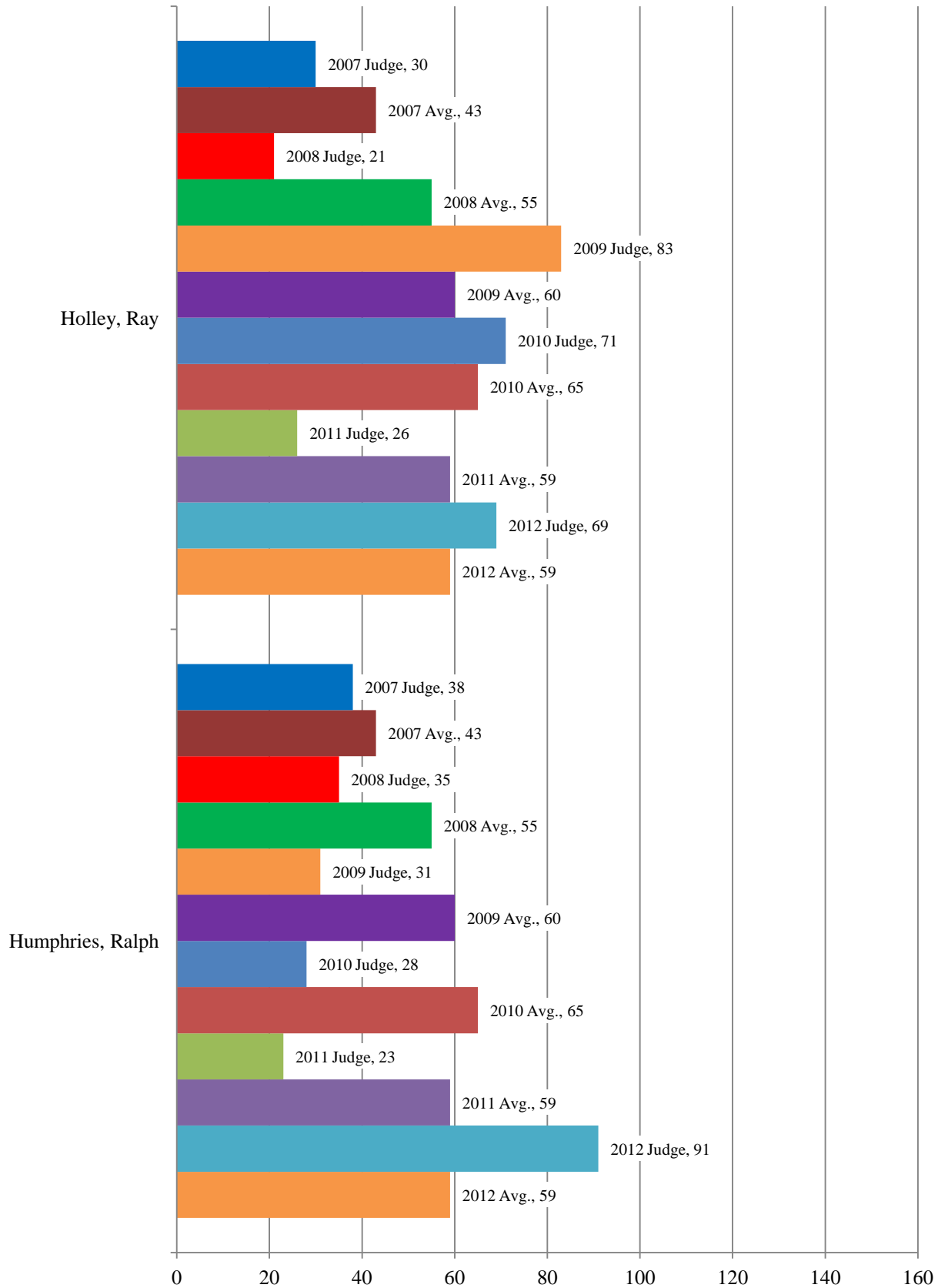
The following depicts the inventory of pending PFBs in this District and the statewide average between 2002-03 and 2010-11. The identification and values for each year are in each bar label.



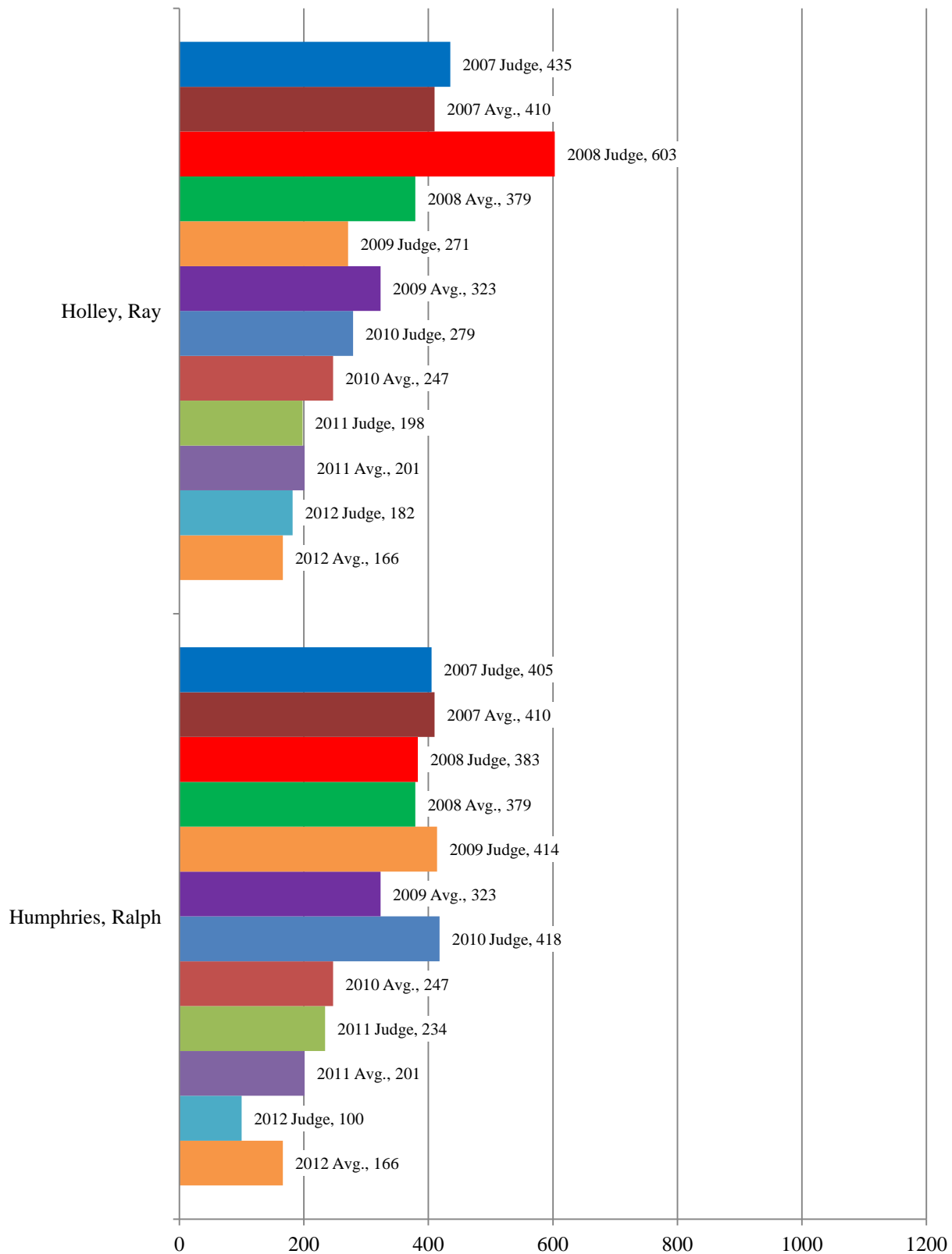
The following depicts the average days between PFB filing, and the first mediation held thereon, for each mediator in the District between 2002-03 and 2010-11. The identification and values for each year are in each bar label. The yellow bar represents the statutory 130 days.



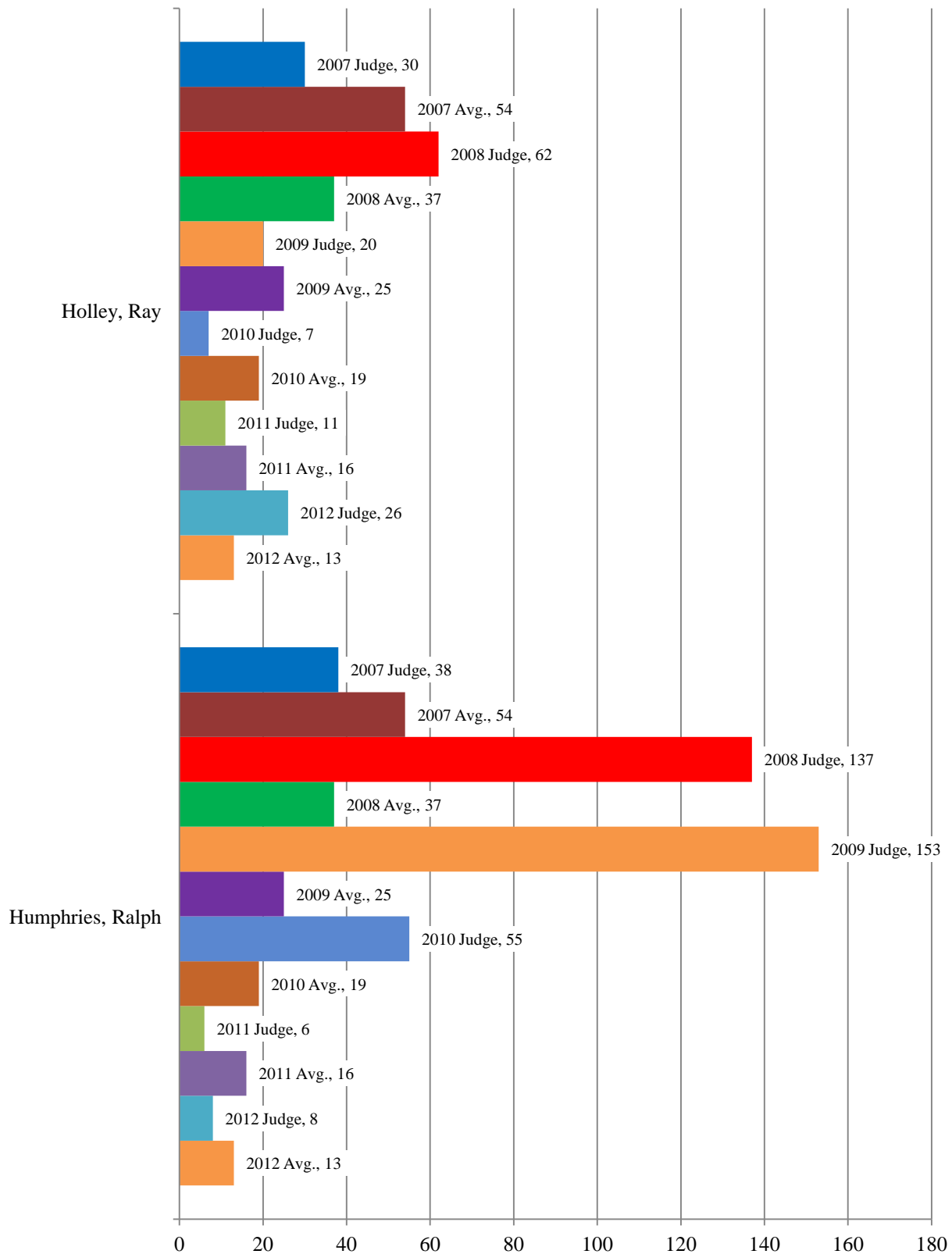
The following graph depicts the total volume of trial orders uploaded in this District and statewide averages between 2006-07 and 2010-11. The identification and values for each year are in each bar label.



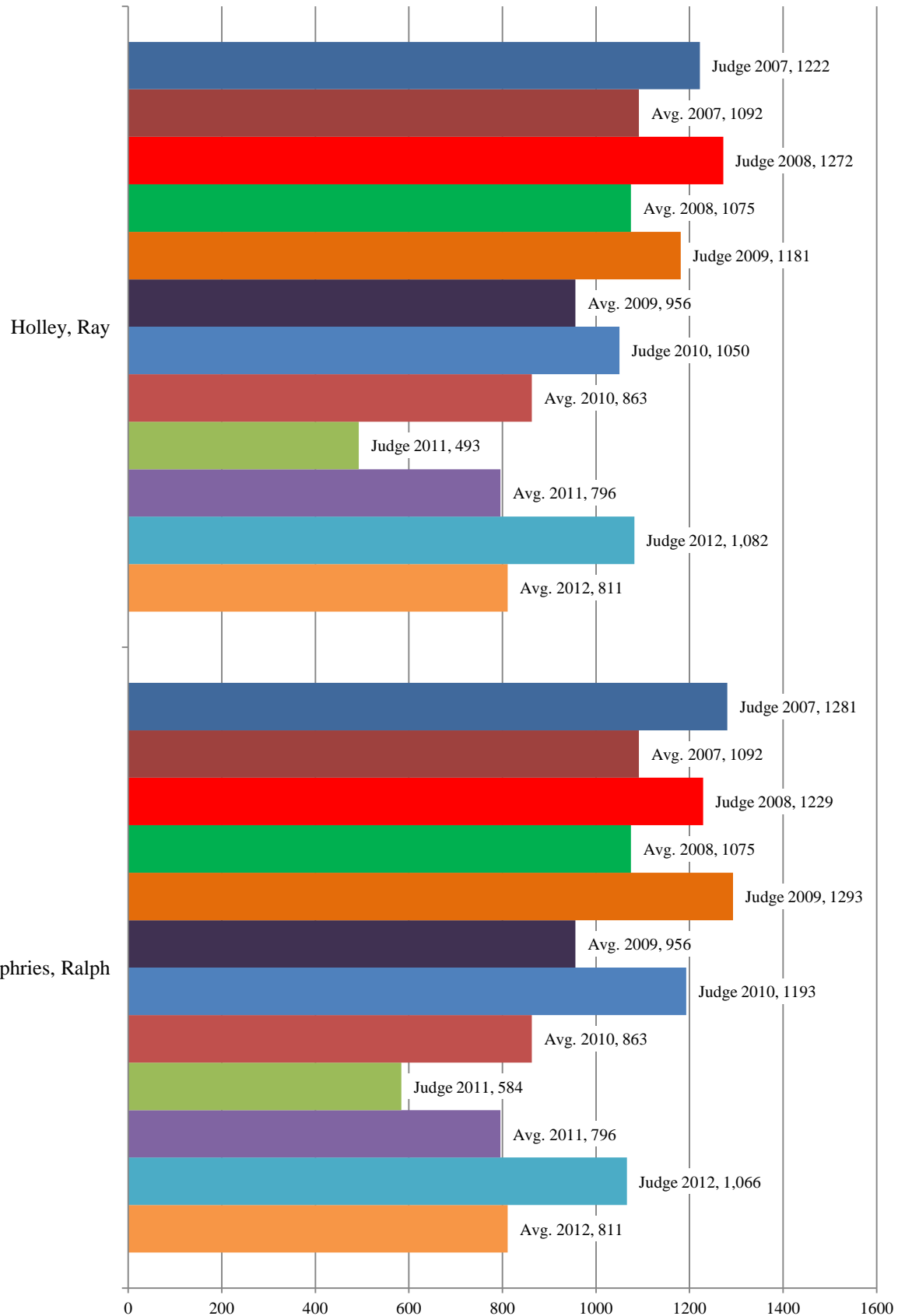
The following depicts the average days between PFB filing and trial commencing for each Judge and the statewide average between 2006-07 and 2010-11. For these calculations, only the first day of trial is considered, and days after the first trial day are included in the days between trial and final order. The identification for each year and the values are in each bar label.



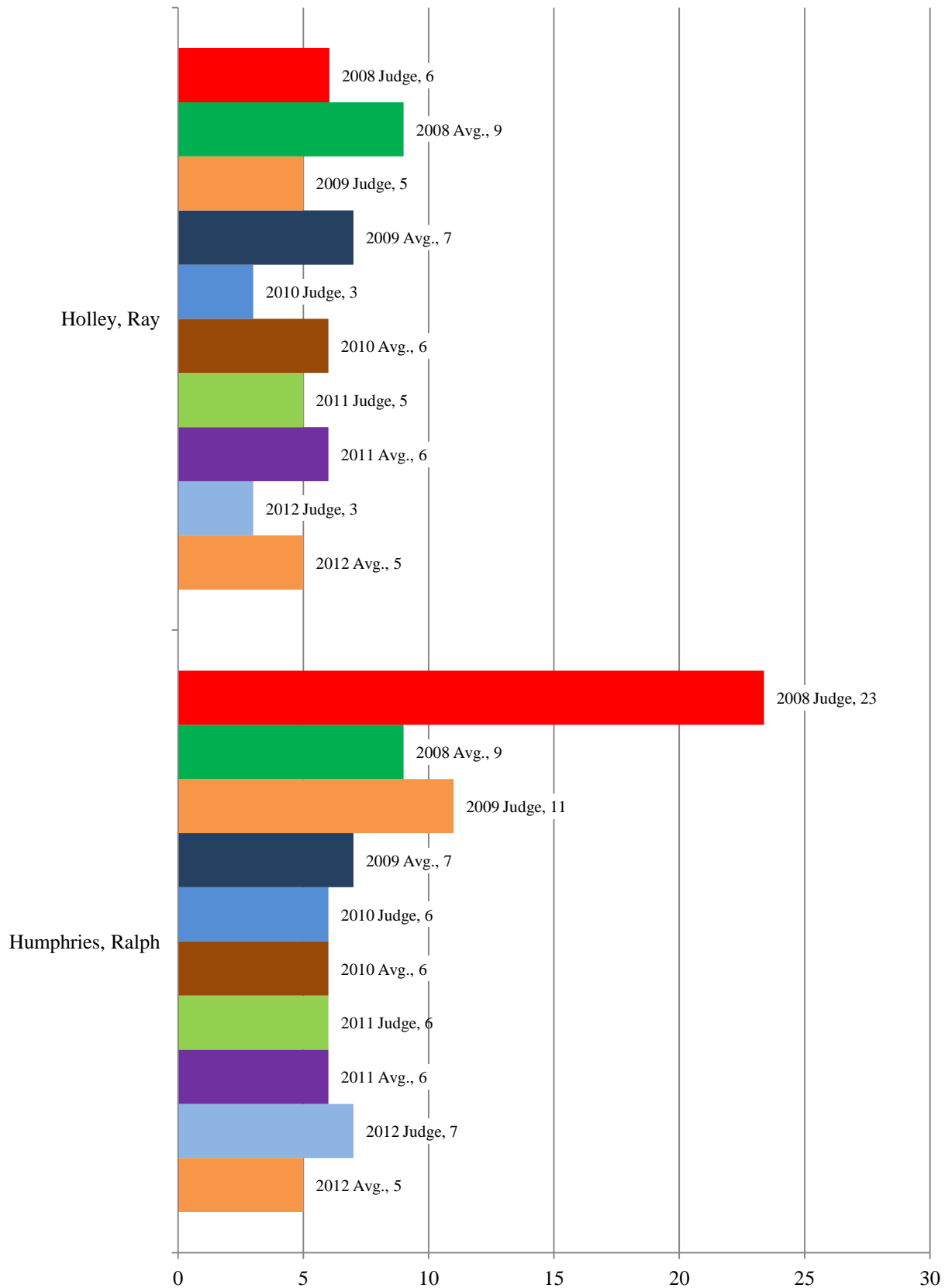
The following depicts the average days between trial commencing and entry of the trial order for each Judge and the statewide average between 2006-07 and 2010-11. All days between the first day of trial and last day of trial are included in the calculation of days between trial and final order. The identification for each year and the values are in each bar label.



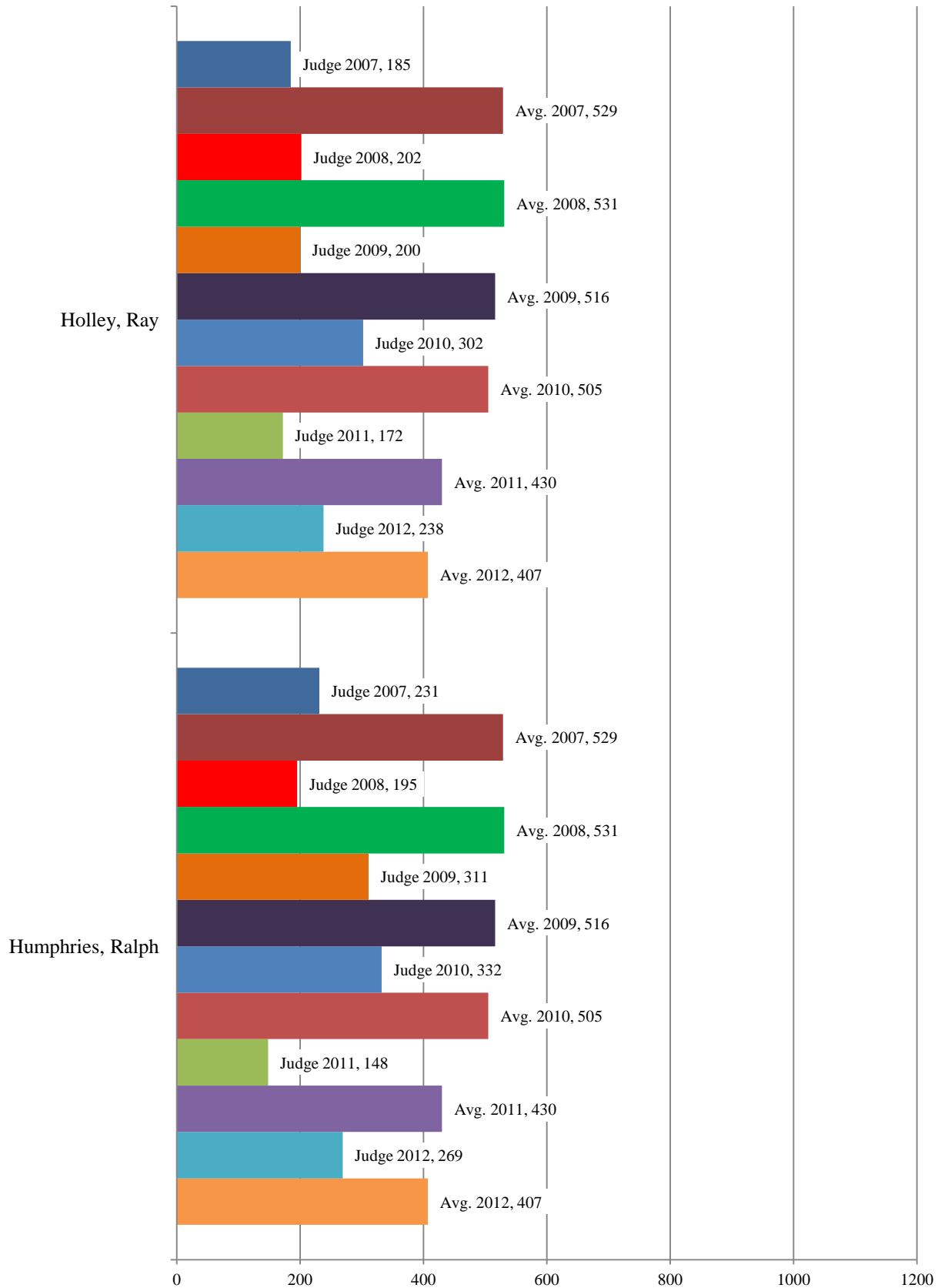
The following depicts the volume of settlement orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



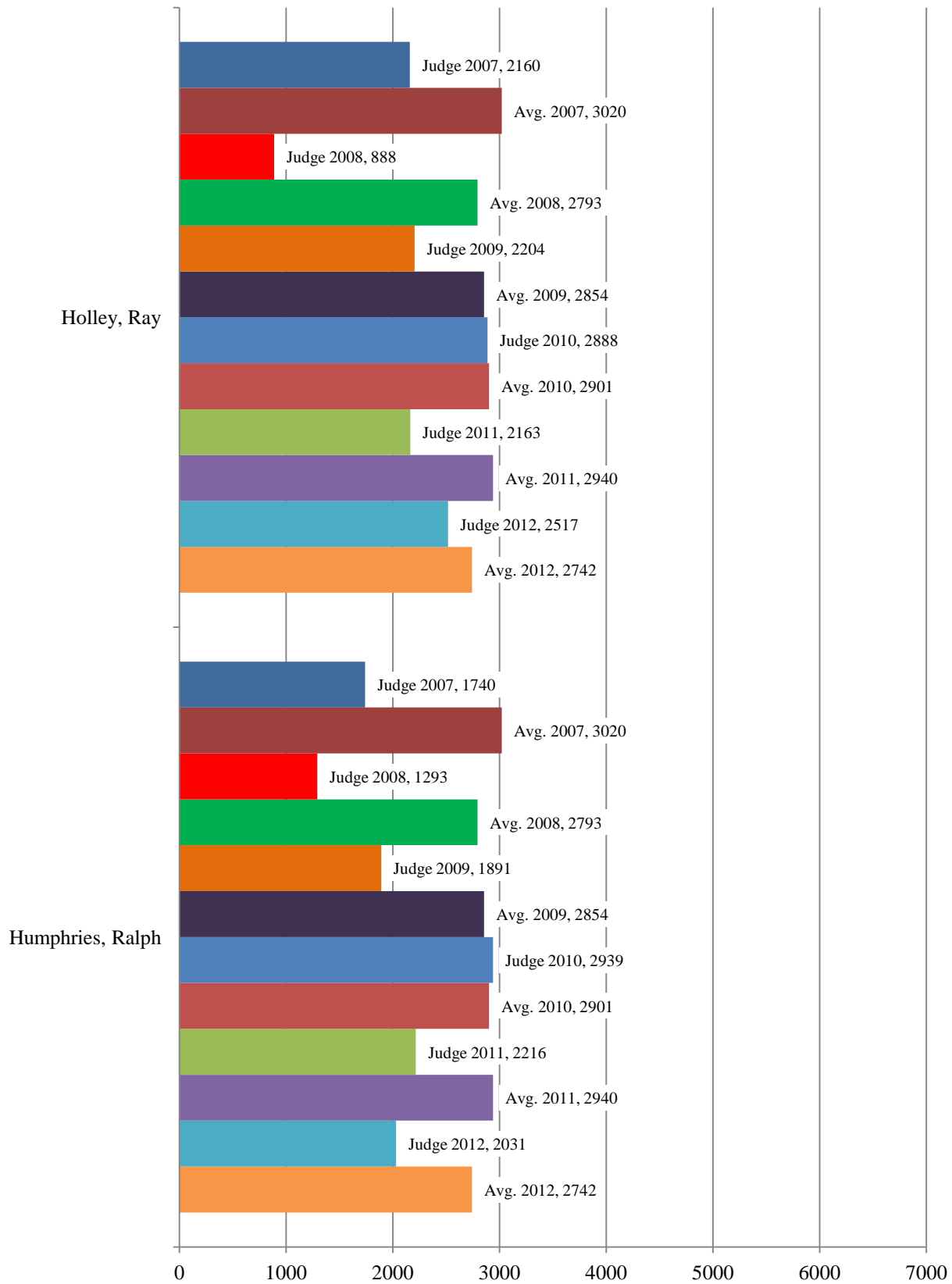
The following depicts the average number of days between filing of a settlement motion and entry of a settlement order by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



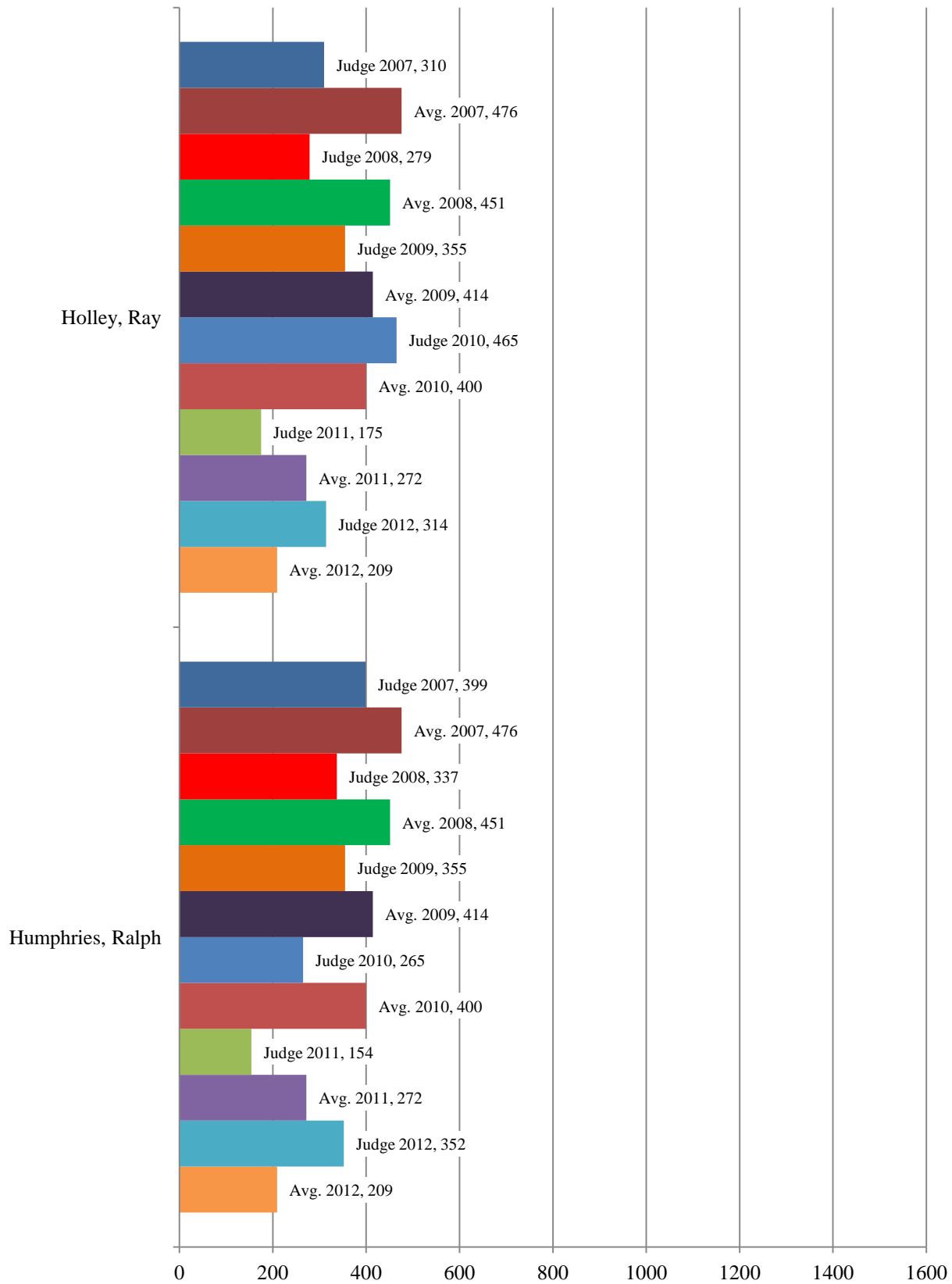
The following depicts the volume of stipulation orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



The following depicts the volume of “other” (meaning not settlement or stipulation) orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



The following depicts the volume of “other” (meaning not trials) hearings recorded as “held” by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



Appendix “6” District LKL (JCC Sojourner):

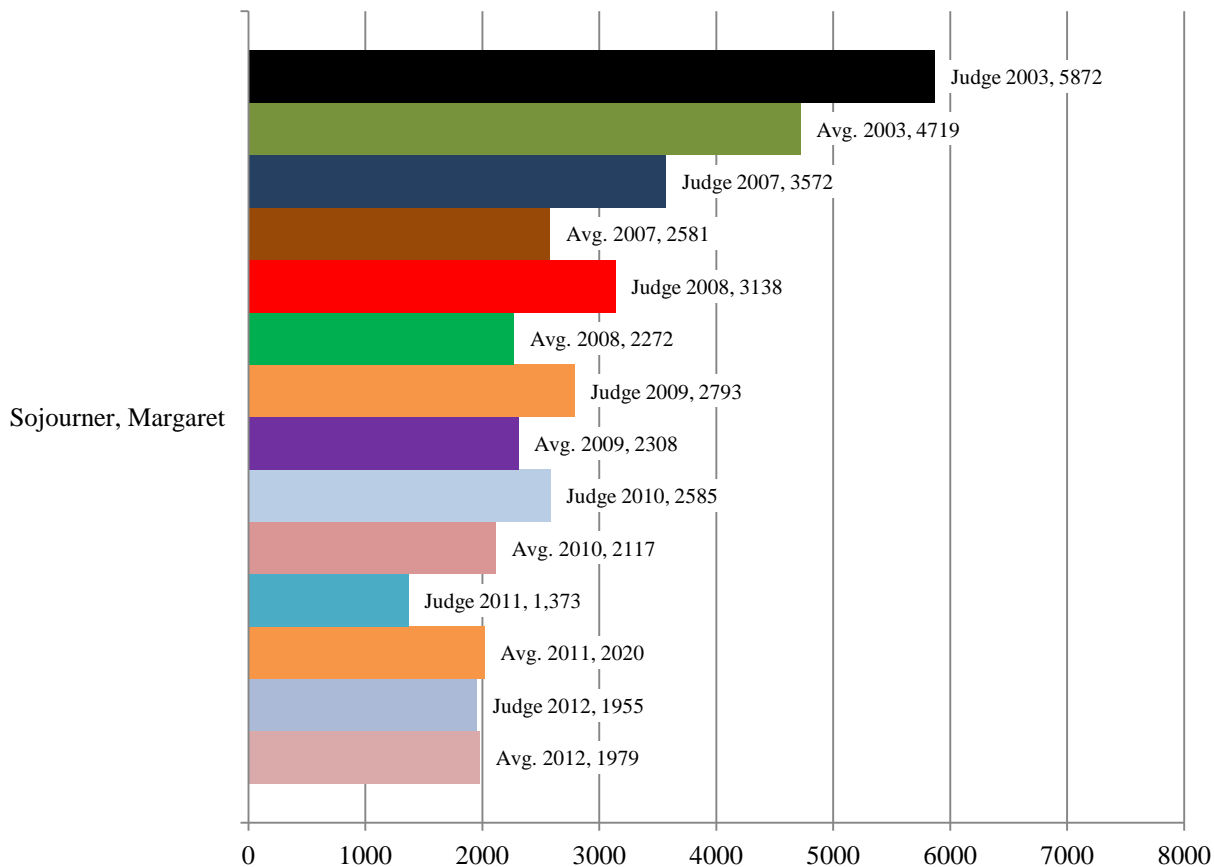
District LKL includes Hardee, Highlands, and Polk counties.

The PFBs filing volumes in LKL have been above average for a number of years, but decreased significantly (-47%) in 2010-11. In 2011-12, the PFB filings rebounded close (1,955) to the statewide average (1,979). The “new case” filing rate also increased in LKL in 2011-12. Thus, following a notable decrease in both metrics in 2010-11, each returned to moderate levels in 2011-12. Despite this, the volume of mediations conducted in District LKL remained relatively low, compared to other divisions throughout the state. When the Florida Legislature reduced OJCC positions by four mediators in the 2012 session, the LKL office was selected for elimination of a mediator position. In fiscal 2012-13 and beyond, mediator Rob Arthur from District SPT will be performing dual duty, conducting mediations in District LKL and STP.

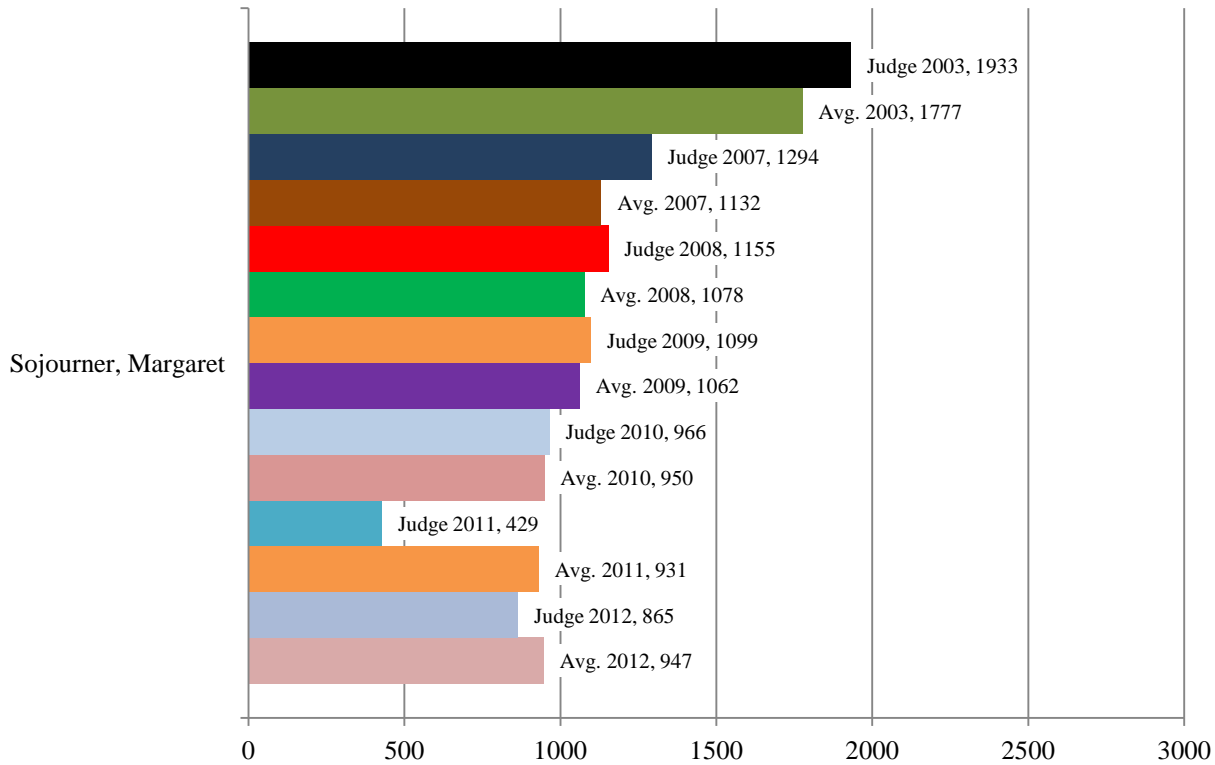
The moderation of both PFB and “new case” filing volumes in LKL reflect the significant efforts of Judge Sojourner. Some of the decrease evidenced in 2010-11 was likely attributable to the volume of “new cases” which were shifted to five out-of-District Judges (Hafner (SPT), Lorenzen (TPA), Murphy(TPA), Remsnyder (SPT), and Sturgis (FTM)) . Over 2011-12, however, the OJCC stopped assigning LKL cases to three of those “out-of-district” judges, and decreased the two remaining, Judge Lorenzen and Judge Murphy, to minimal volume. Effectively, District LKL has progressed from requiring the same “out-of-district” support as Districts MIA and FTL, to requiring virtually no support. This progress can only be credited to the presence of Judge Sojourner, her management skills, work-ethic, and dedication.

District LKL had a 2010-11 trial volume consistent with the statewide average in 2010-11, which was remarkable. That volume increased in 2011-12 to the highest trial volume in the state, 101 trials (tied with Judge Rosen, STP). Despite that volume, Judge Sojourner averaged time to trial and time to order within the statutory parameters.

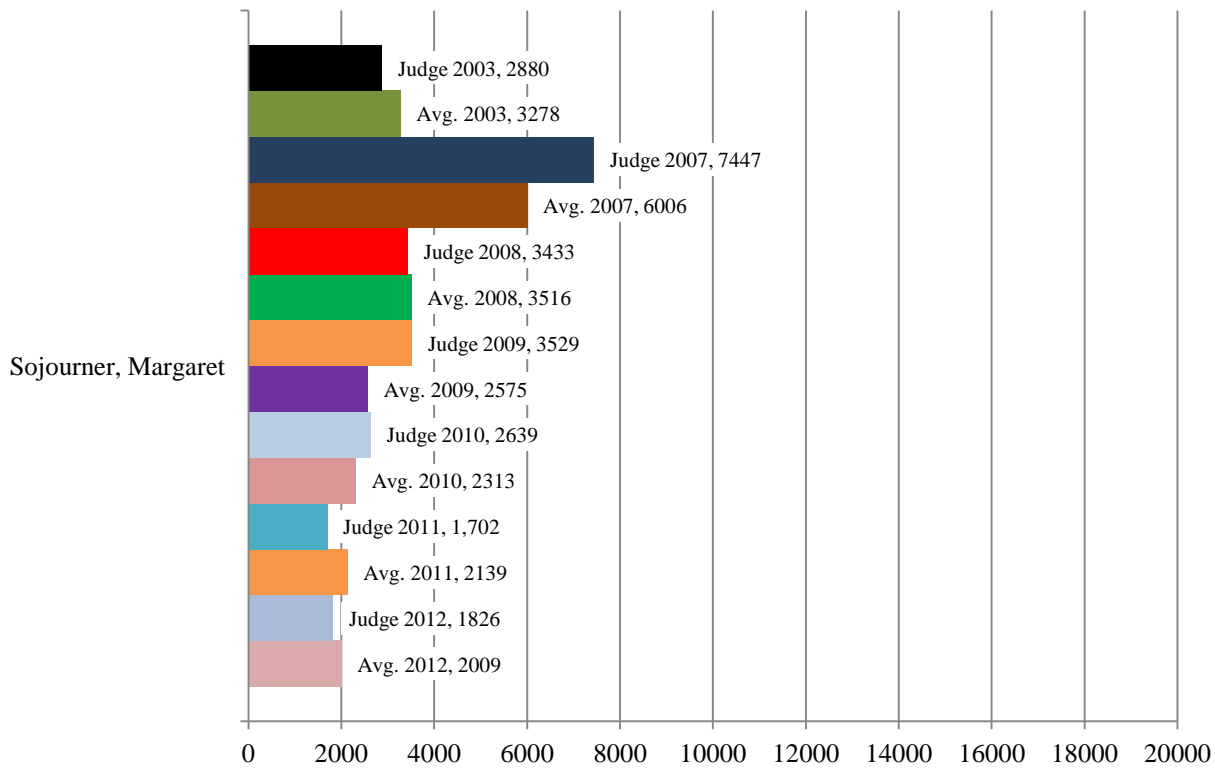
The following depicts the volume of PFBs filed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



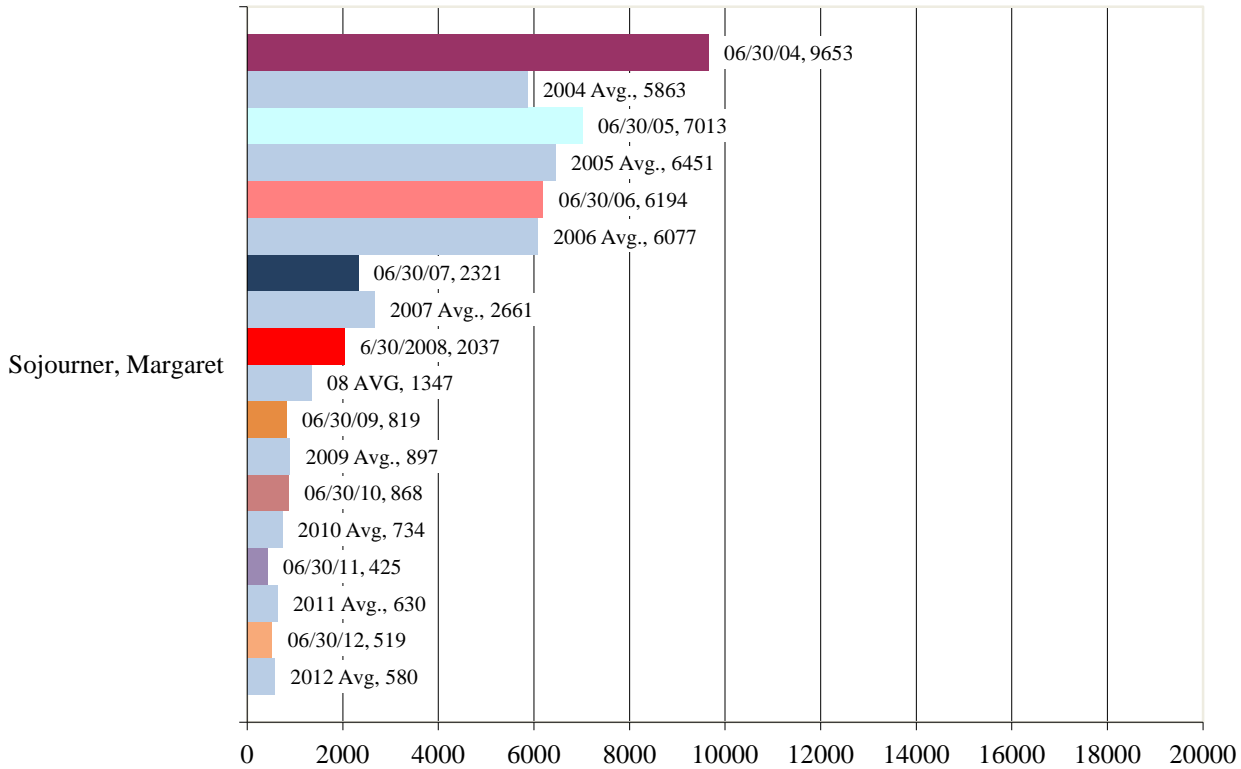
The following depicts the volume of new cases filed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



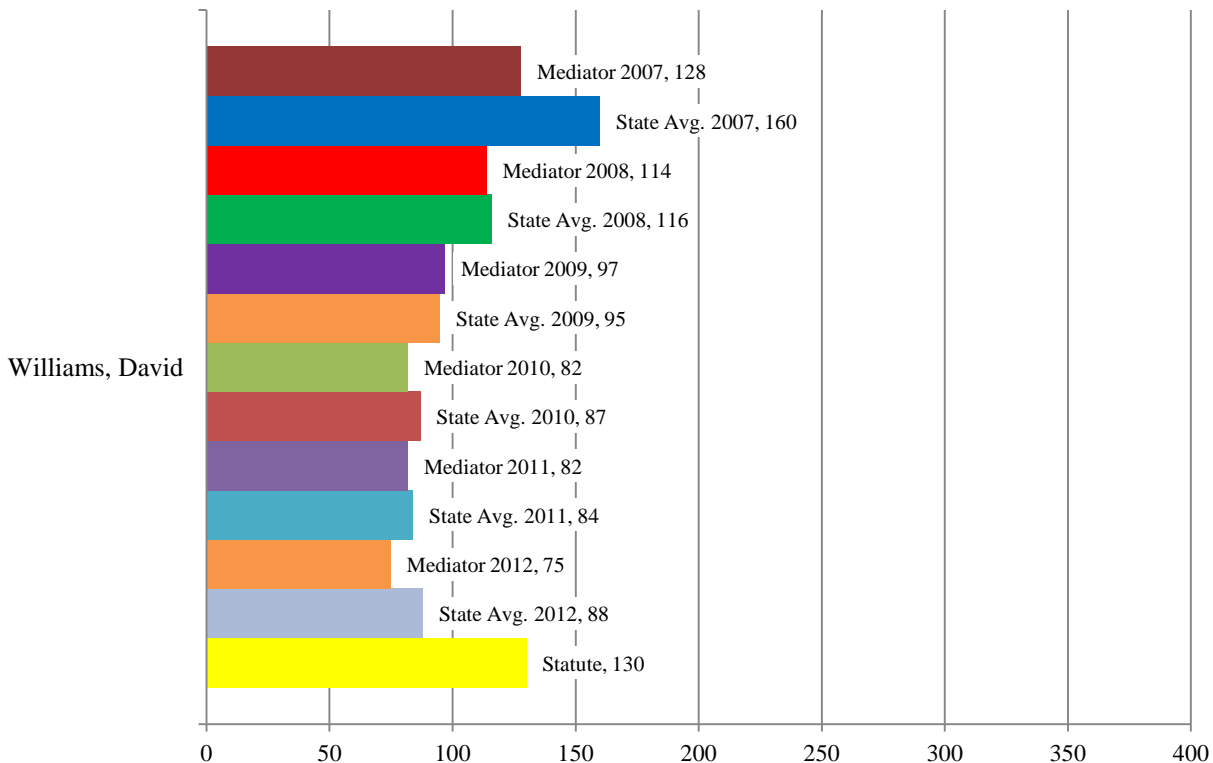
The following depicts the volume of PFBs closed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



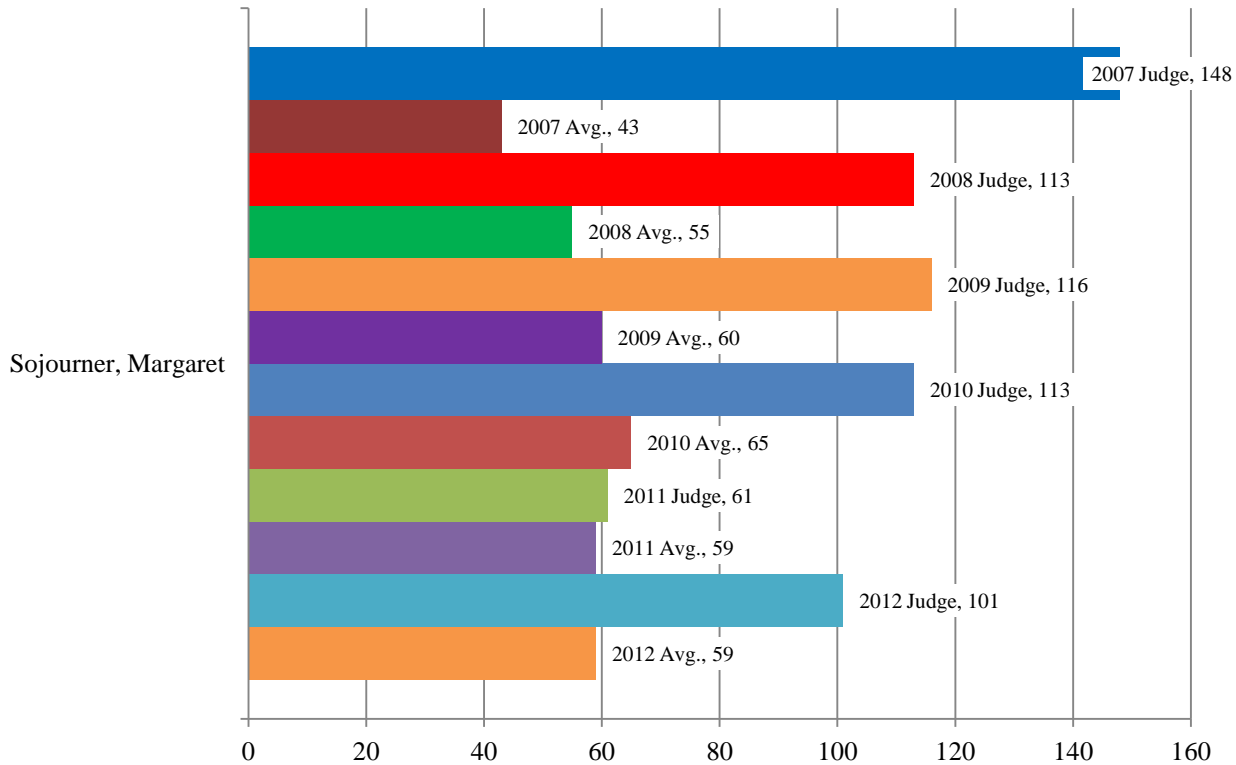
The following depicts the inventory of pending PFBs in this District and the statewide average between 2002-03 and 2010-11. The identification and values for each year are in each bar label.



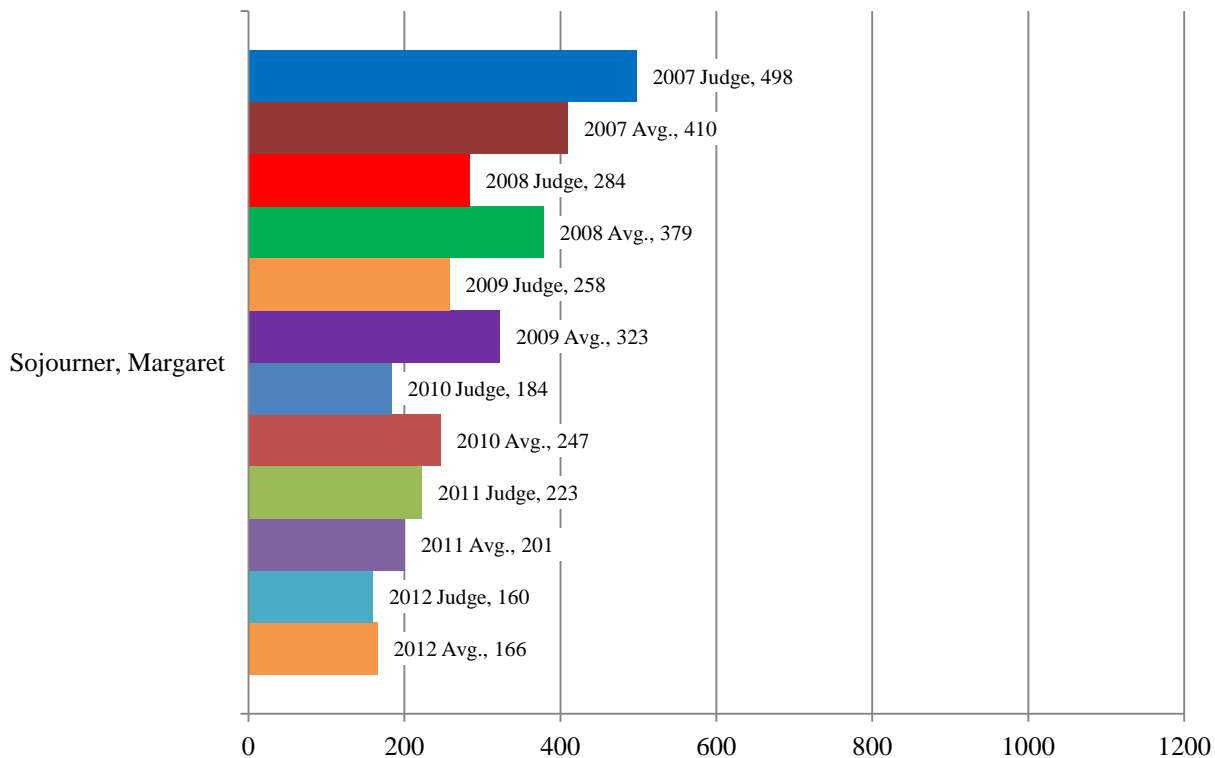
The following depicts the average days between PFB filing, and the first mediation held thereon, for each mediator in the District between 2002-03 and 2010-11. The identification and values for each year are in each bar label. The yellow bar represents the statutory 130 days.



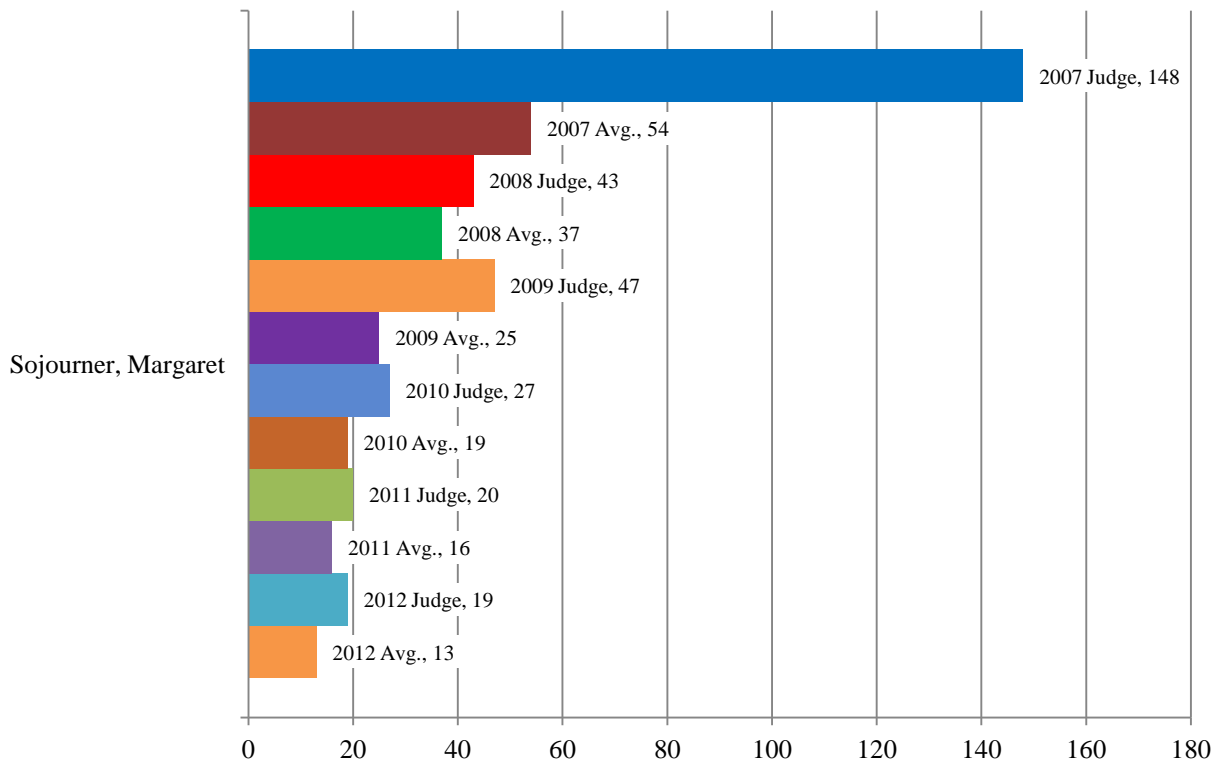
The following graph depicts the total volume of trial orders uploaded in this District and statewide averages between 2006-07 and 2010-11. The identification and values for each year are in each bar label.



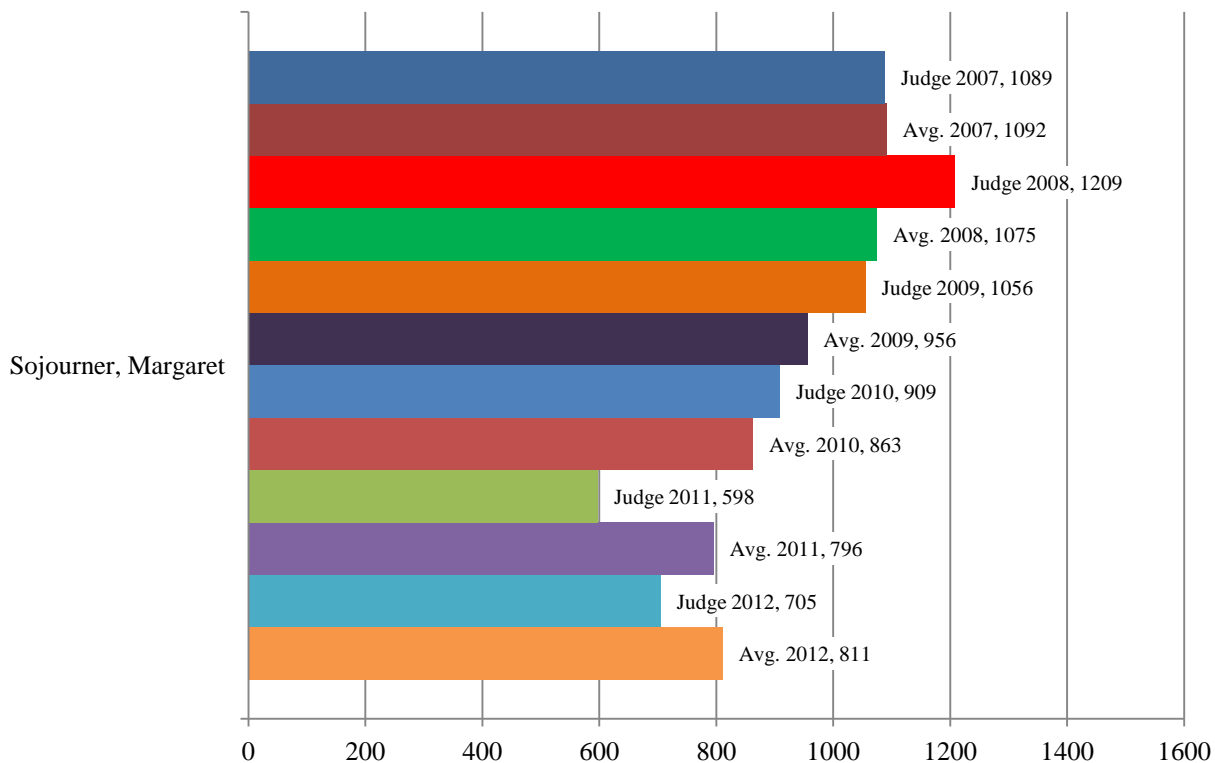
The following depicts the average days between PFB filing and trial commencing for each Judge and the statewide average between 2006-07 and 2010-11. For these calculations, only the first day of trial is considered, and days after the first trial day are included in the days between trial and final order. The identification for each year and the values are in each bar label.



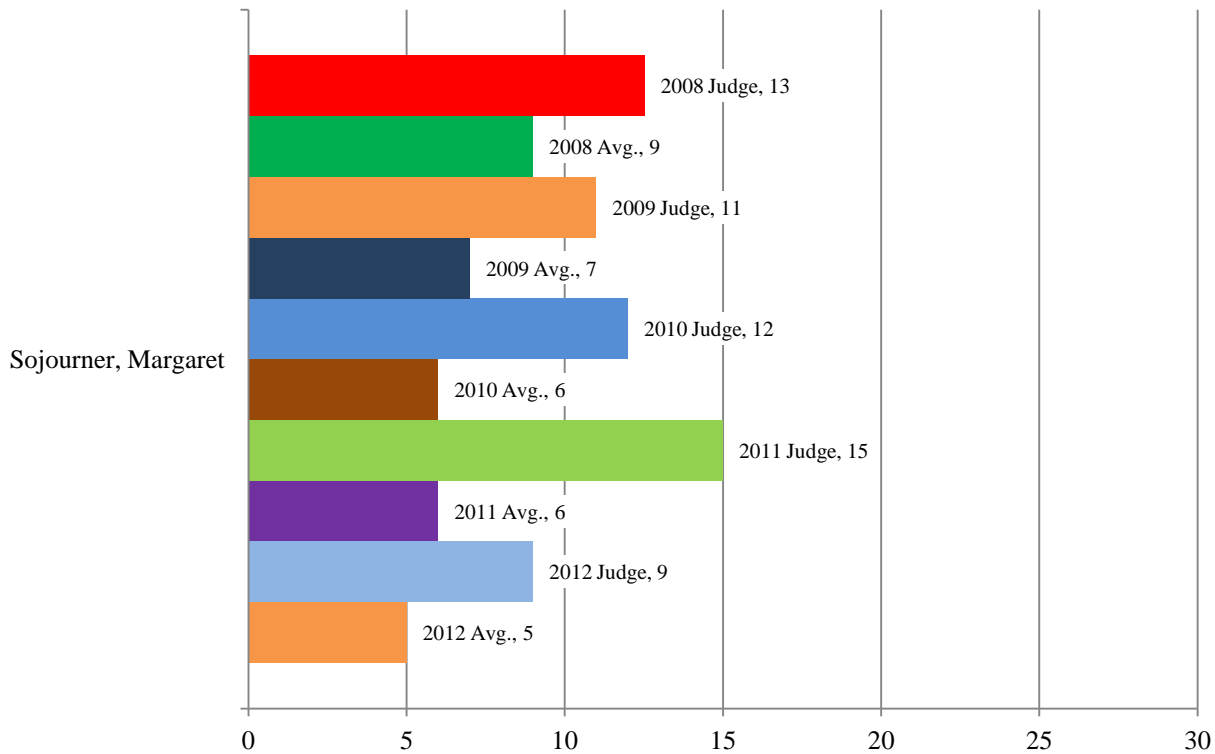
The following depicts the average days between trial commencing and entry of the trial order for each Judge and the statewide average between 2006-07 and 2010-11. All days between the first day of trial and last day of trial are included in the calculation of days between trial and final order. The identification for each year and the values are in each bar label.



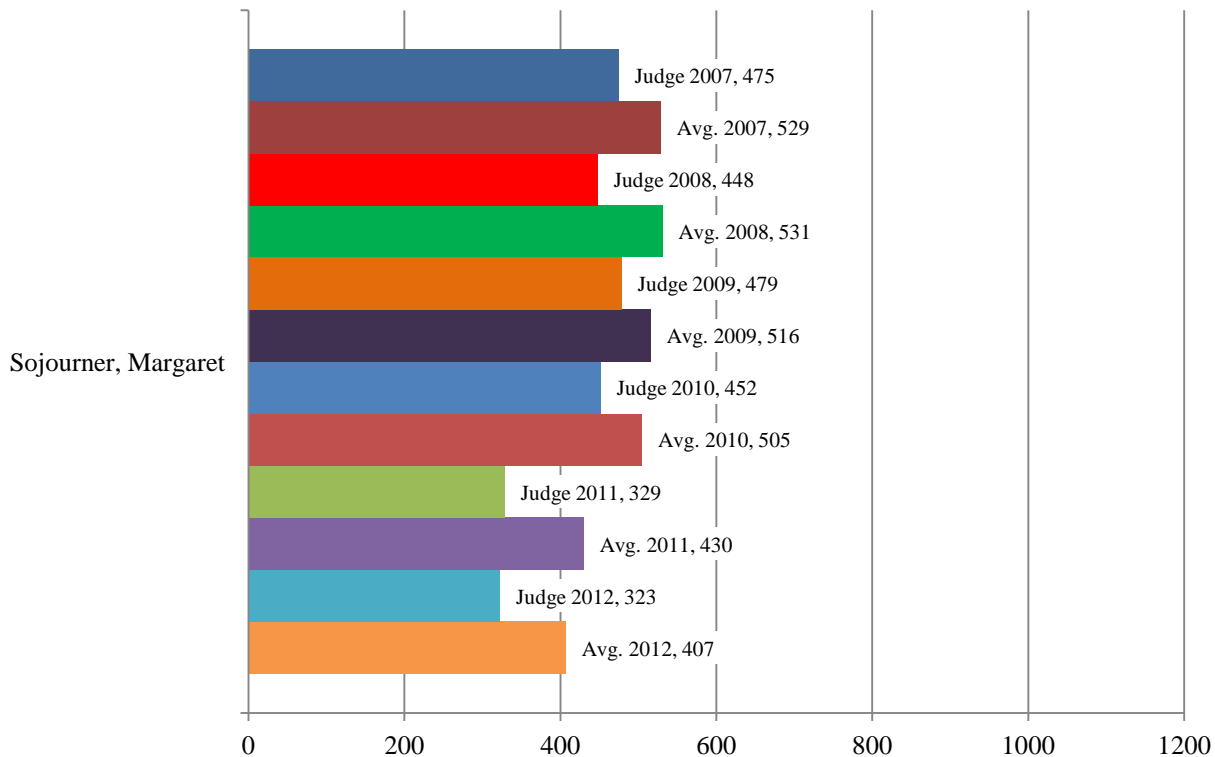
The following depicts the volume of settlement orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



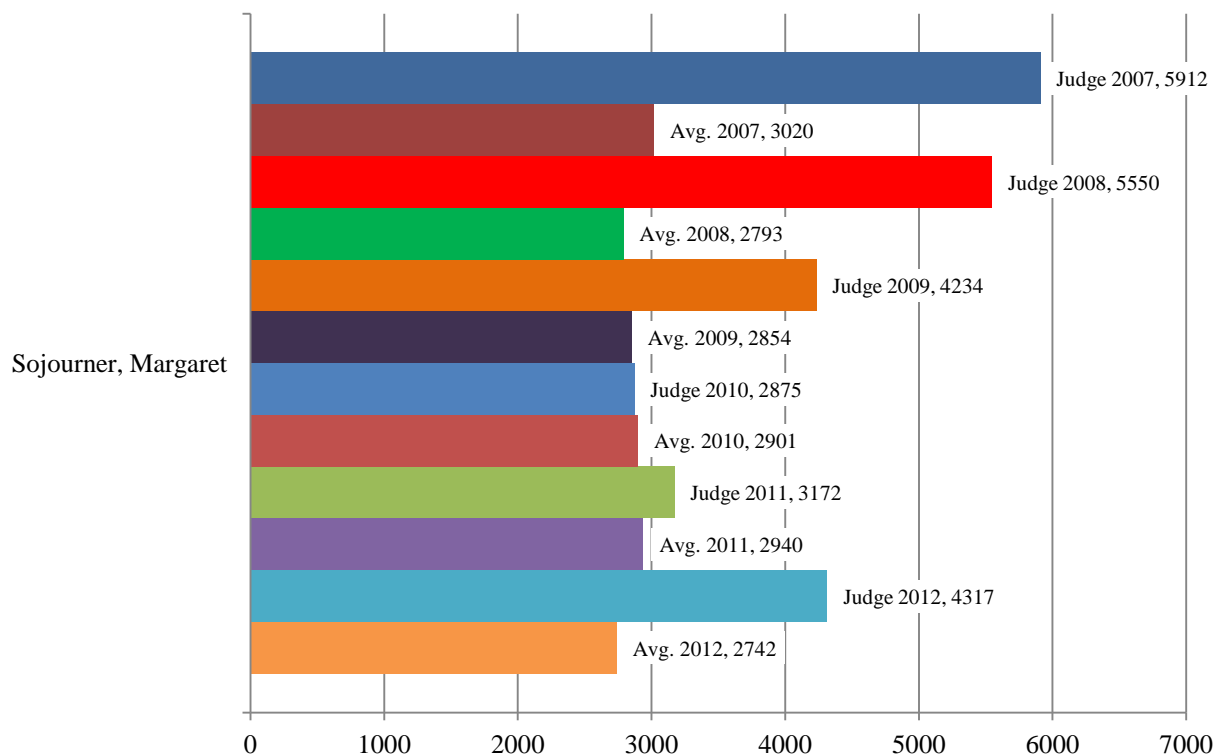
The following depicts the average number of days between filing of a settlement motion and entry of a settlement order by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



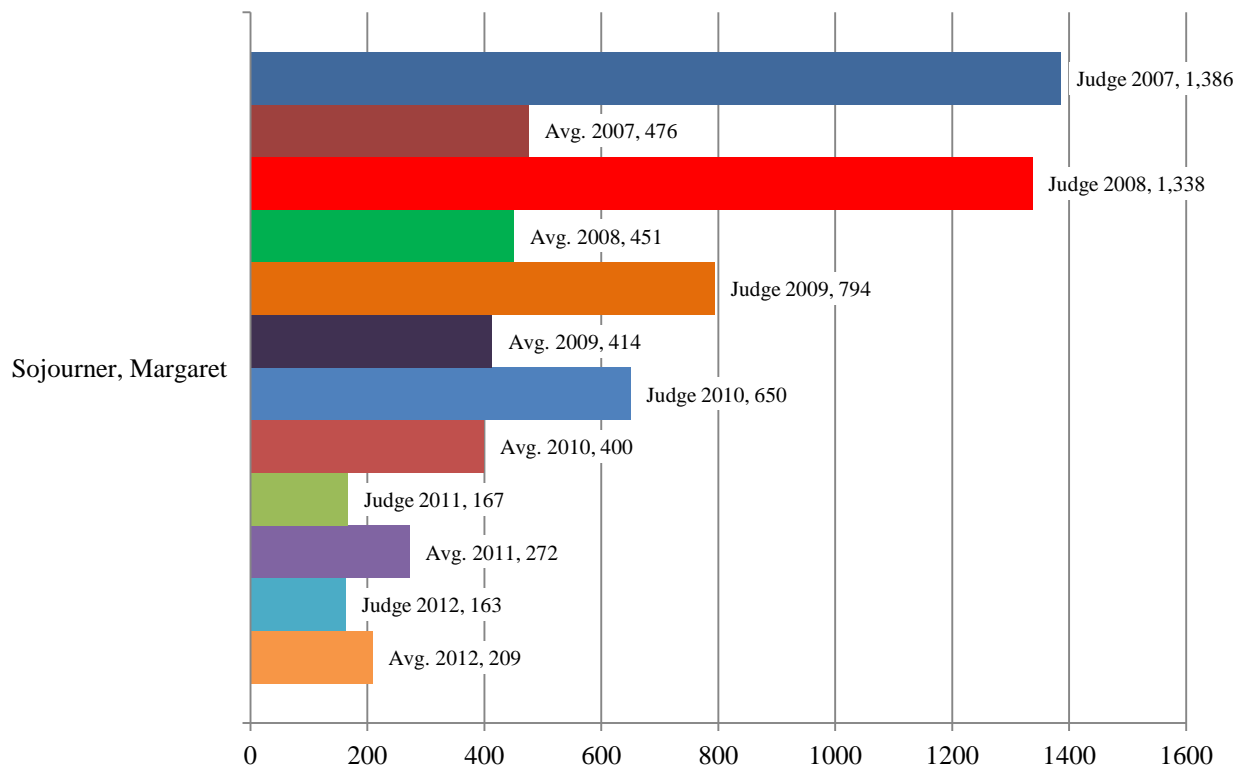
The following depicts the volume of stipulation orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



The following depicts the volume of “other” (meaning not settlement or stipulation) orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



The following depicts the volume of “other” (meaning not trials) hearings recorded as “held” by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



Appendix “7” District MEL (JCC Remsnyder):

District MEL includes Brevard, Indian River, and Okeechobee counties.

Indian River and Okeechobee counties were transferred to District MEL in the spring of 2008. The District experienced significant changes in 2011-12. State agencies use competitive bidding processes to procure real estate. The MEL office space lease expired in 2011-12, and bids for office space were solicited. The winning bid was in Sebastian, Florida, about 20 miles south of Melbourne. Late in calendar year 2011, the District relocated to the new Sebastian location. Early feedback from OJCC customers was critical of the driving distance between Sebastian and Melbourne, which is the population center of the District. Those criticisms have diminished.

Judge Remsnyder has been a Judge of Compensation Claims since April 1993. She served in District St. Petersburg (STP) for 19 years. In 2012, the OJCC budget was reduced, eliminating one judicial position and four mediator positions from the allotted staff. In October 2011, Governor Scott decided not to reappoint Judge Paul Terlizzese as JCC in Melbourne. The OJCC was thus faced with eliminating a judicial position, and the vacant position in MEL was the logical choice. As the OJCC began to cover the trial docket in MEL, Judge Remsnyder graciously volunteered to transfer to the MEL District, bringing with her decades of experience.

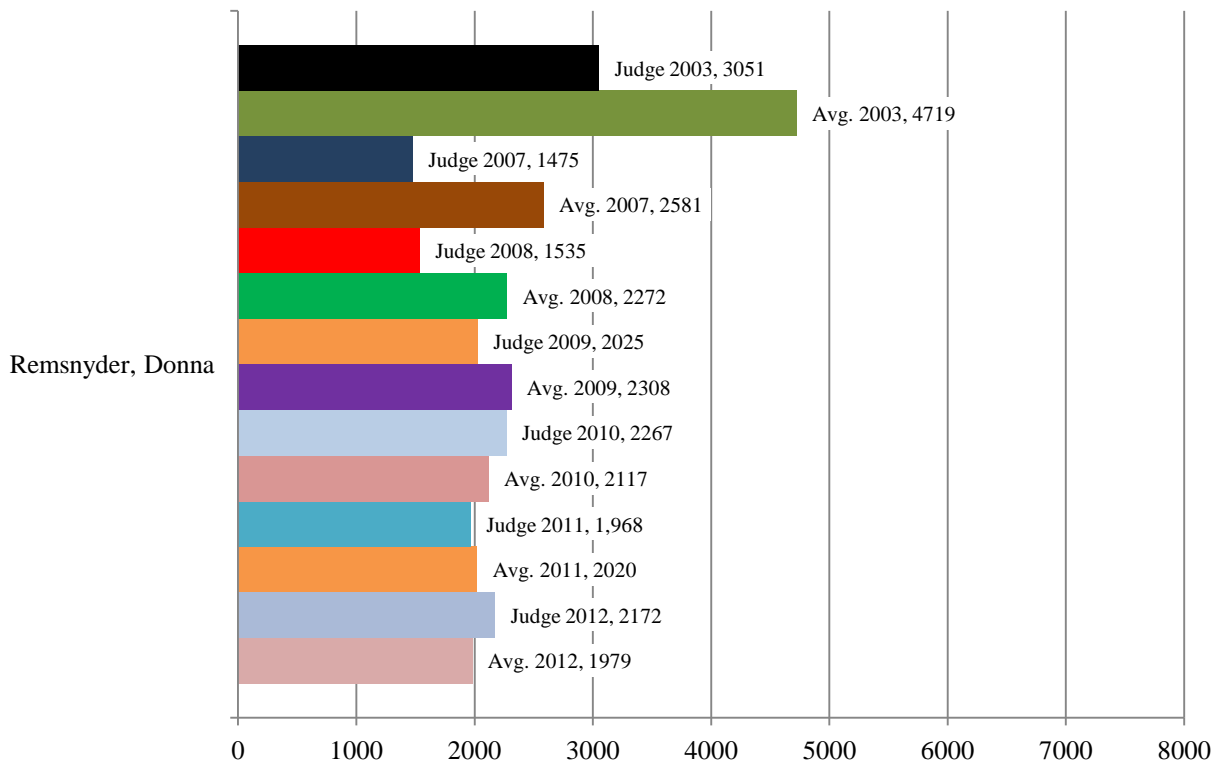
PFB filings and “new case” filings in District MEL are above the statewide averages in 2011-12. There has been vacillation in these comparisons, with the District MEL volumes remaining reasonably close to the annual PFB averages, but generally exceeding the “new case” average, since 2008-09, when the additional counties were added from District PSL.

The trial orders for District MEL in 2011-12 are not consistent with other Districts. Questions about the reappointment of Judge Terlizzese were raised in April 2011. In October 2011, Governor Scott declined to reappoint Judge Terlizzese. The resulting uncertainties likely depressed trials. Judge Terlizzese left the OJCC approximately midway through fiscal 2011-12.

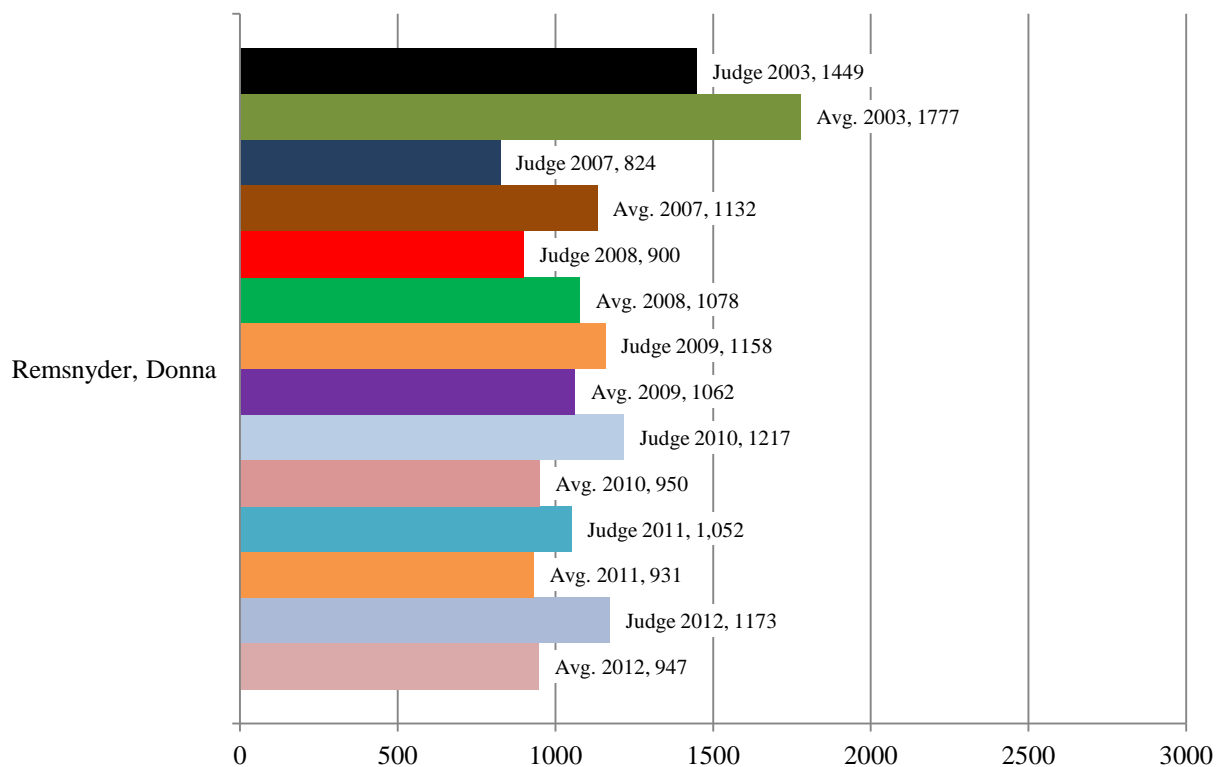
The statistics reported herein generally represent District MEL performance. However, all trials conducted by Judge Remsnyder in 2011-12 are reflected in the SPT district where she spent the majority of 2011-12. Therefore, the trial, and trial timing figures that follow are Judge Terlizzese’s.

Judge Remsnyder spoke several times in 2012 to both adjusters and attorneys. She volunteered with Justice Teaching and Lawyers for Literacy. She served as mentor for a fourth grader.

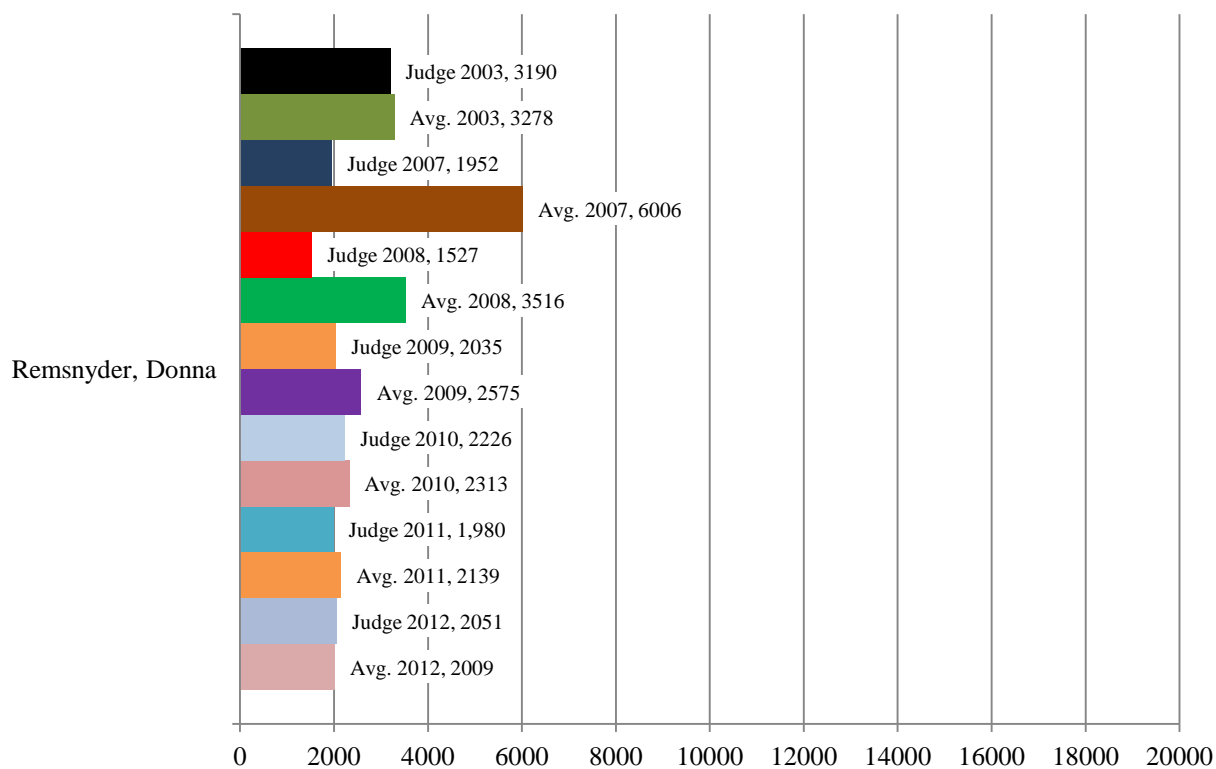
The following depicts the volume of PFBs filed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



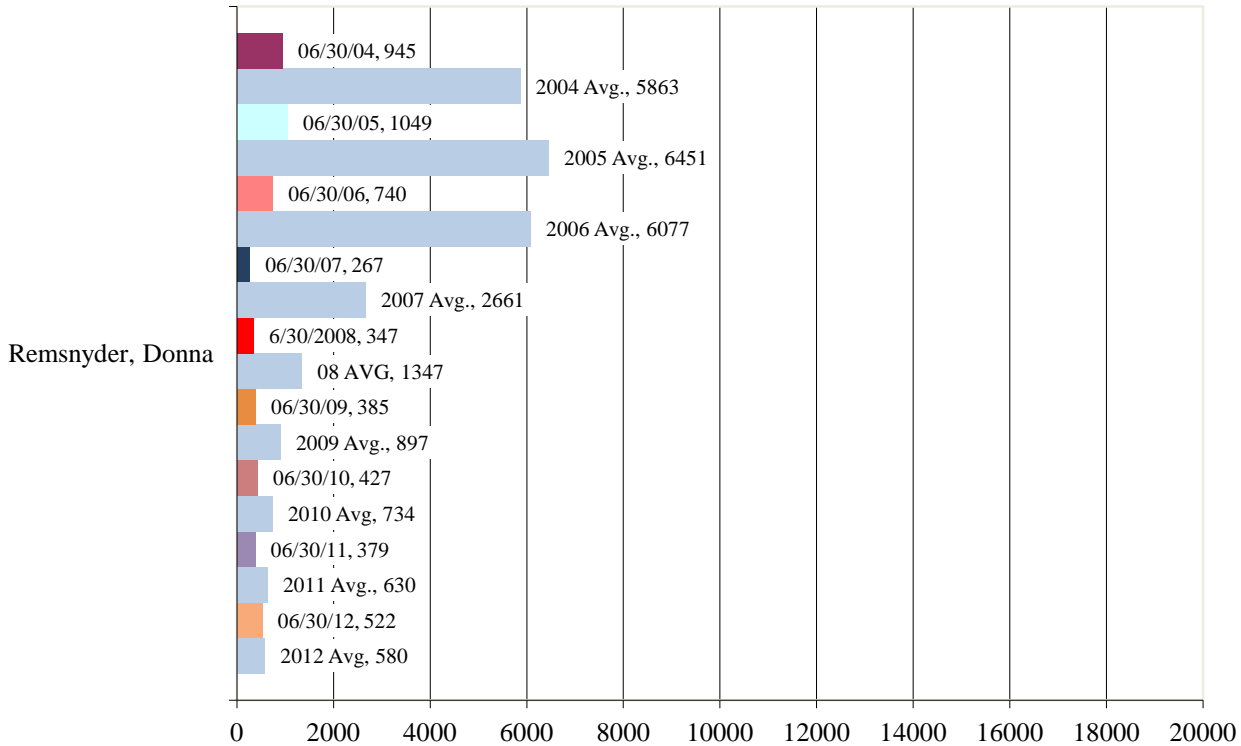
The following depicts the volume of new cases filed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



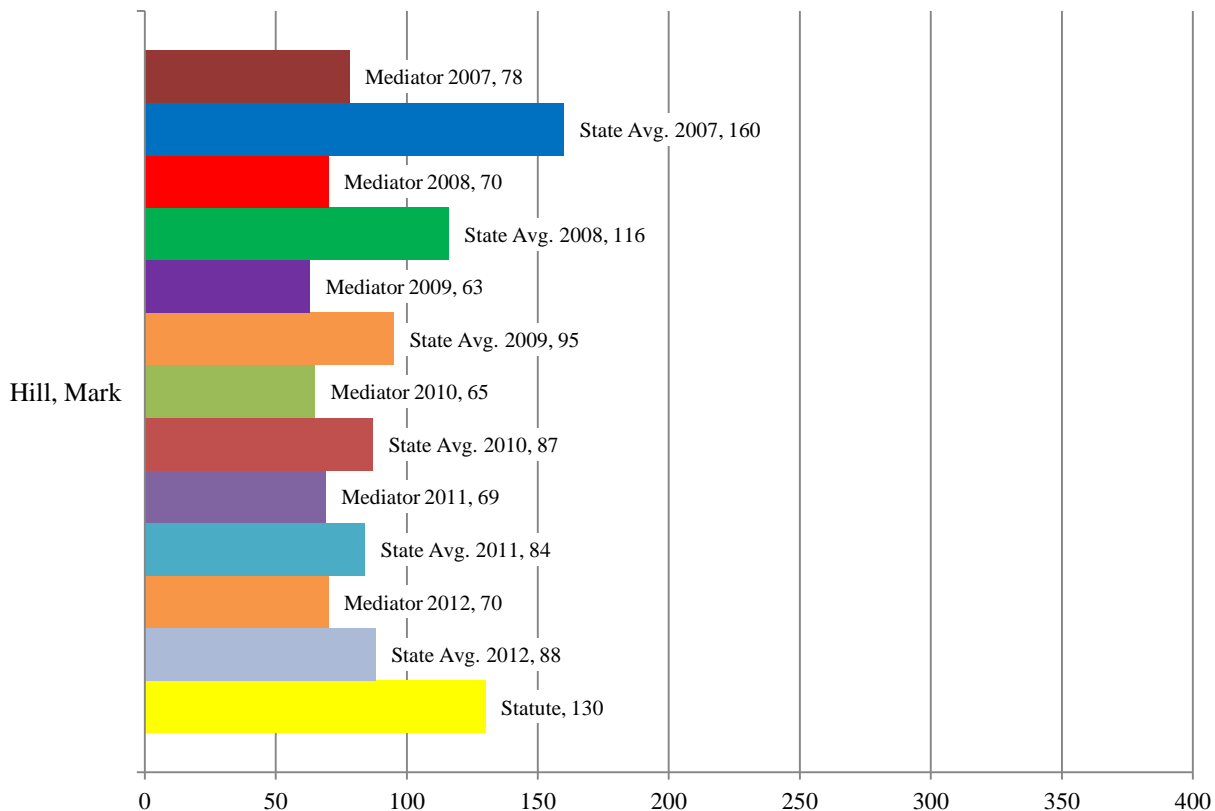
The following depicts the volume of PFBs closed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



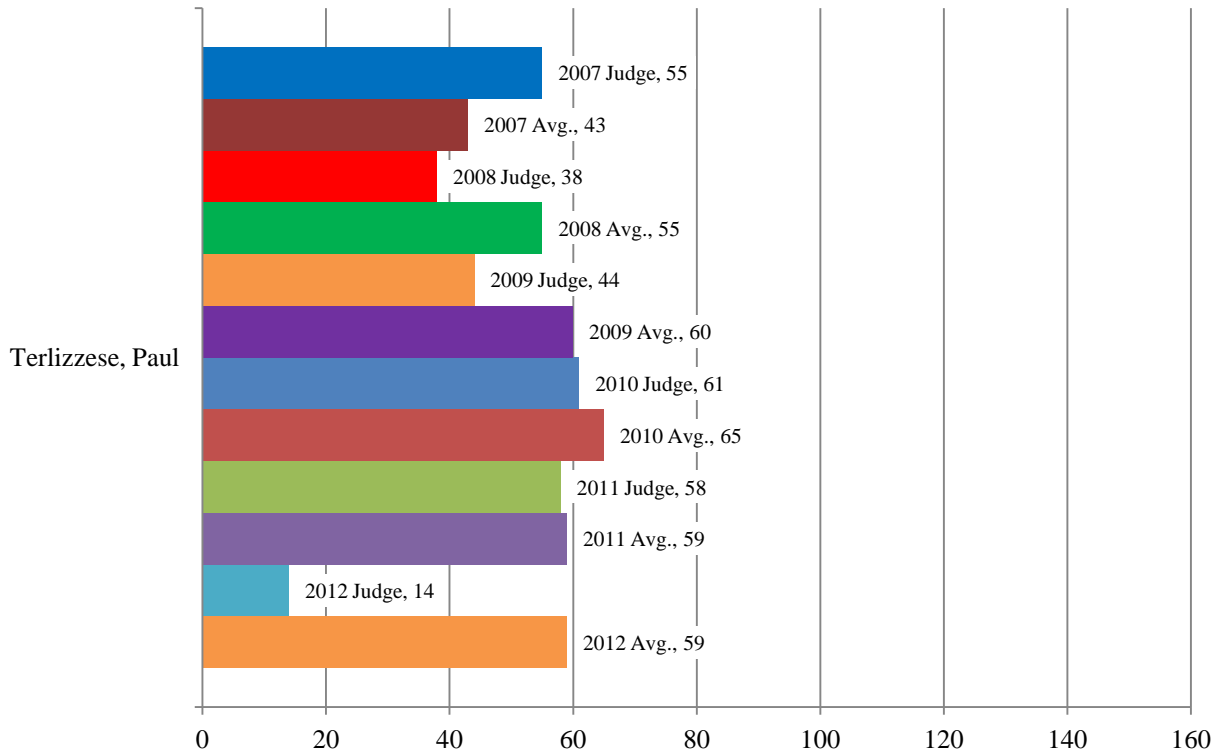
The following depicts the inventory of pending PFBs in this District and the statewide average between 2002-03 and 2010-11. The identification and values for each year are in each bar label.



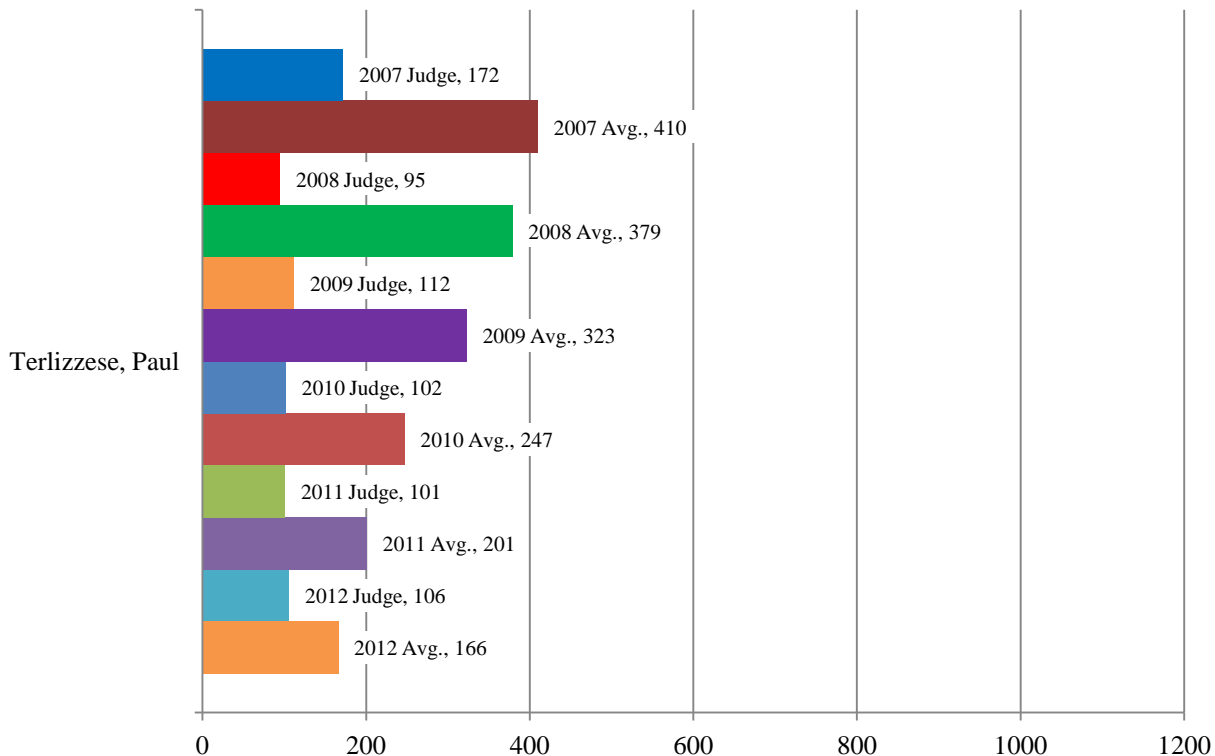
The following depicts the average days between PFB filing, and the first mediation held thereon, for each mediator in the District between 2002-03 and 2010-11. The identification and values for each year are in each bar label. The yellow bar represents the statutory 130 days.



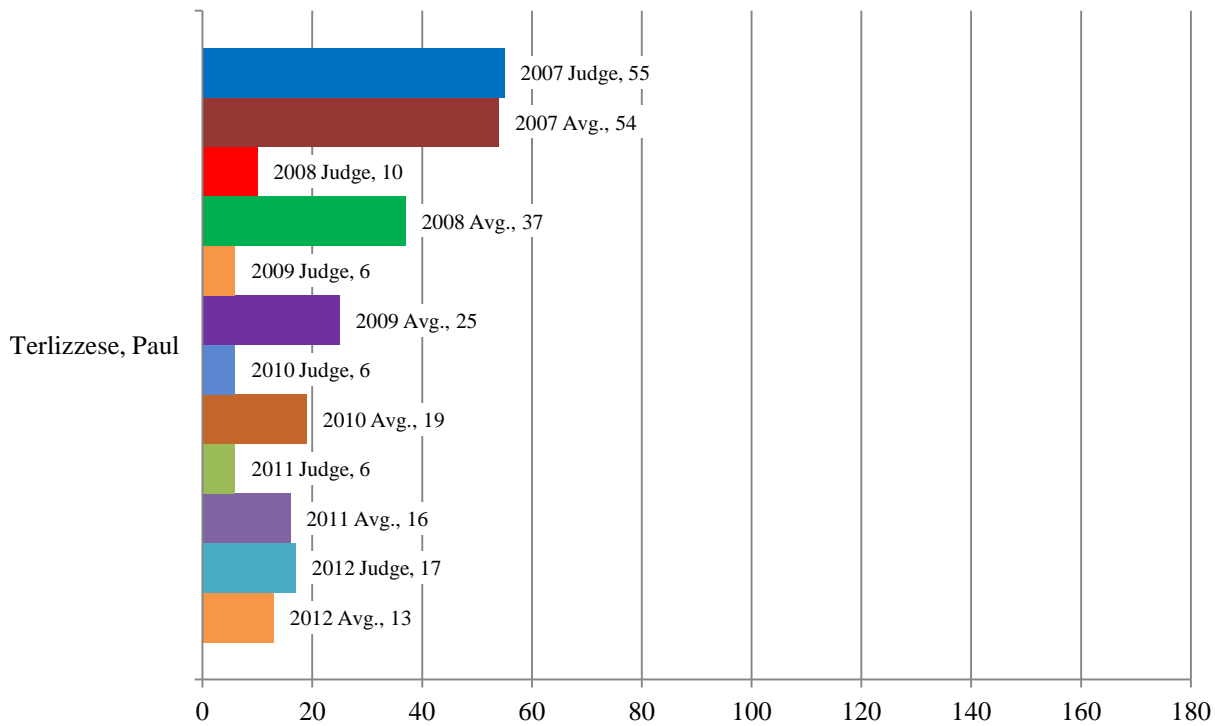
The following graph depicts the total volume of trial orders uploaded in this District and statewide averages between 2006-07 and 2010-11. The identification and values for each year are in each bar label. See SPT for JCC Remsnyder.



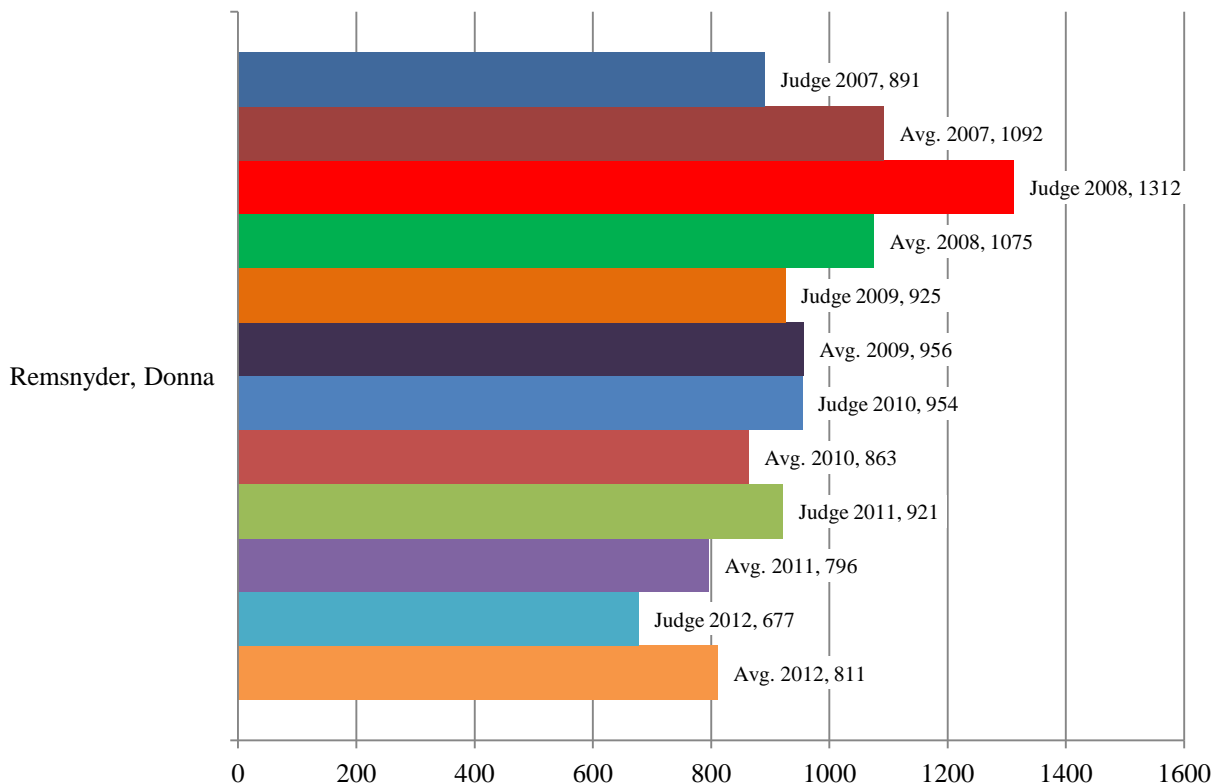
The following depicts the average days between PFB filing and trial commencing for each Judge and the statewide average between 2006-07 and 2010-11. For these calculations, only the first day of trial is considered, and days after the first trial day are included in the days between trial and final order. The identification for each year and the values are in each bar label. See SPT for JCC Remsnyder.



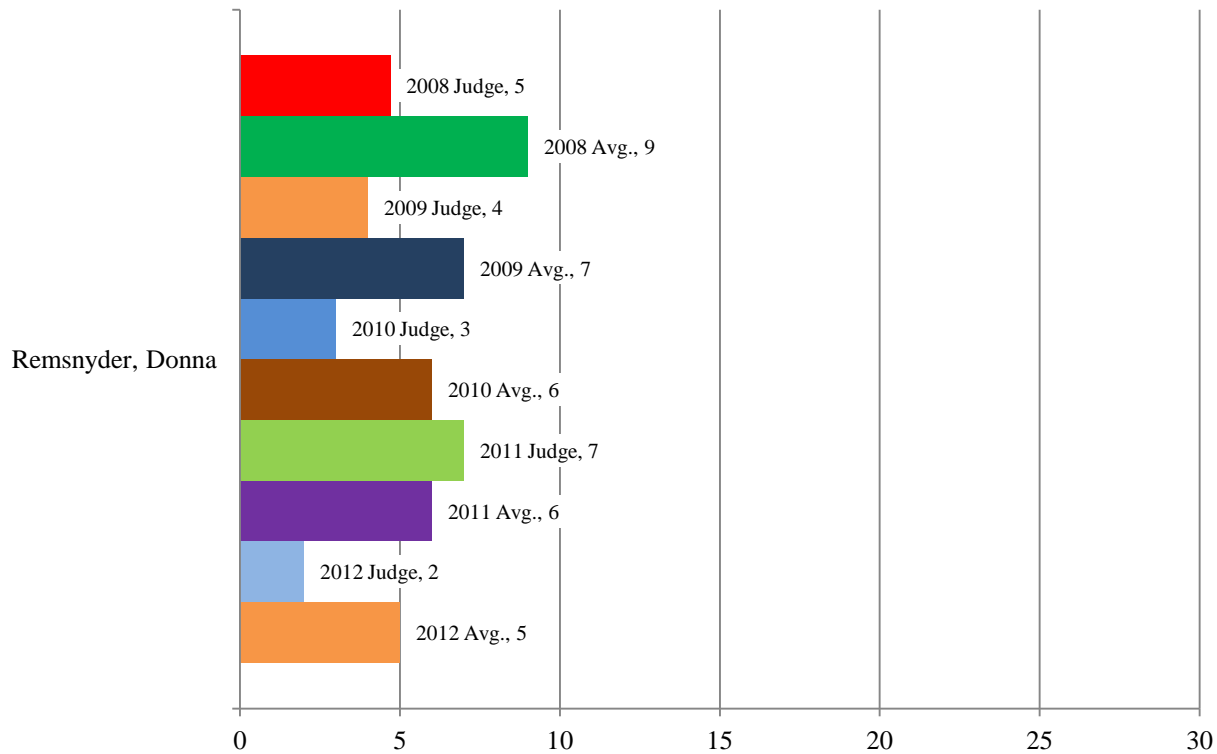
The following depicts the average days between trial commencing and entry of the trial order for each Judge and the statewide average between 2006-07 and 2010-11. All days between the first day of trial and last day of trial are included in the calculation of days between trial and final order. The identification for each year and the values are in each bar label. See SPT for JCC Remsnyder.



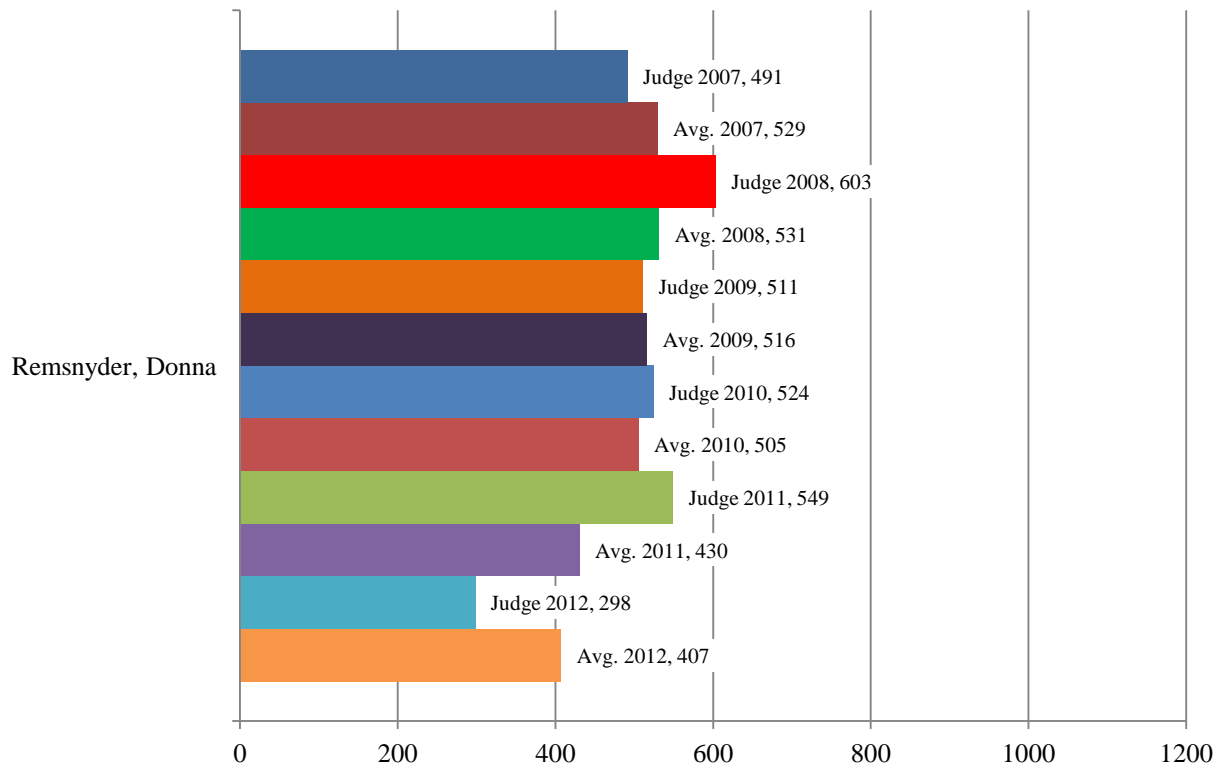
The following depicts the volume of settlement orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



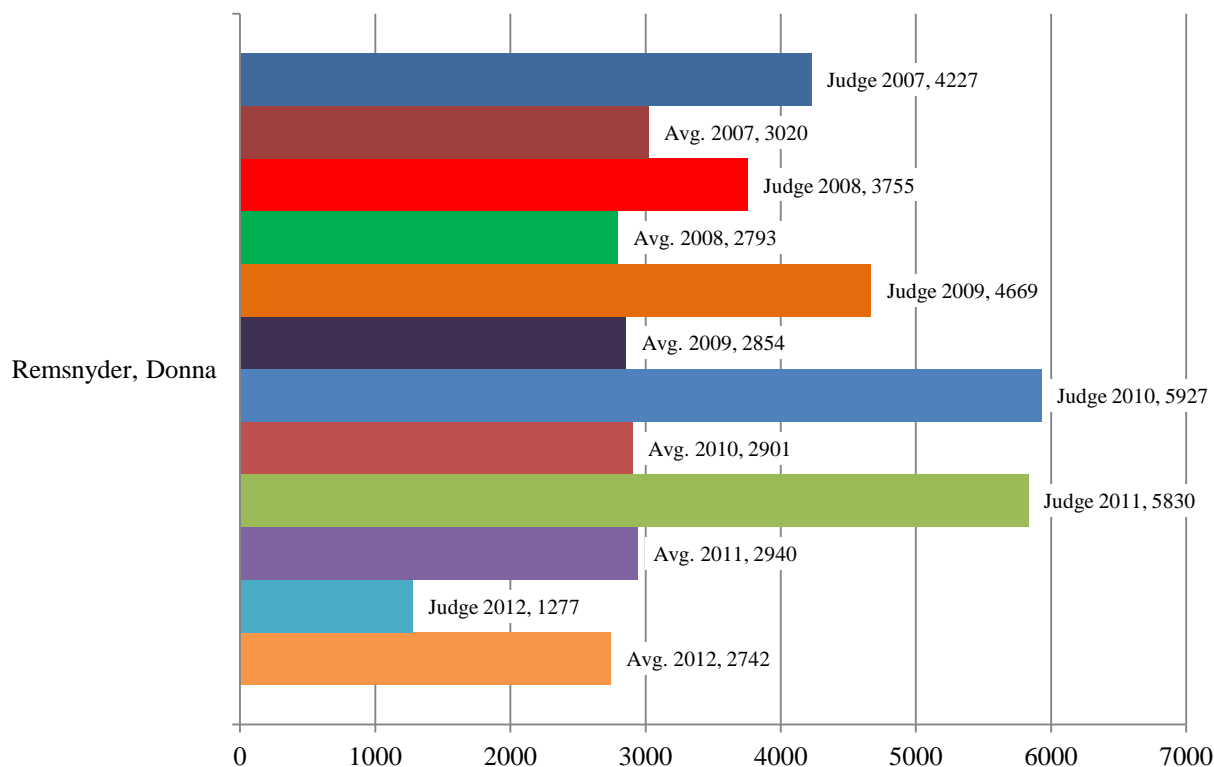
The following depicts the average number of days between filing of a settlement motion and entry of a settlement order by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



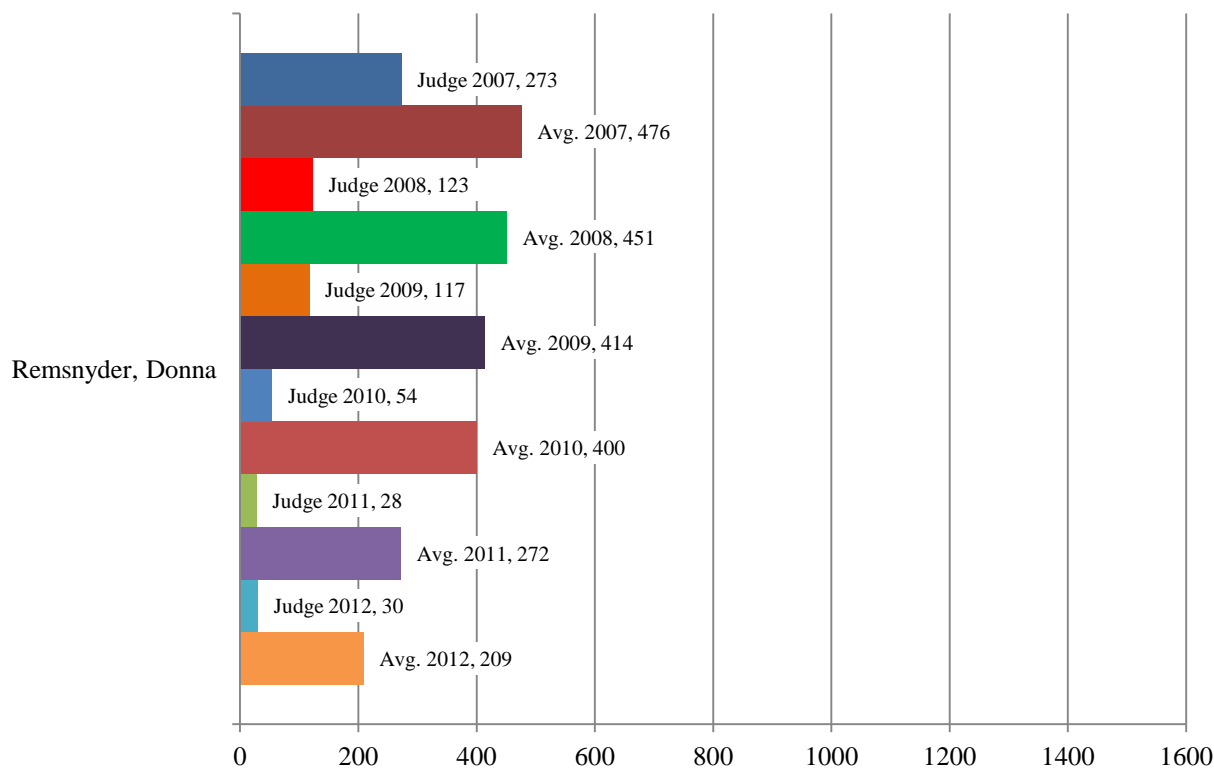
The following depicts the volume of stipulation orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



The following depicts the volume of “other” (meaning not settlement or stipulation) orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



The following depicts the volume of “other” (meaning not trials) hearings recorded as “held” by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



Appendix “8” District MIA (JCC Castiello, JCC Harnage, JCC Hill, JCC Kuker, JCC Medina-Shore):

District MIA includes Dade and Monroe counties.

Each of the MIA divisions registered PFB filings close to the statewide average in 2011-12. New case filings in District MIA’s divisions were well below the statewide average of 947 new cases per judge. These lower volumes are a direct result of the “out-of-district” judge program, which assigns MIA new cases to Judges Humphries (JAX), Jenkins (TPA), Pitts (ORL), Portuallo (DAY), Remsnyder (MEL), Rosen (STP) and Spangler (FTM). This effort contributed to each MIA division receiving at least 200 fewer “new cases” than the statewide average in 2011-12.

The MIA divisions each closed a significant volume of PFBs also, maintaining equilibrium between filings and closures. This equilibrium is evidenced in the year-end open petition volumes in MIA, which are consistent with inventories in other Districts. Mediations were timely in District MIA in 2011-12. All MIA judges, except Judge Kuker, conducted more trials than the statewide average in 2011-12, and District MIA edged closer to the statutory 210 day trial parameter in 2011-12. Judge Castiello averaged 114 days, the lowest in the District, and Judge Kuker averaged only 314 days. Judge Medina-Shore averaged only 128 days, while Judges Harnage (212) and Hill (228) were very close to the statutory 210 days.

Despite the significant trial and workload volumes in District MIA, all five judges there averaged less than 30 days from trial to entry of the final order. This is the statutory measure that is most within the control of the Judge. Settlement orders in District MIA were entered far more rapidly in 2011-12 than in 2010-11. The development of an OJCC Central Clerk process for pre-screening of settlement motions is likely facilitating more efficient settlement processing in MIA. District MIA evidences higher volumes in most District MIA divisions’ “other hearings” and “other orders,” compared to the statewide average.

Notably, the trial volumes in District MIA have moderated in 2011-12, which is likely due in part to overall trends to decreased litigation, and also in some part to the “out-of district” judge program, diverting some volume of litigation to other Judges.

In 2010-11, Judge Medina-Shore continued to serve as Administrative Judge in District MIA.

Judge Kuker serves on the Friends of 440 scholarship selection committee and statewide Board of Directors. He is involved with Justice Teaching. He served again in 2011-12 as a Moot Court Appellate Judge in the Earle Zehmer Moot Court program at the Florida Workers’ Compensation Institute. He co-authored “A Very Brief History of Florida Workers’ Compensation” for the FWCI (n\k\ a WCI) Newsletter, April 2012.

Judge Hill serves on the Historic Preservation Board for The City of Miami Springs, and on the Silver Knight Panel to honor Dade County’s most outstanding high school seniors. He spoke in 2011-12 at the Cuban-American Bar Association education conference in Key West, honoring San Carlos Institute.

Judge Castiello presented on the “Heart/Lung Bill” in 2012 at programs in Ft. Lauderdale, Jacksonville, Key West, Orlando, Panama City, Tampa, and West Palm Beach. He presented as a panelist on the Judicial Perspectives at The Florida Bar Workers’ Compensation Section Forum in April. Judge Castiello presented for Career Day at Palmetto Middle School in May.

Judge Harnage announced his retirement in 2011-12, with his intended retirement date in 2012-13.

A graduate of Tulane and Columbia Universities, Judge Harnage was appointed a Miami JCC by Governor Martinez.

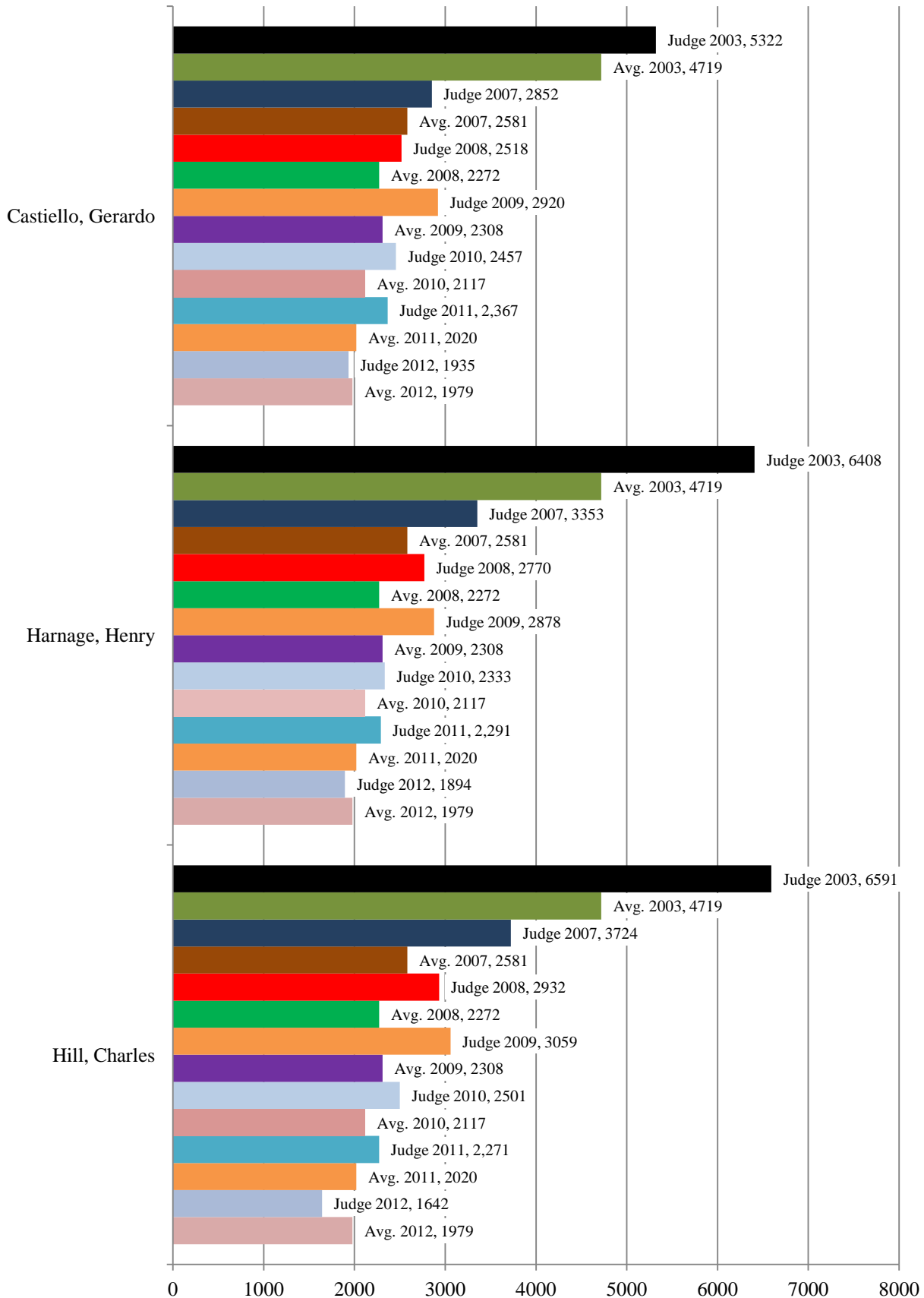
He later served on the Miami Circuit bench and returned to the OJCC in 2006. His experience includes serving as an Associate Judge on the Fourth DCA. Judge Harnage has a unique perspective on adjudication, and has been a foundational element of this agency for the last six years. His demeanor and his respect for the office, attorneys and litigants will be missed.

Mediator Johnson is involved in the Friends of 440 Scholarship organization.

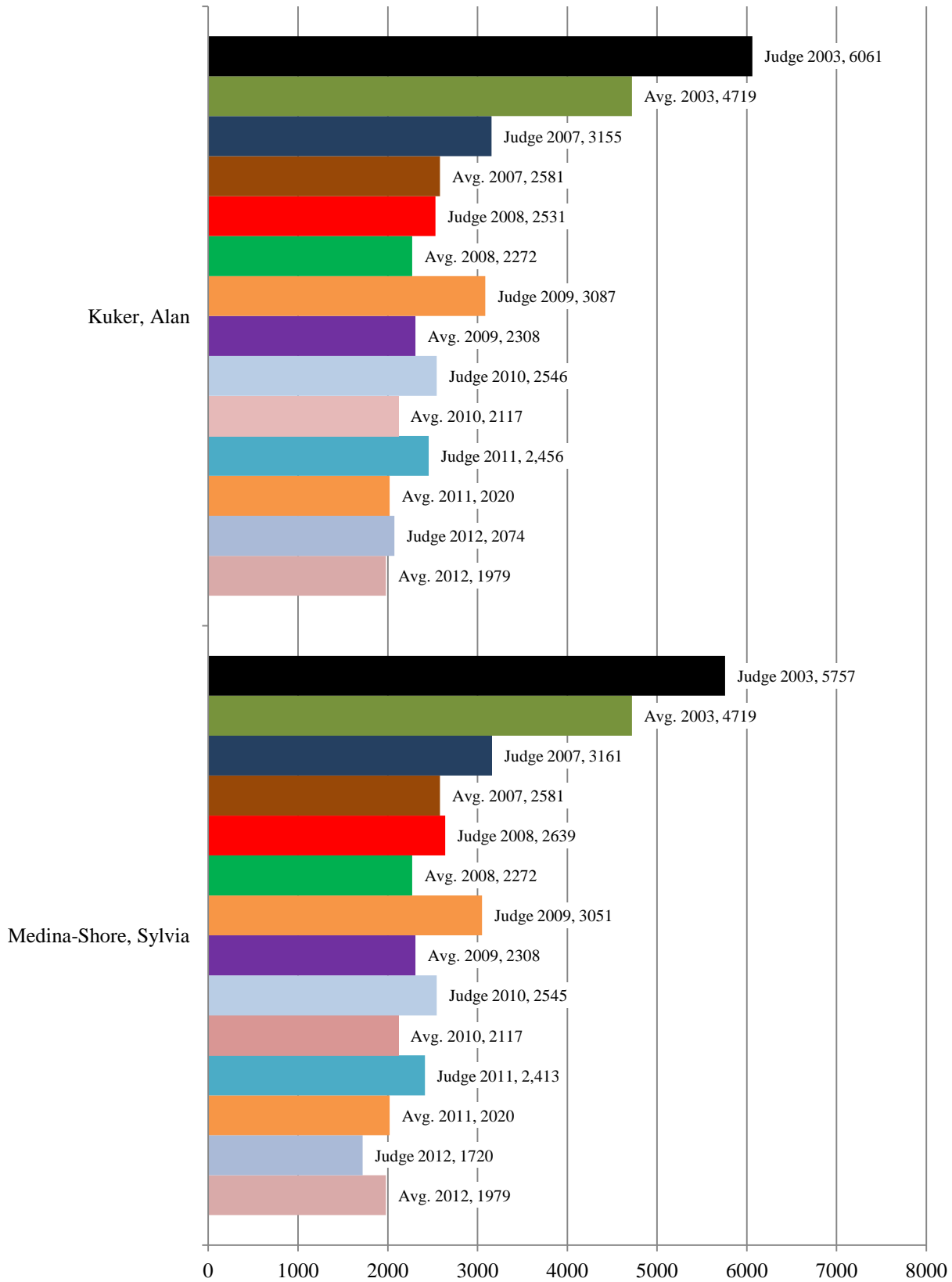


Judge Harnage was recognized for his years of service to the OJCC at the 2012 National Association of Workers’ Compensation Judiciary Judicial College in Orlando

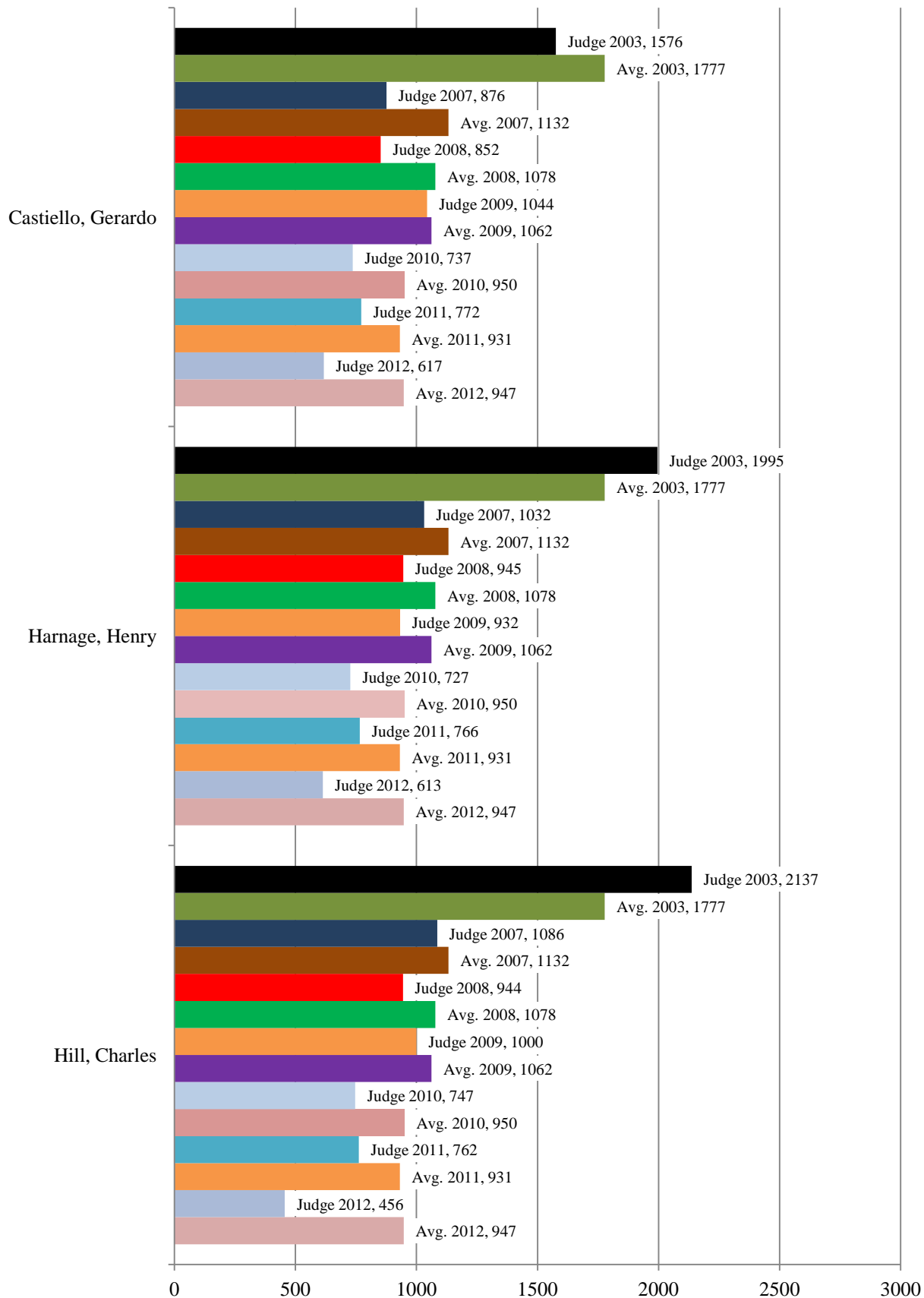
The following depicts the volume of PFBs filed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



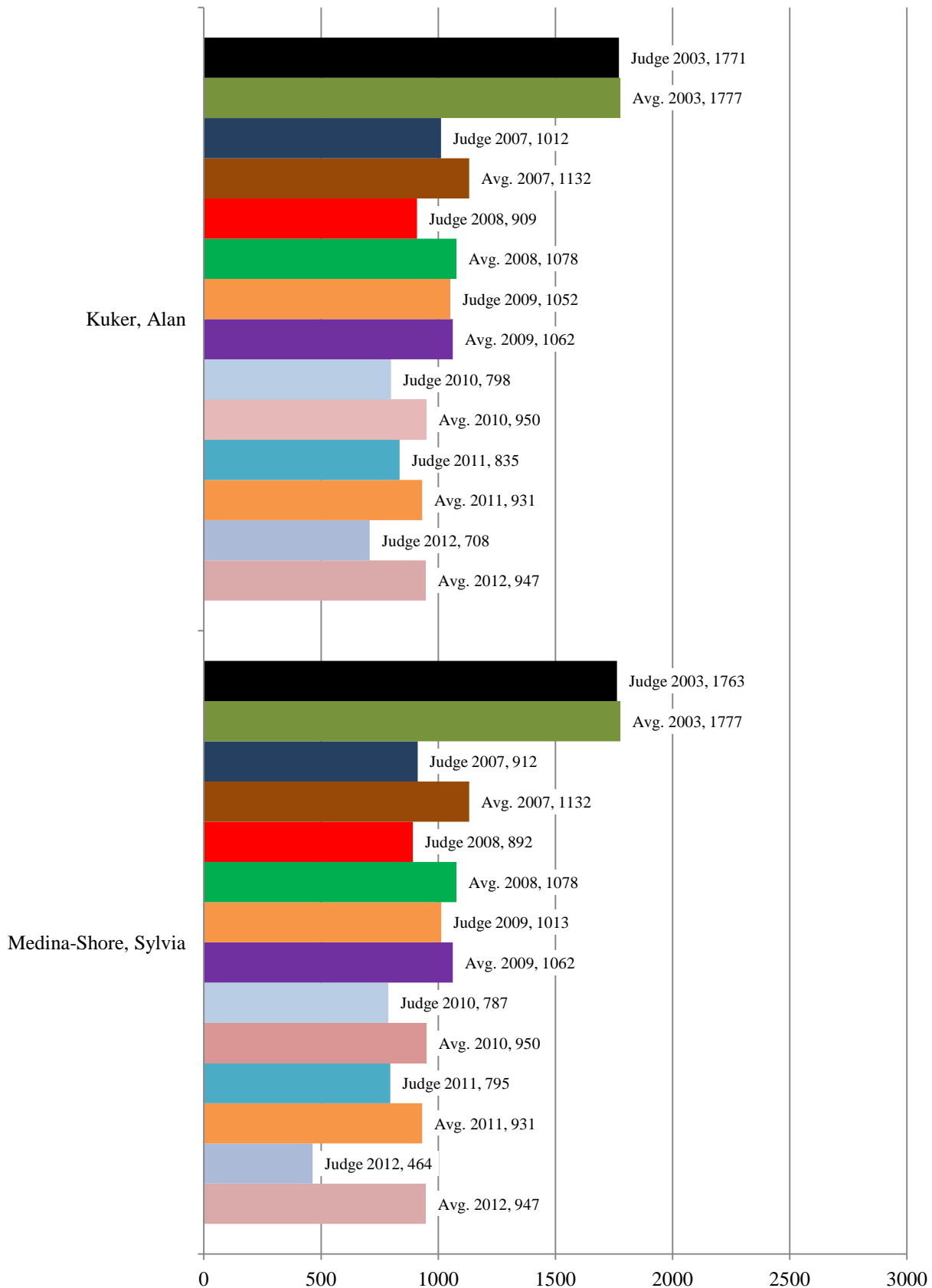
(Continued) The following depicts the volume of PFBs filed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



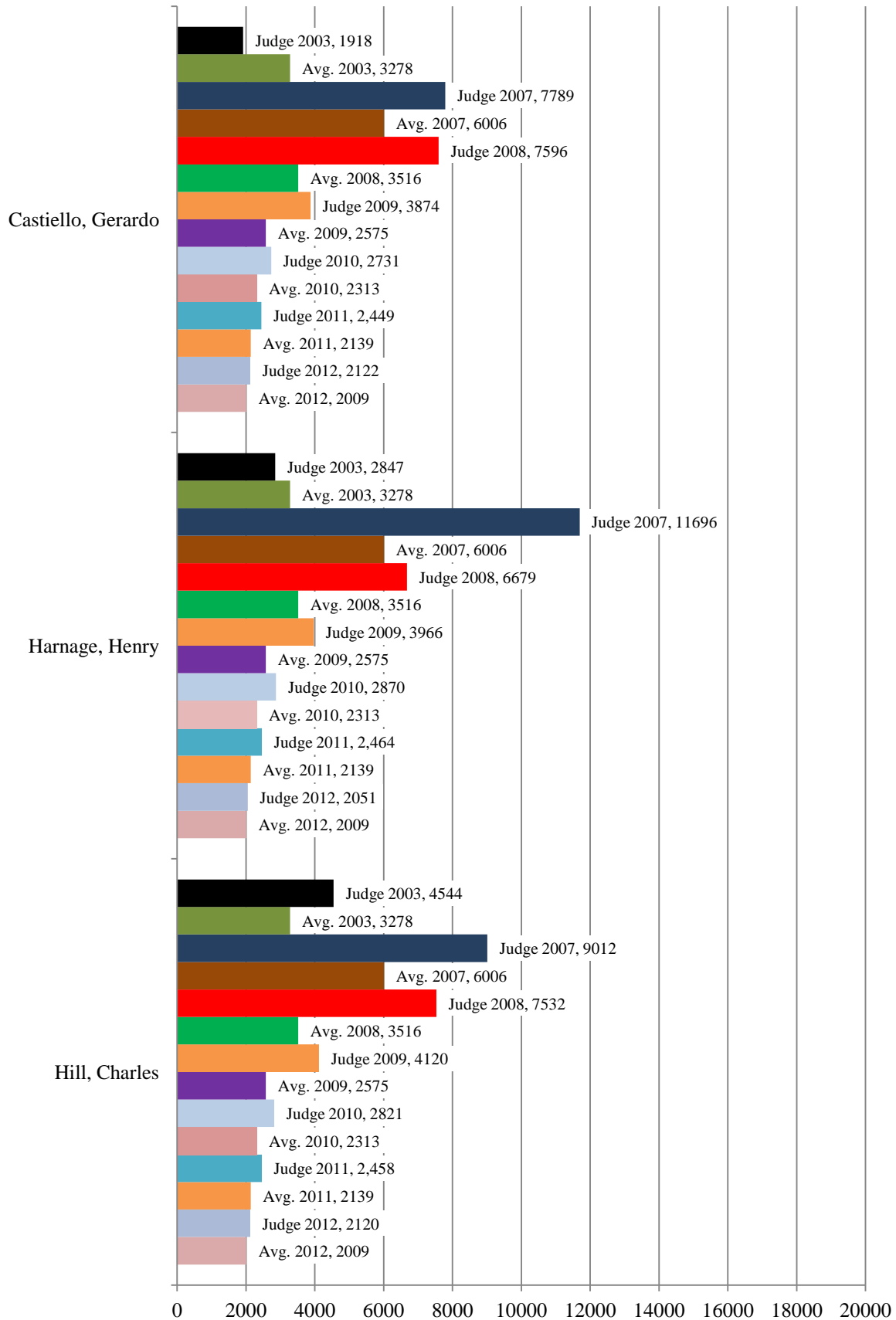
The following depicts the volume of new cases filed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



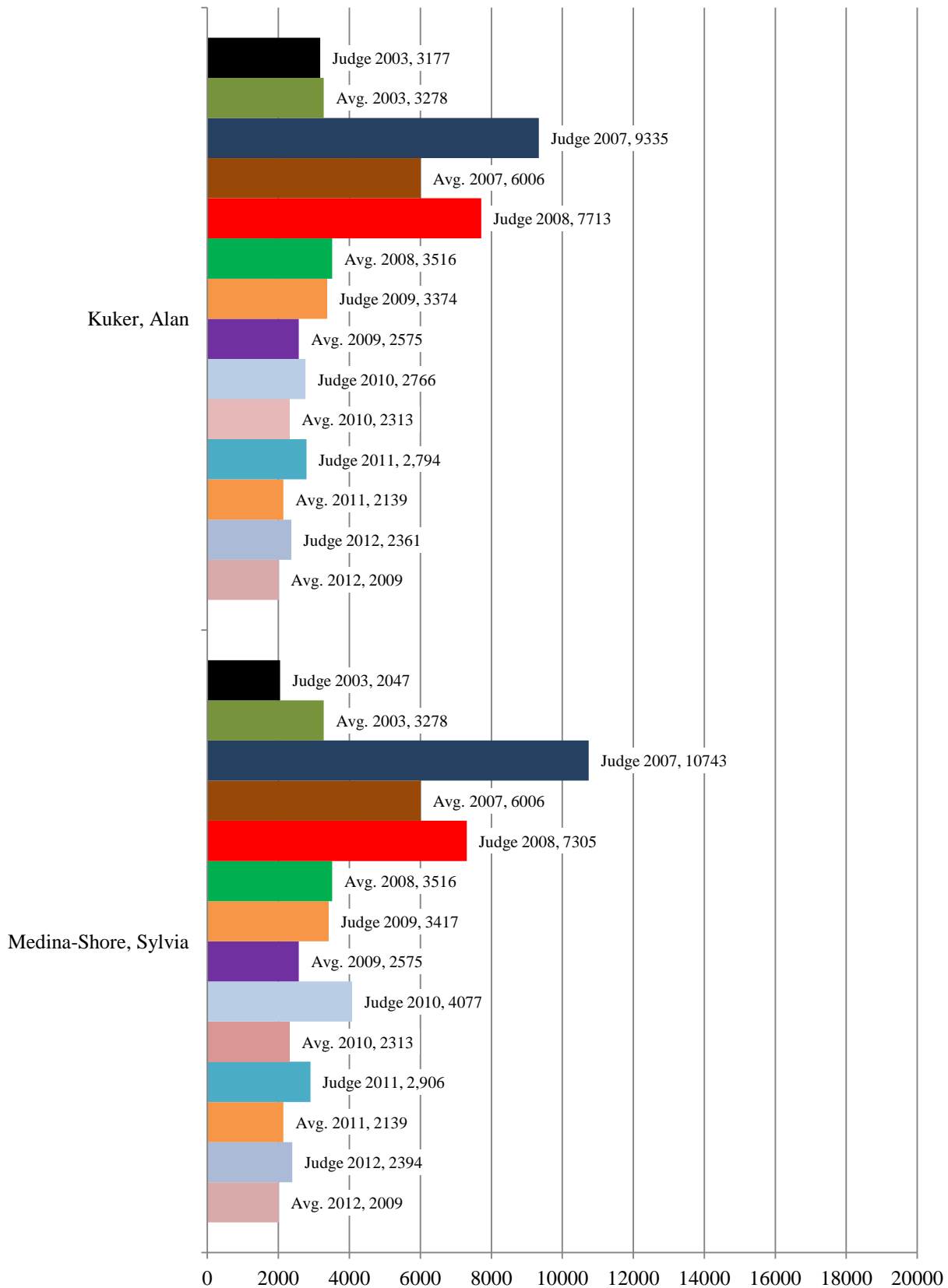
(Continued) The following depicts the volume of new cases filed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



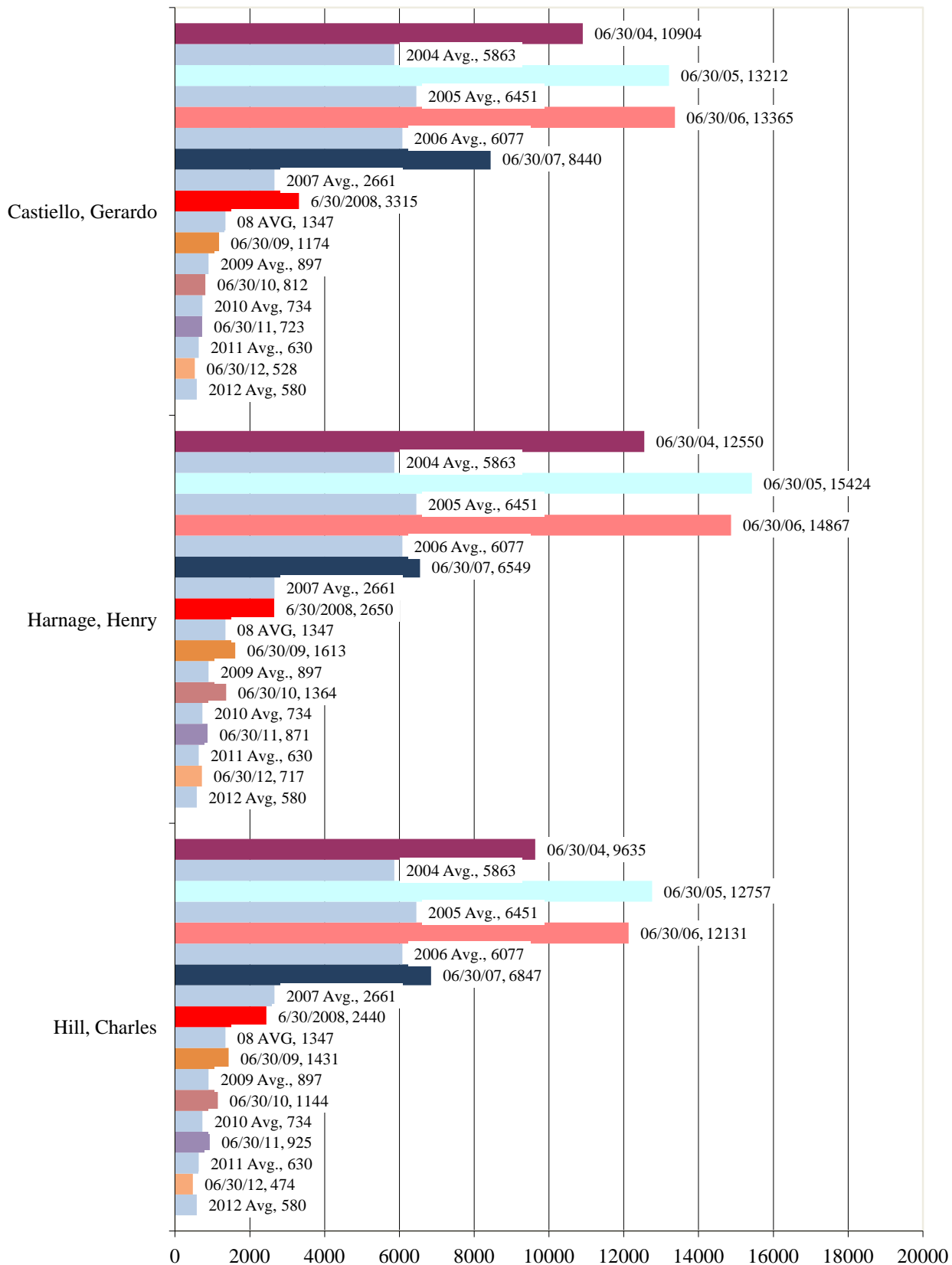
The following depicts the volume of PFBs closed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



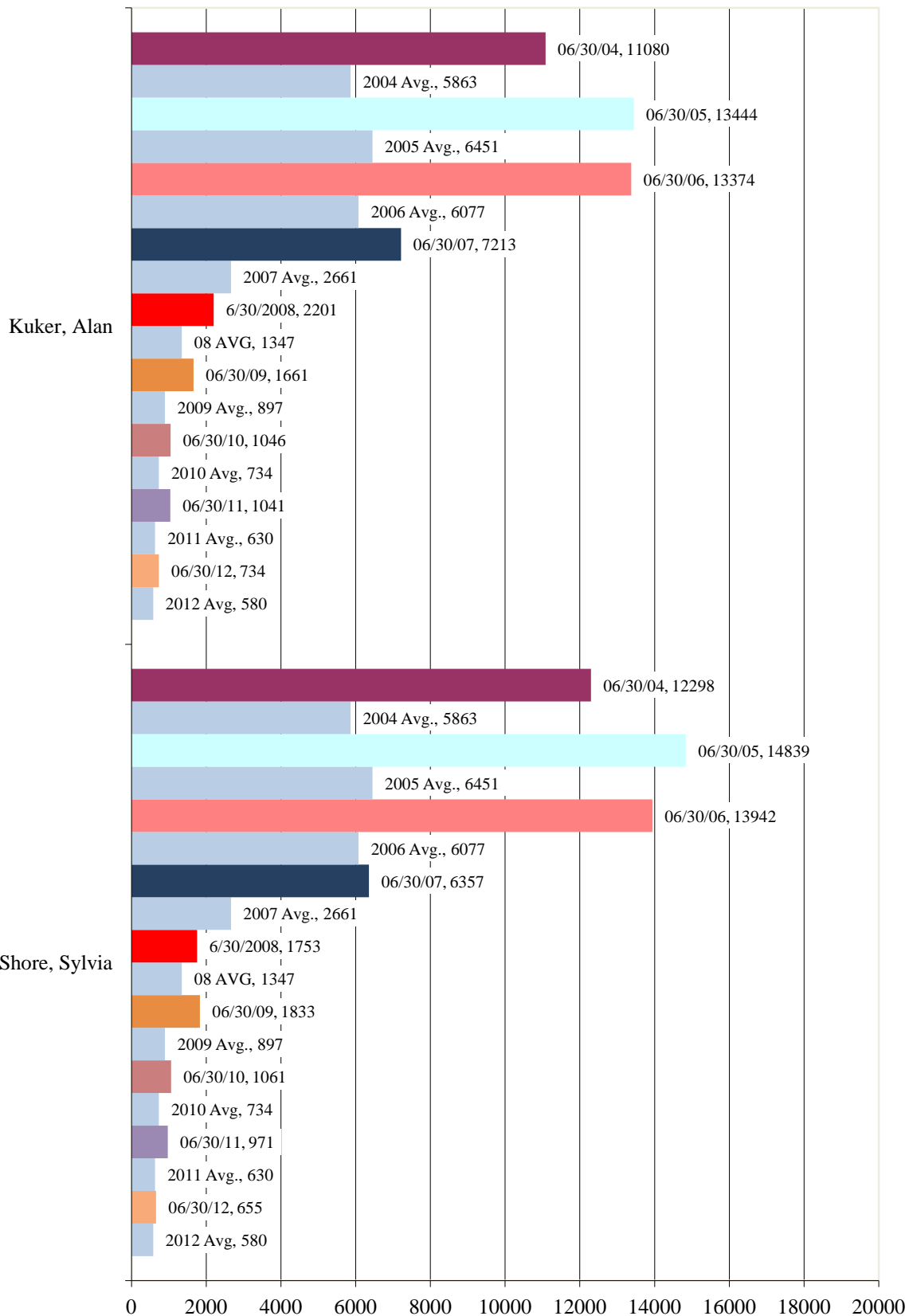
(Continued) The following depicts the volume of PFBs closed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



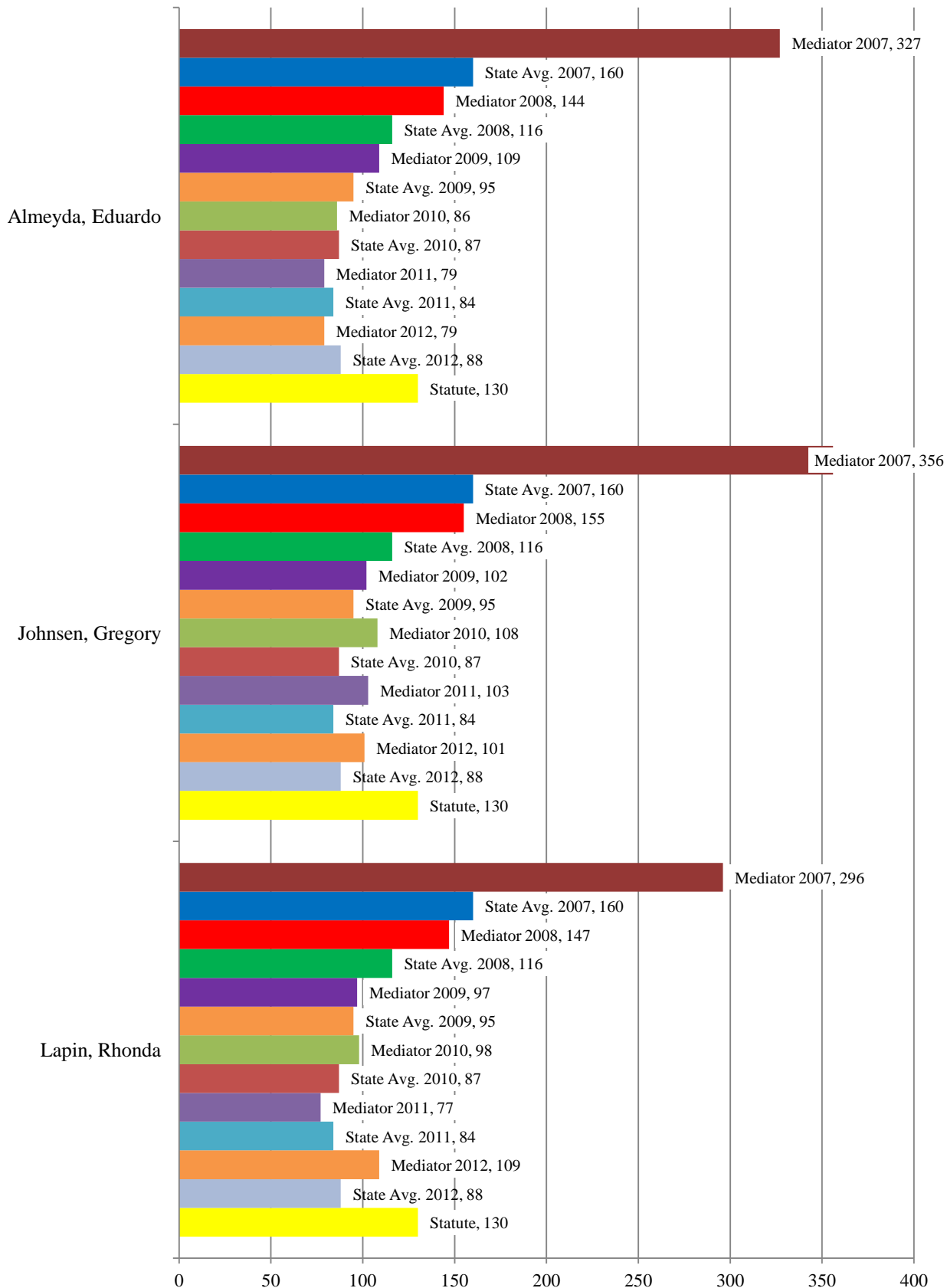
The following depicts the inventory of pending PFBs in this District and the statewide average between 2002-03 and 2010-11. The identification and values for each year are in each bar label.



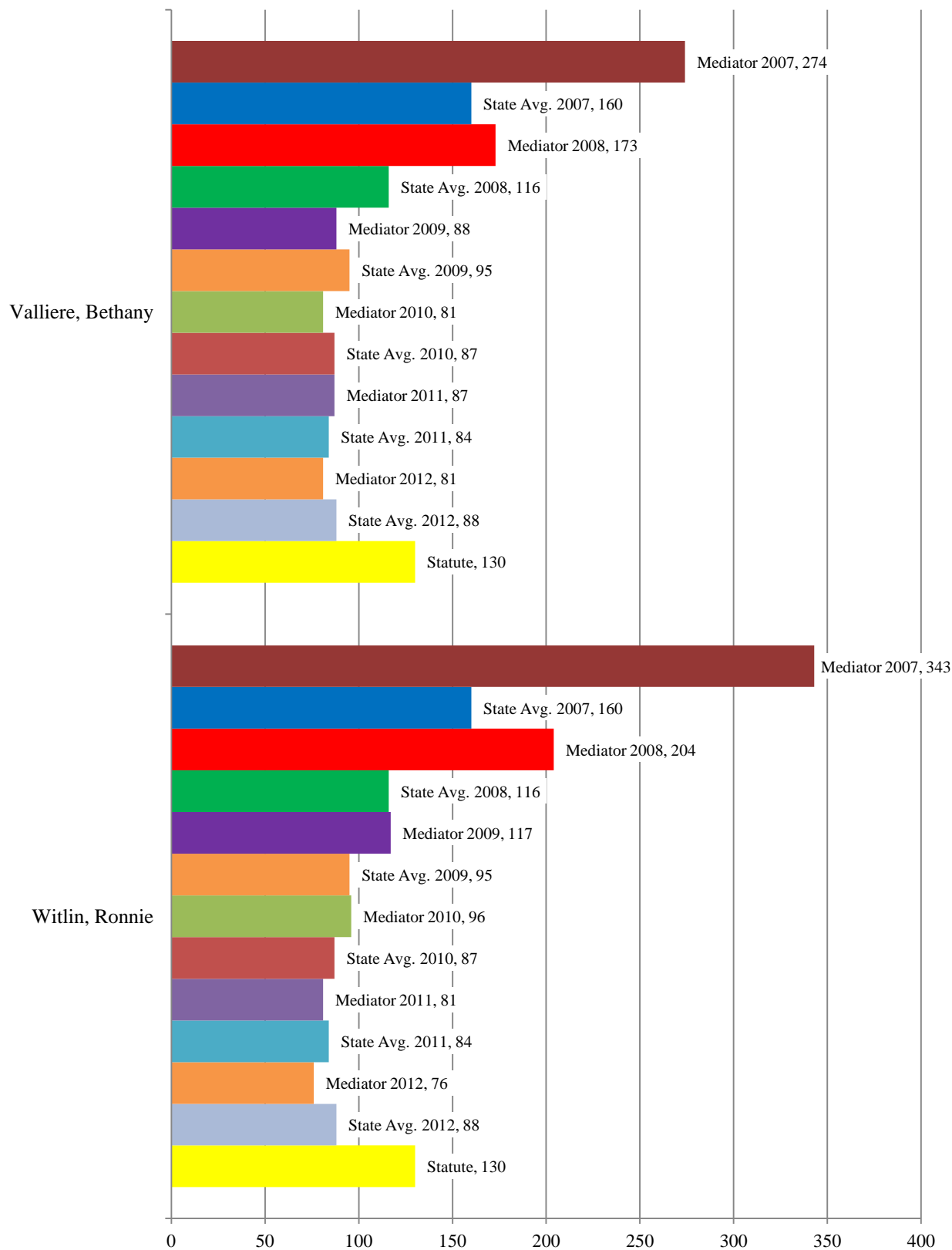
(Continued) The following depicts the inventory of pending PFBs in this District and the statewide average between 2002-03 and 2010-11. The identification and values for each year are in each bar label.



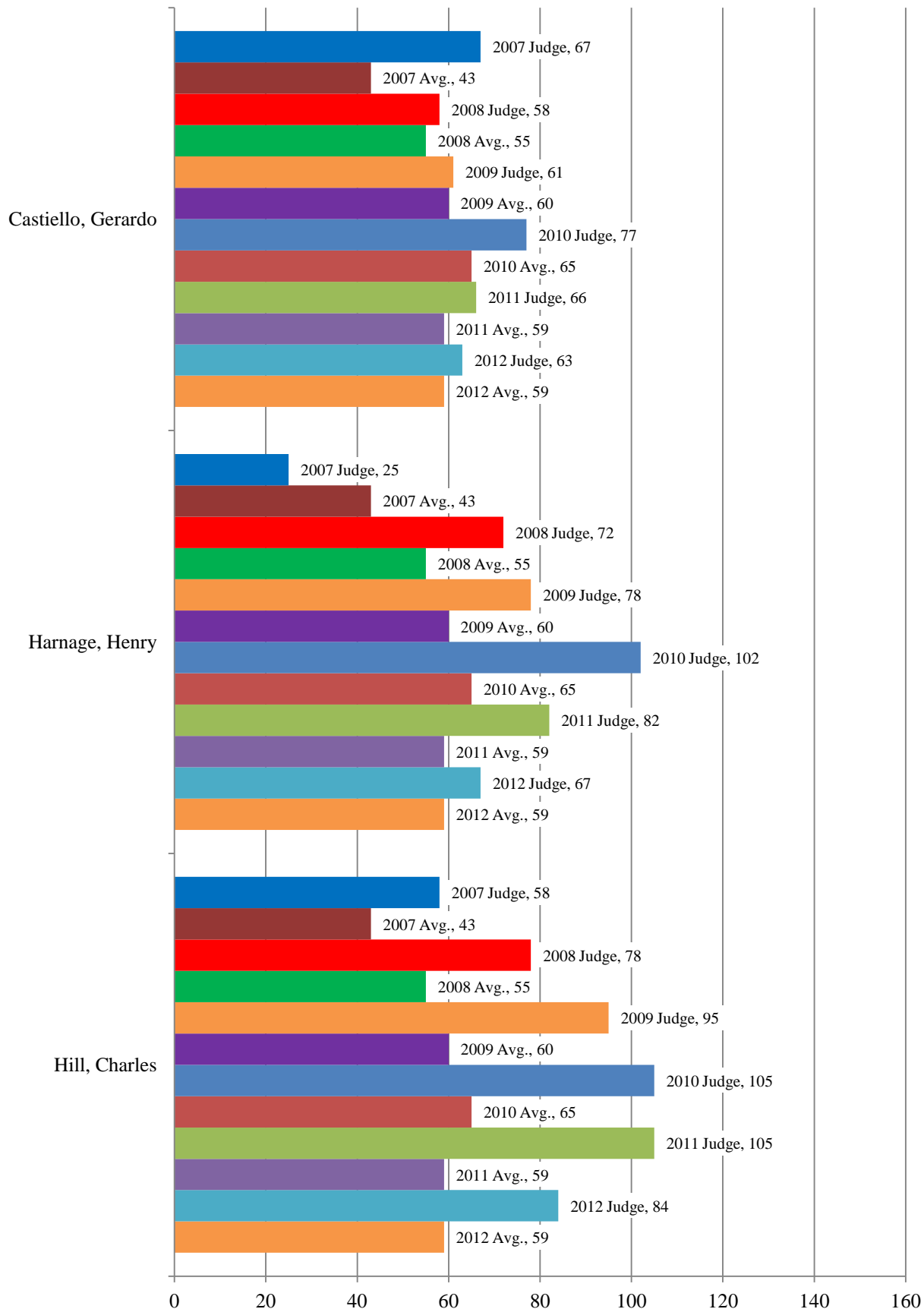
The following depicts the average days between PFB filing, and the first mediation held thereon, for each mediator in the District between 2002-03 and 2010-11. The identification and values for each year are in each bar label. The yellow bar represents the statutory 130 days.



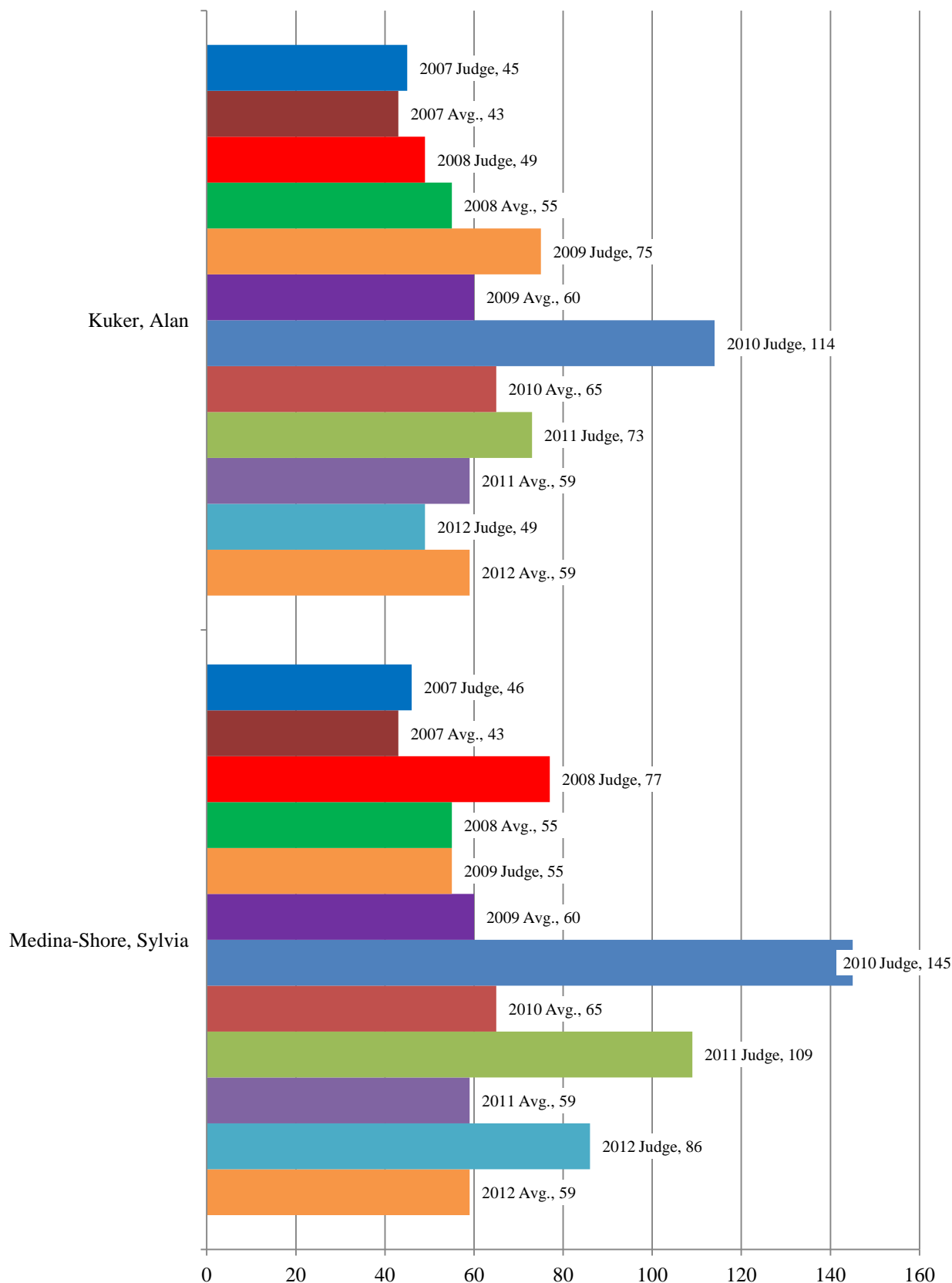
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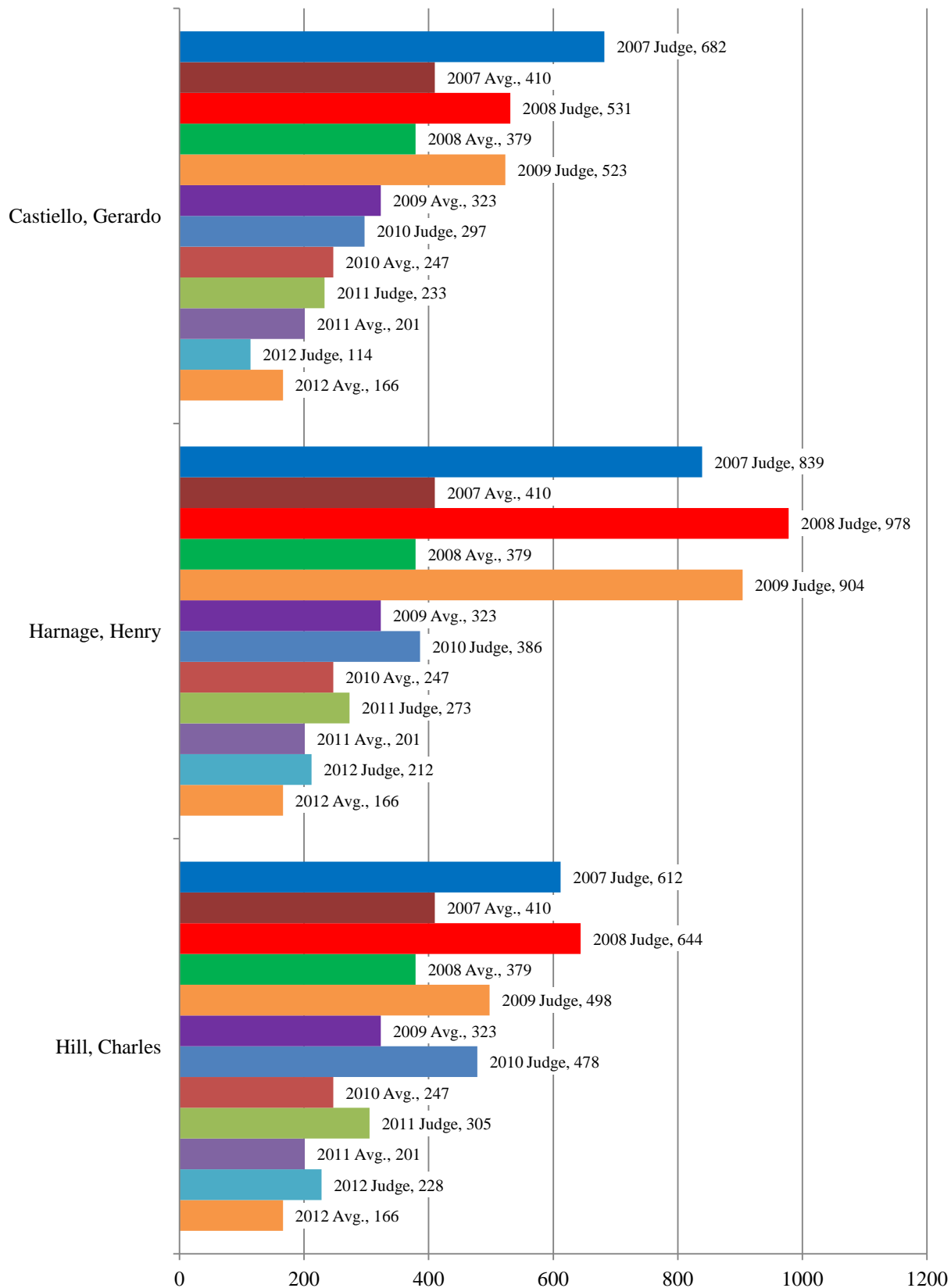
The following graph depicts the total volume of trial orders uploaded in this District and statewide averages between 2006-07 and 2010-11. The identification and values for each year are in each bar label.



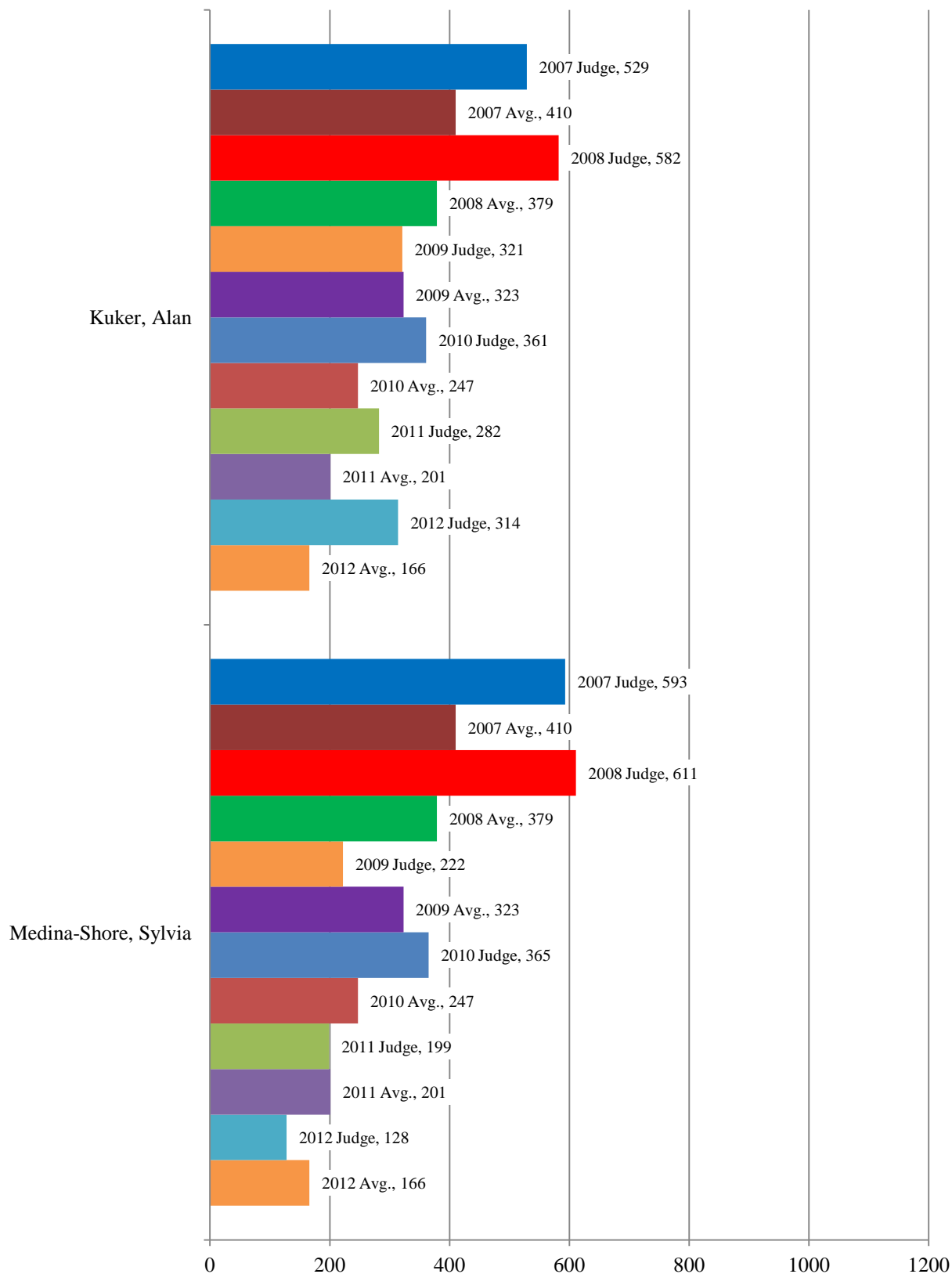
(Continued) The following graph depicts the total volume of trial orders uploaded in this District and statewide averages between 2006-07 and 2010-11. The identification and values for each year are in each bar label.



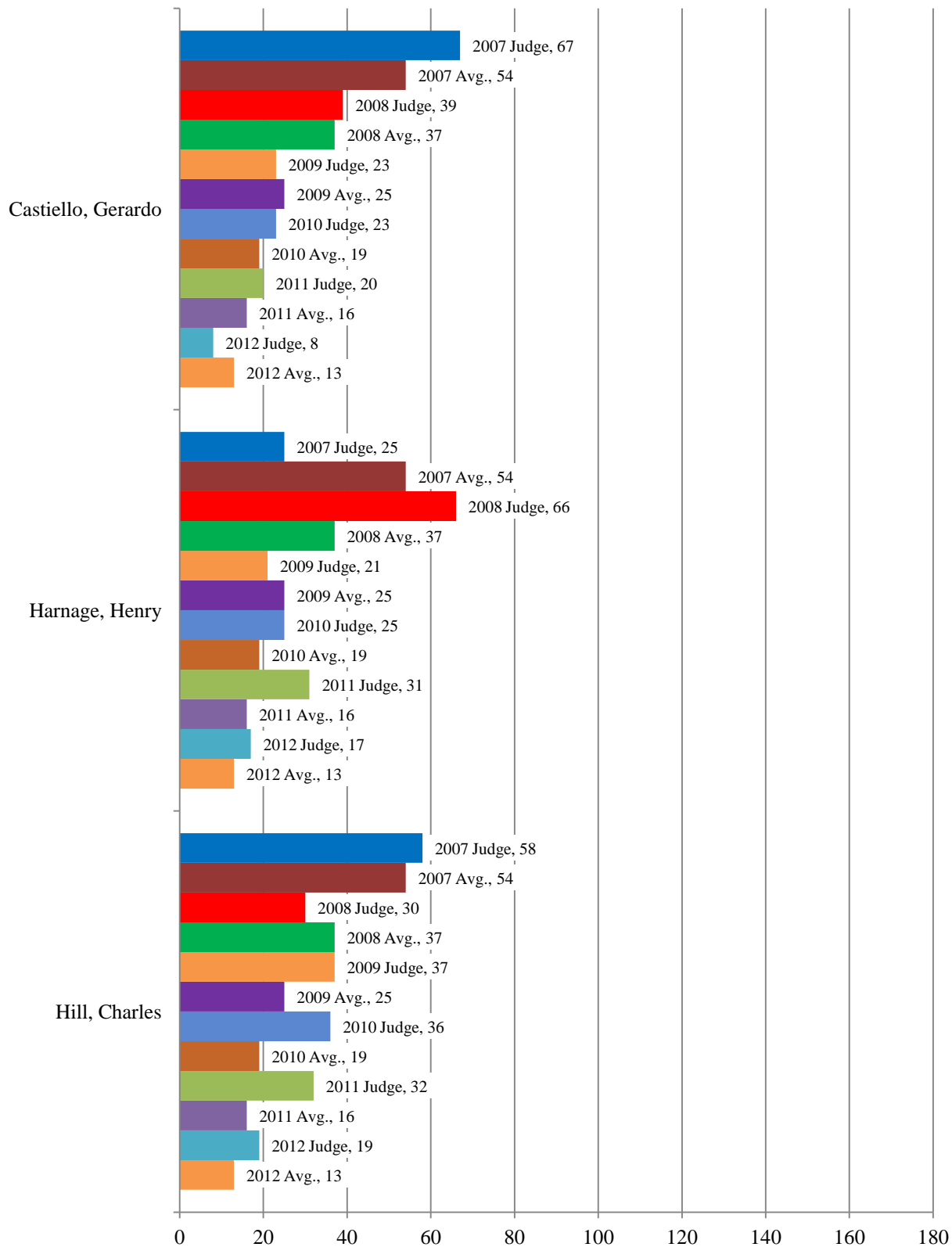
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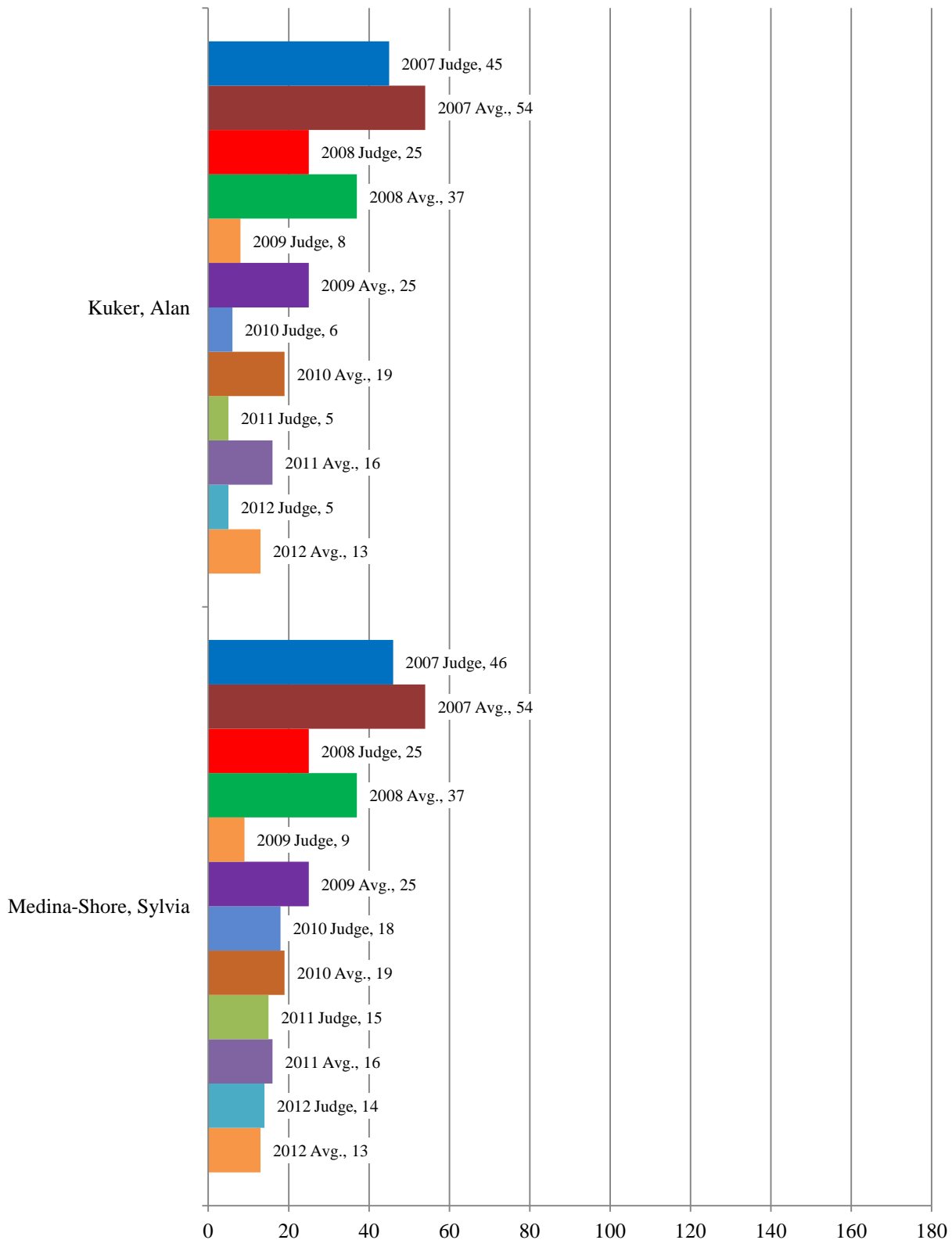
(Continued) The following depicts the average days between PFB filing and trial commencing for each Judge and the statewide average between 2006-07 and 2010-11. For these calculations, only the first day of trial is considered, and days after the first trial day are included in the days between trial and final order. The identification for each year and the values are in each bar label.



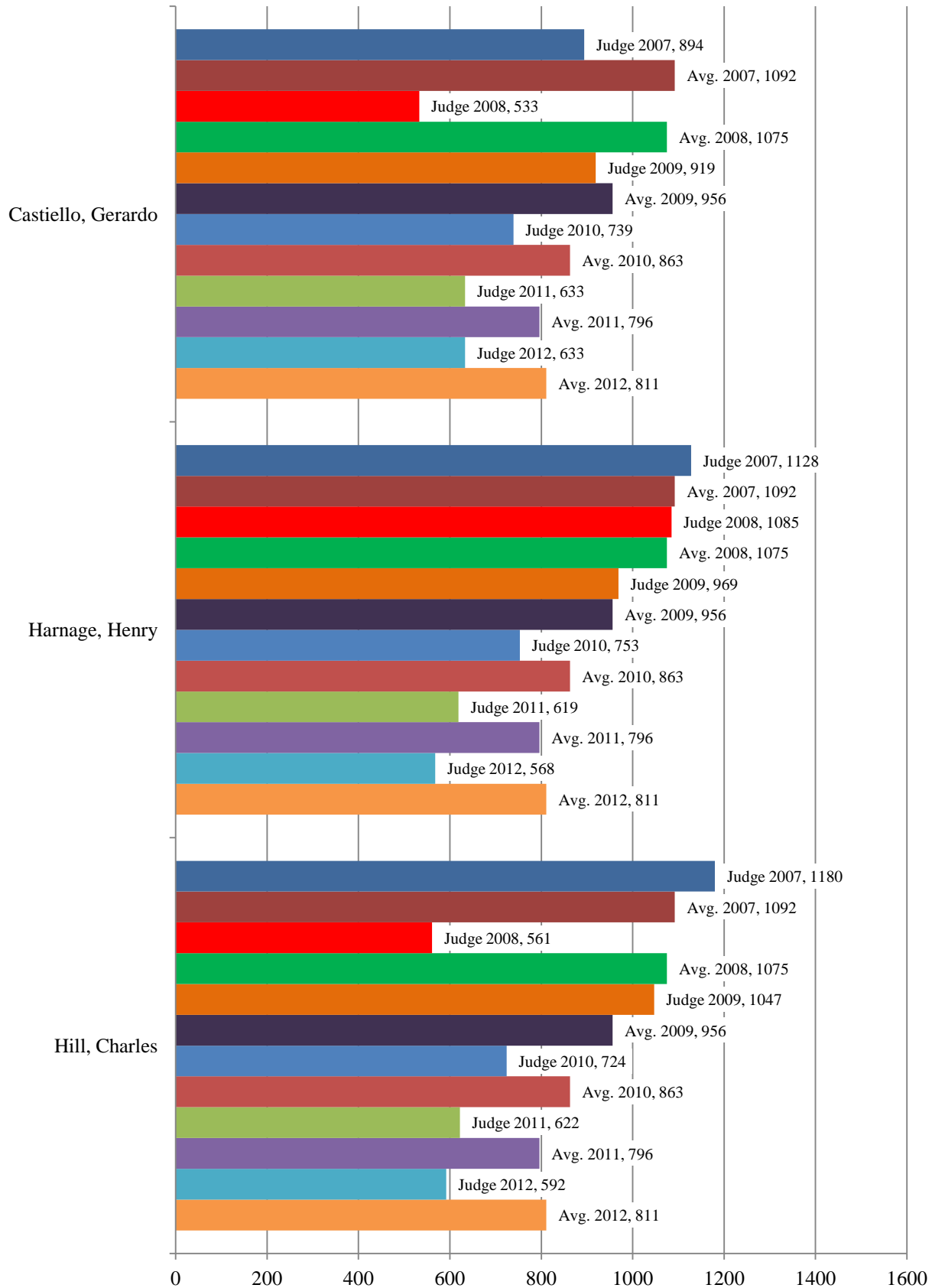
The following depicts the average days between trial commencing and entry of the trial order for each Judge and the statewide average between 2006-07 and 2010-11. All days between the first day of trial and last day of trial are included in the calculation of days between trial and final order. The identification for each year and the values are in each bar label.



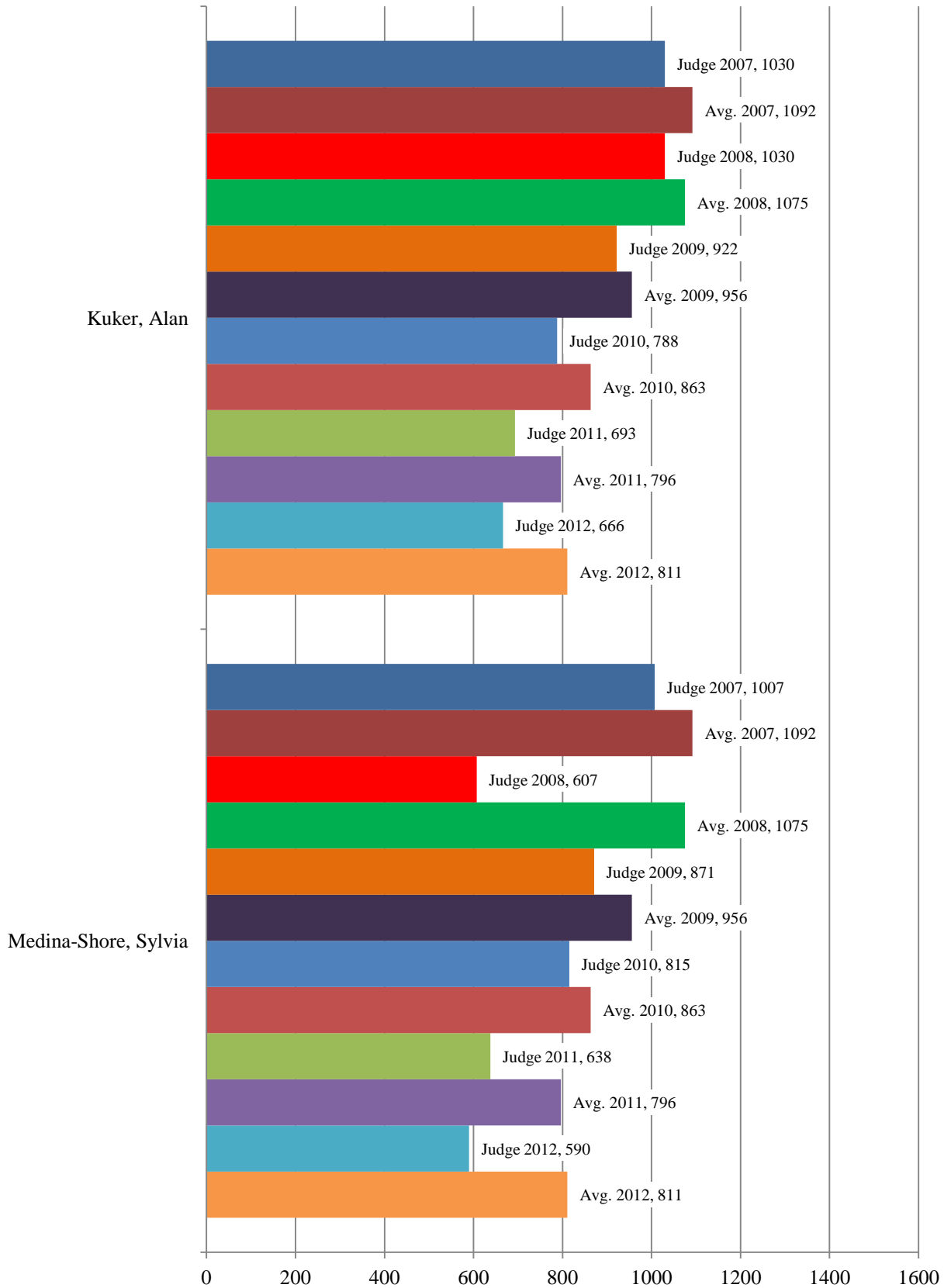
(Continued) The following depicts the average days between trial commencing and entry of the trial order for each Judge and the statewide average between 2006-07 and 2010-11. All days between the first day of trial and last day of trial are included in the calculation of days between trial and final order. The identification for each year and the values are in each bar label.



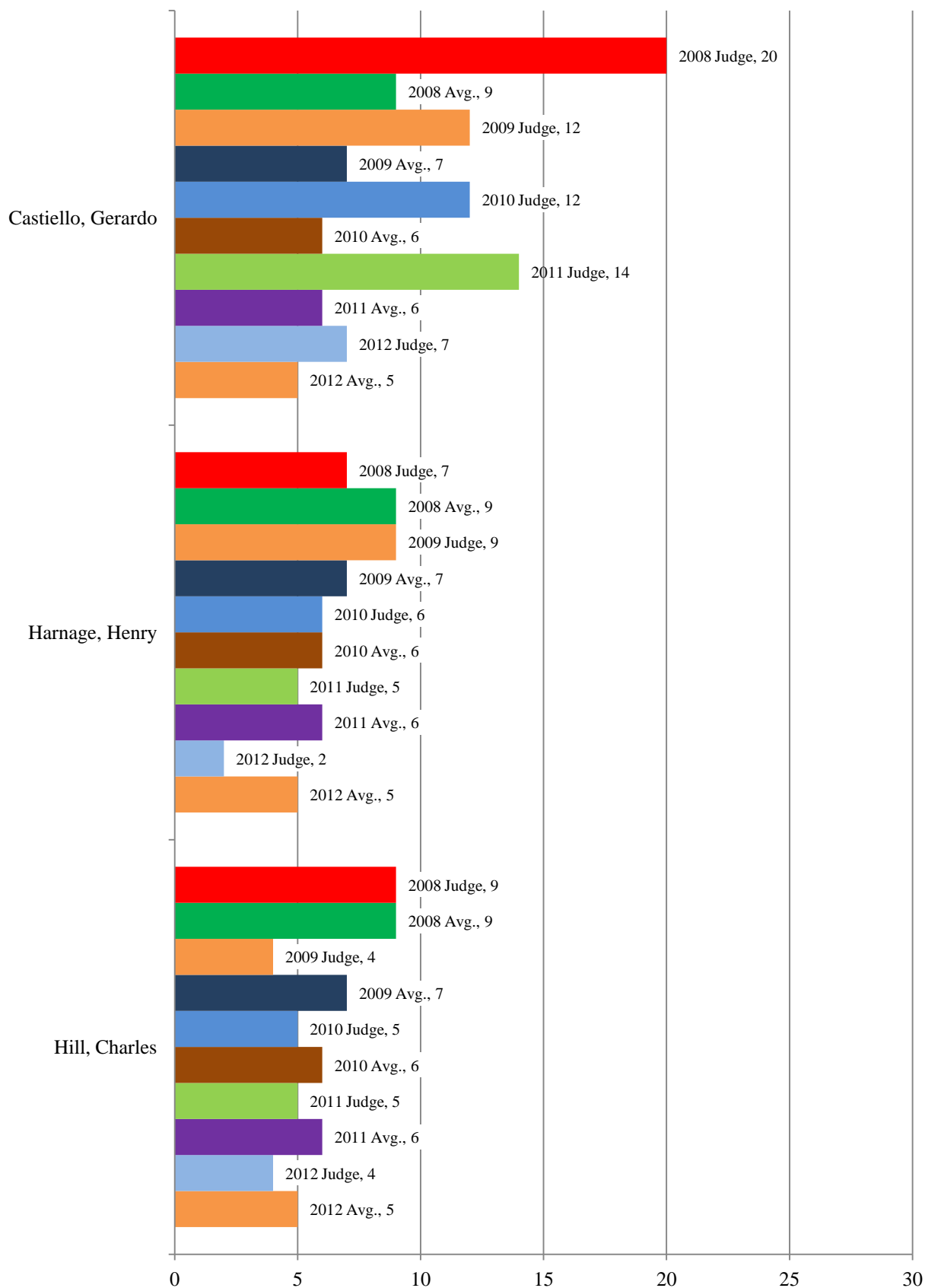
The following depicts the volume of settlement orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



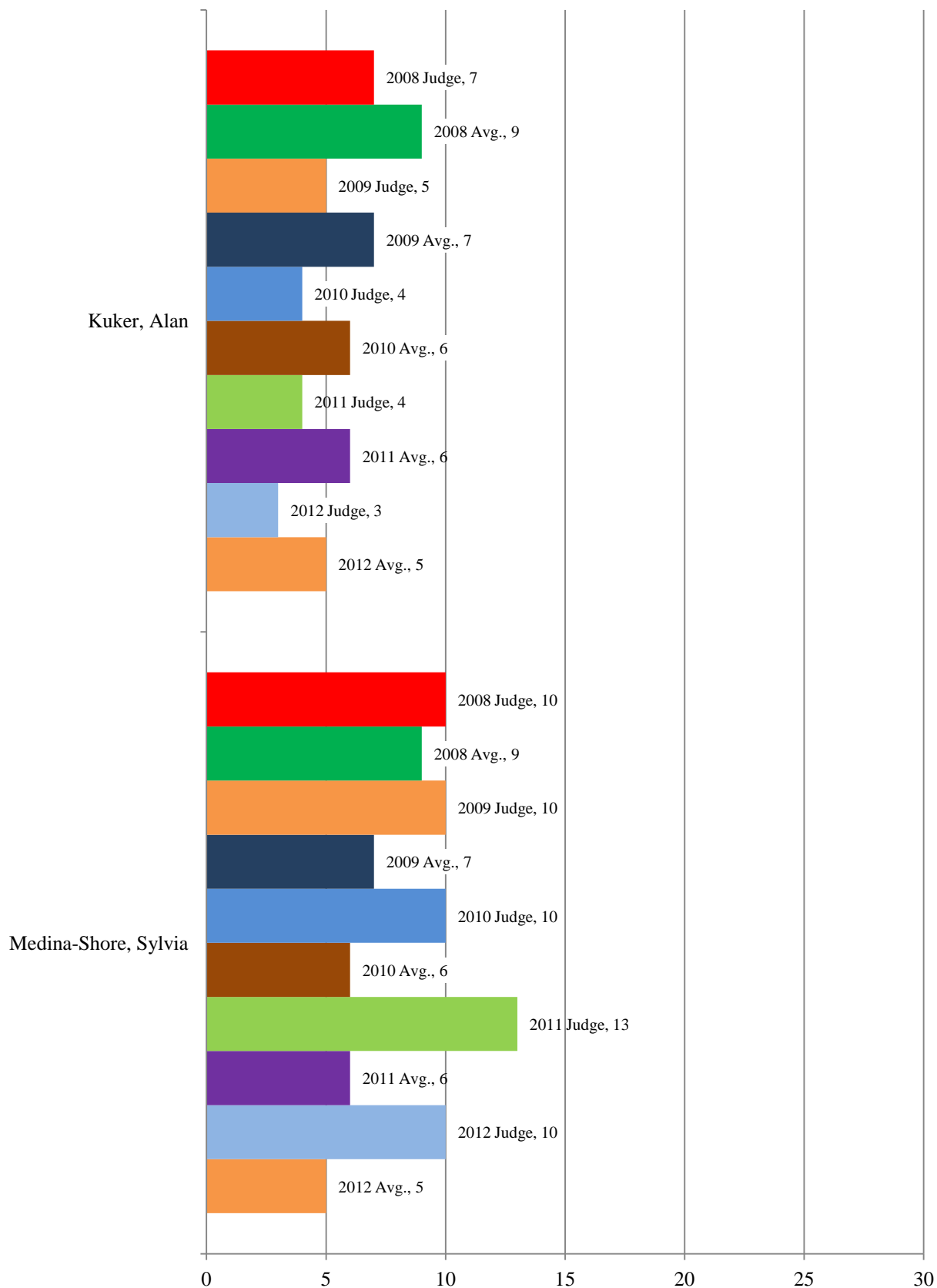
(Continued) The following depicts the volume of settlement orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



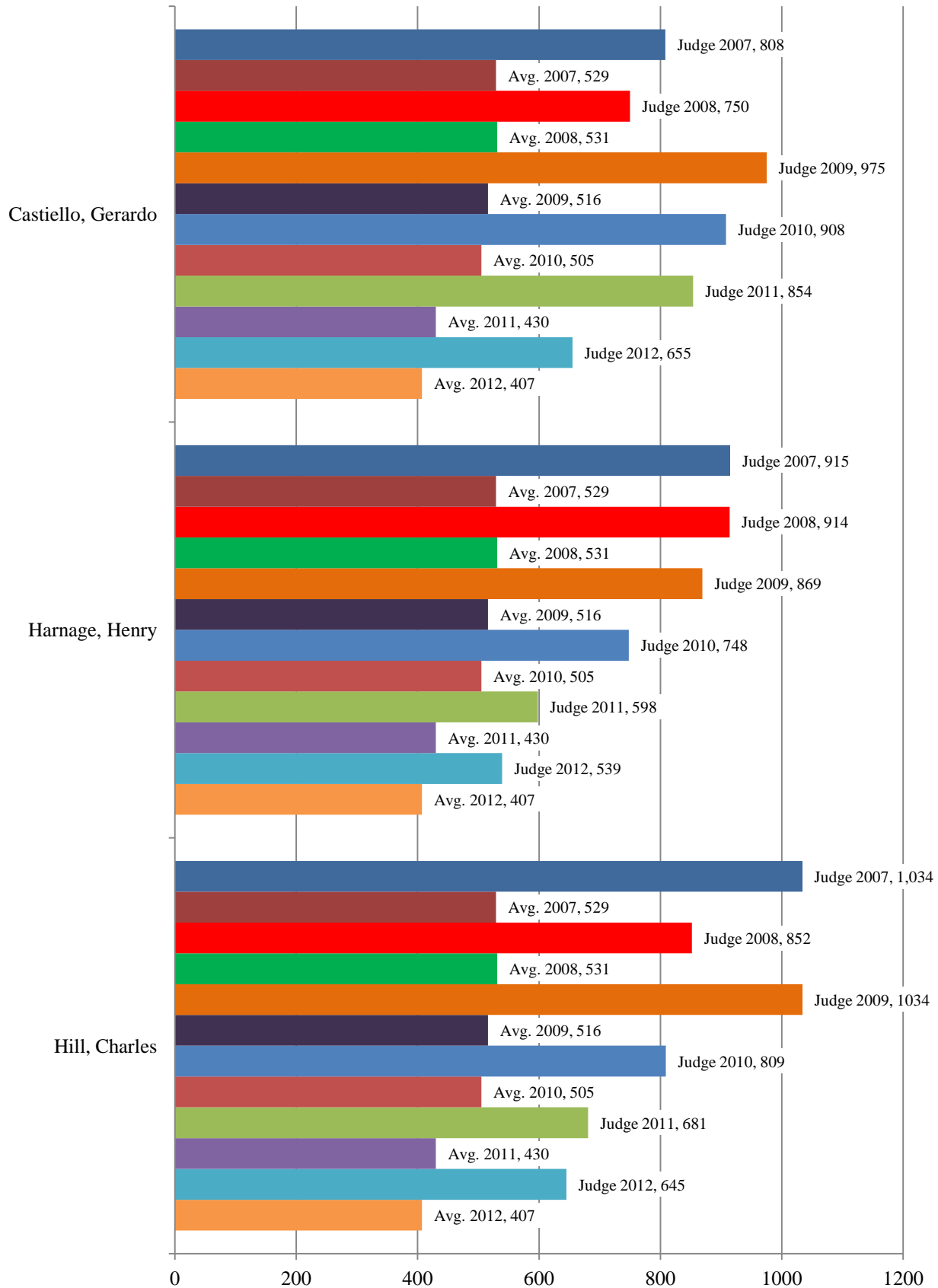
The following depicts the average number of days between filing of a settlement motion and entry of a settlement order by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



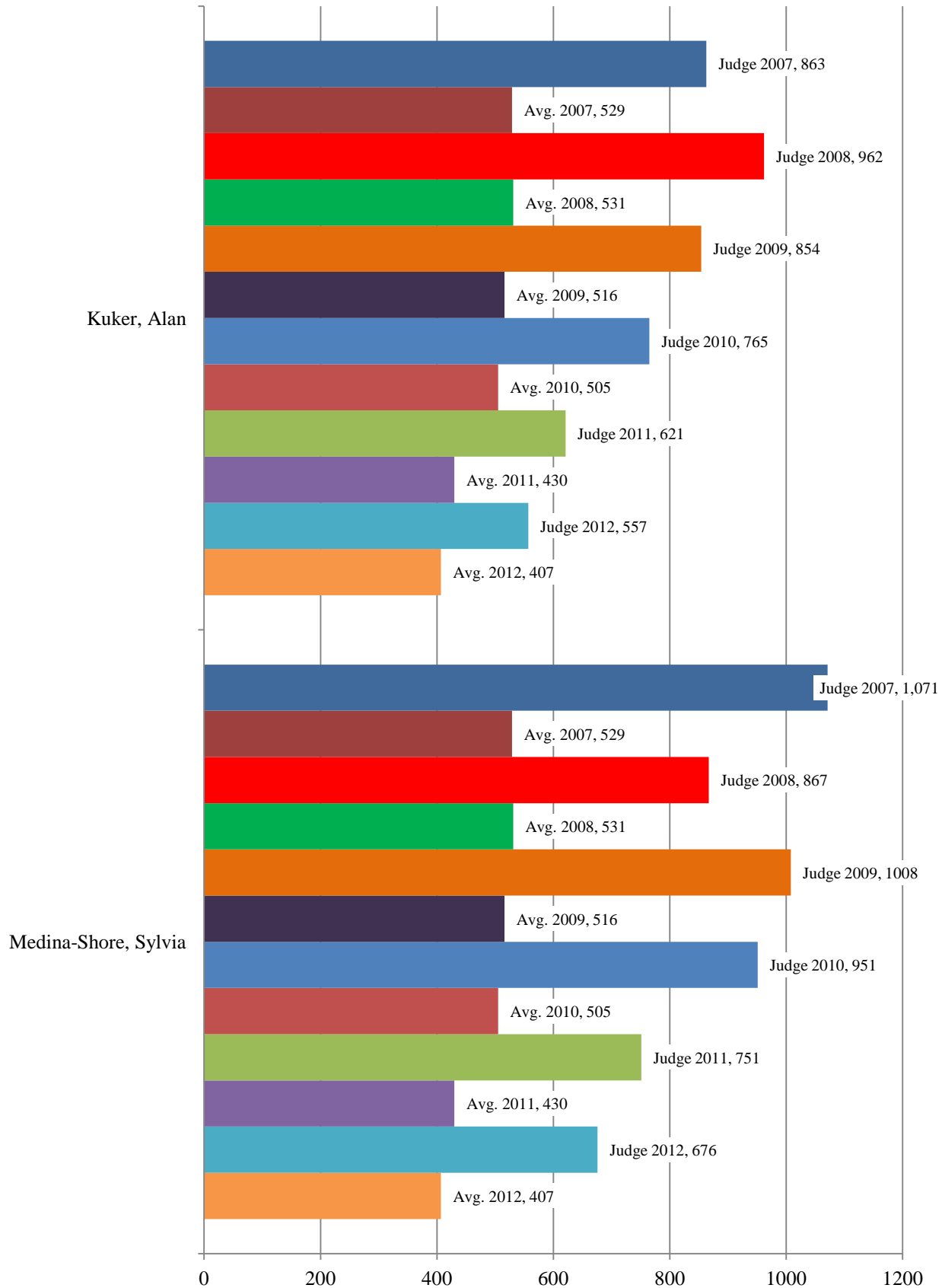
(Continued) The following depicts the average number of days between filing of a settlement motion and entry of a settlement order by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



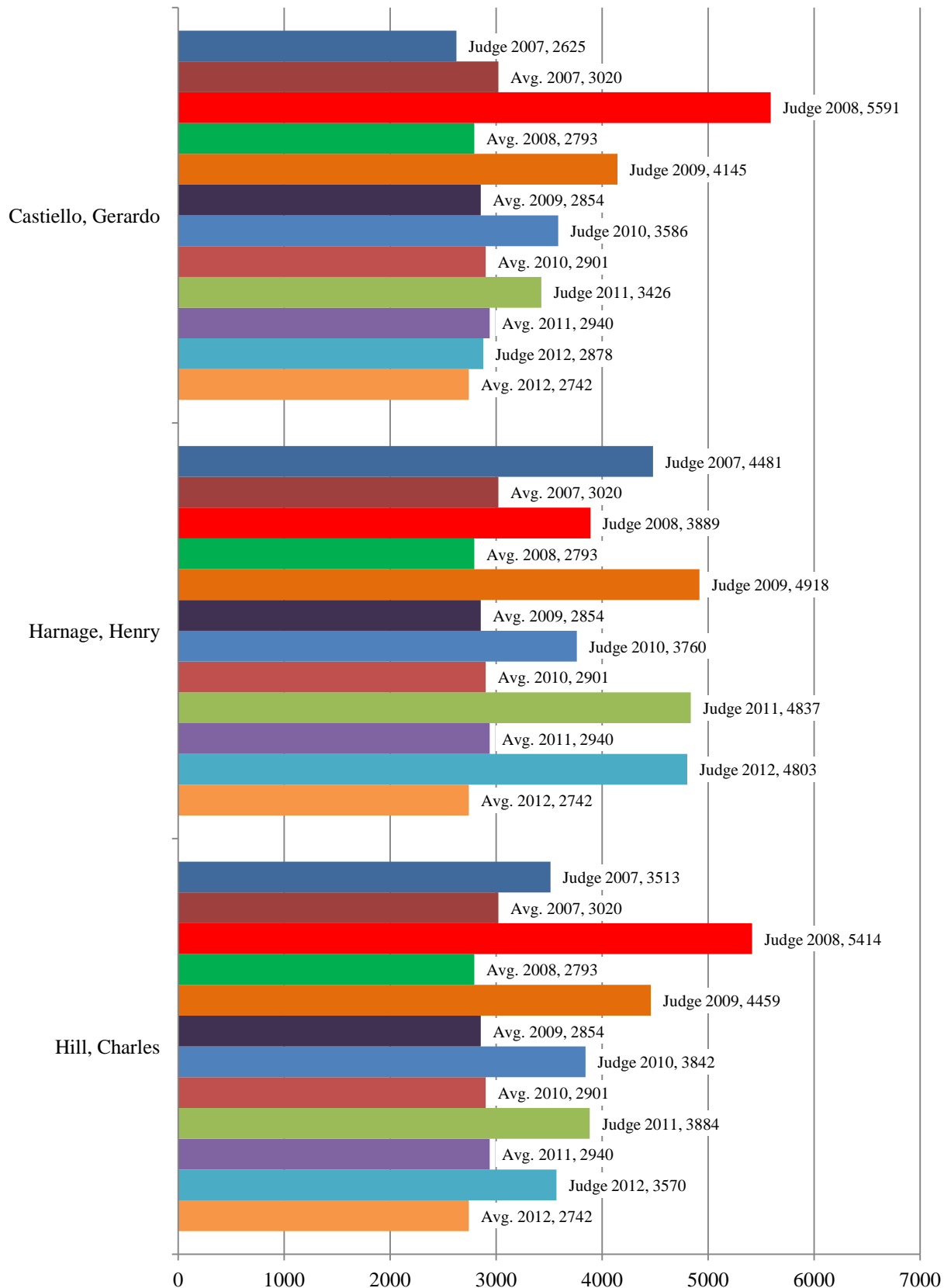
The following depicts the volume of stipulation orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



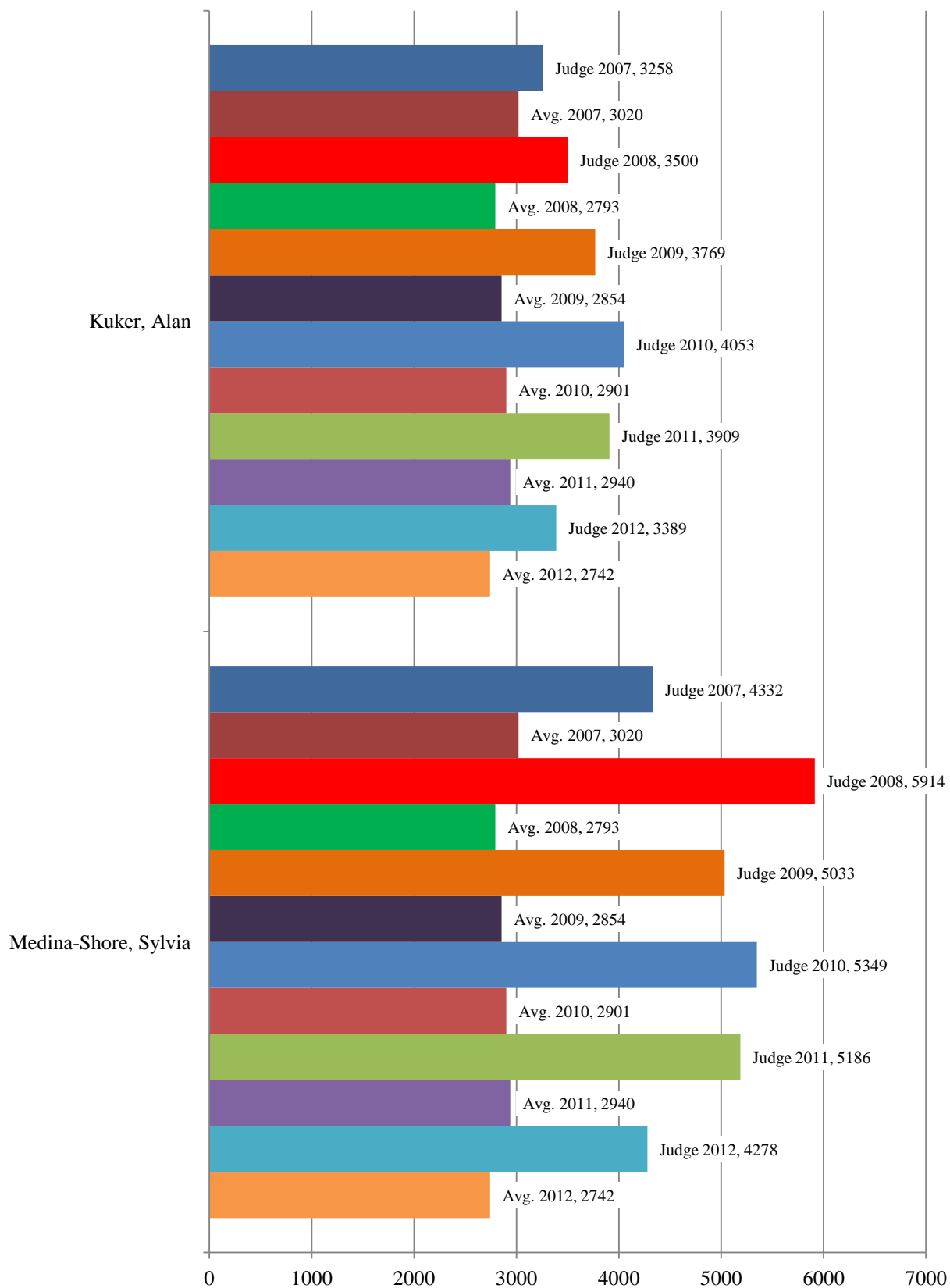
(Continued) The following depicts the volume of stipulation orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



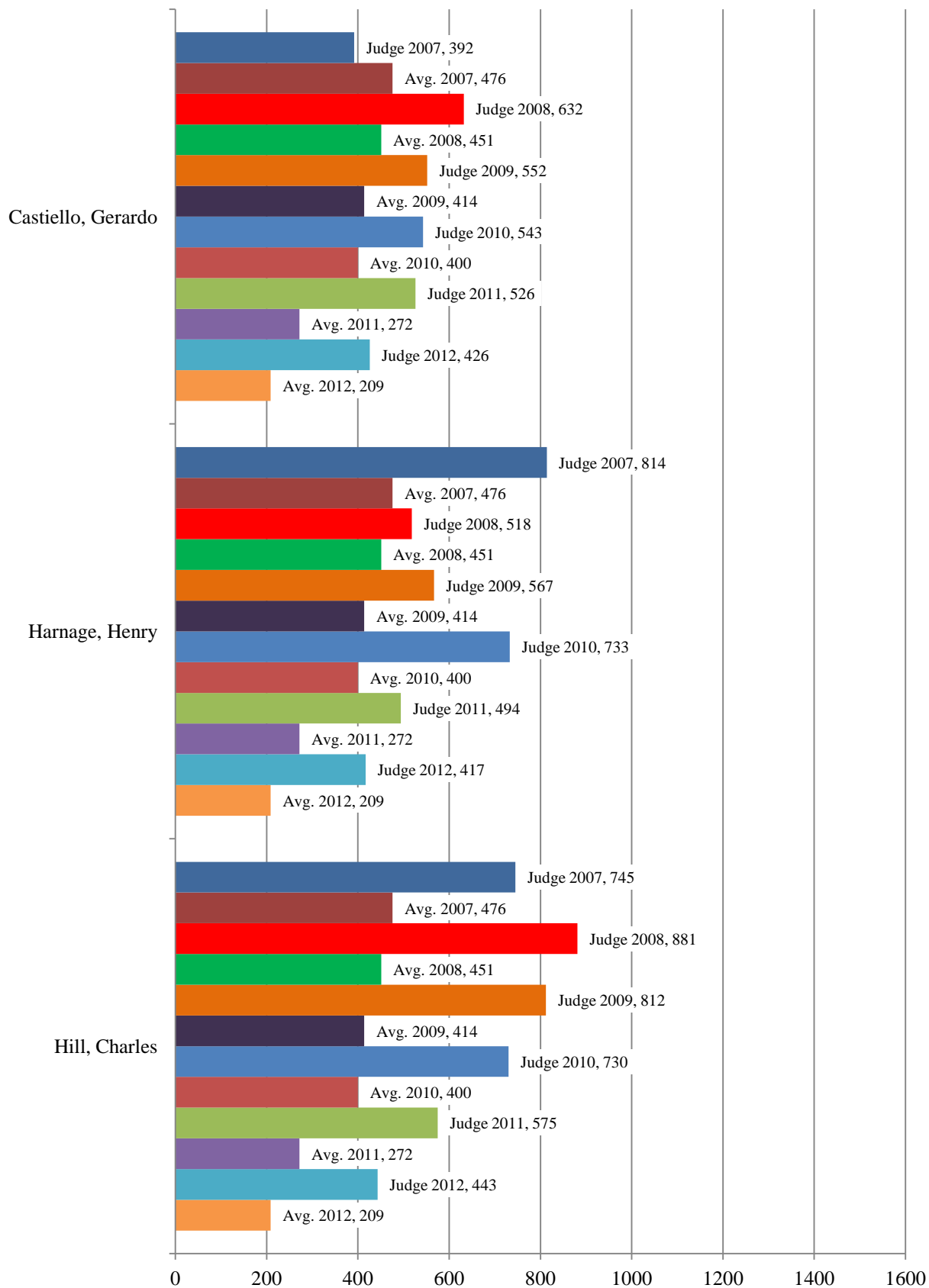
The following depicts the volume of “other” (meaning not settlement or stipulation) orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



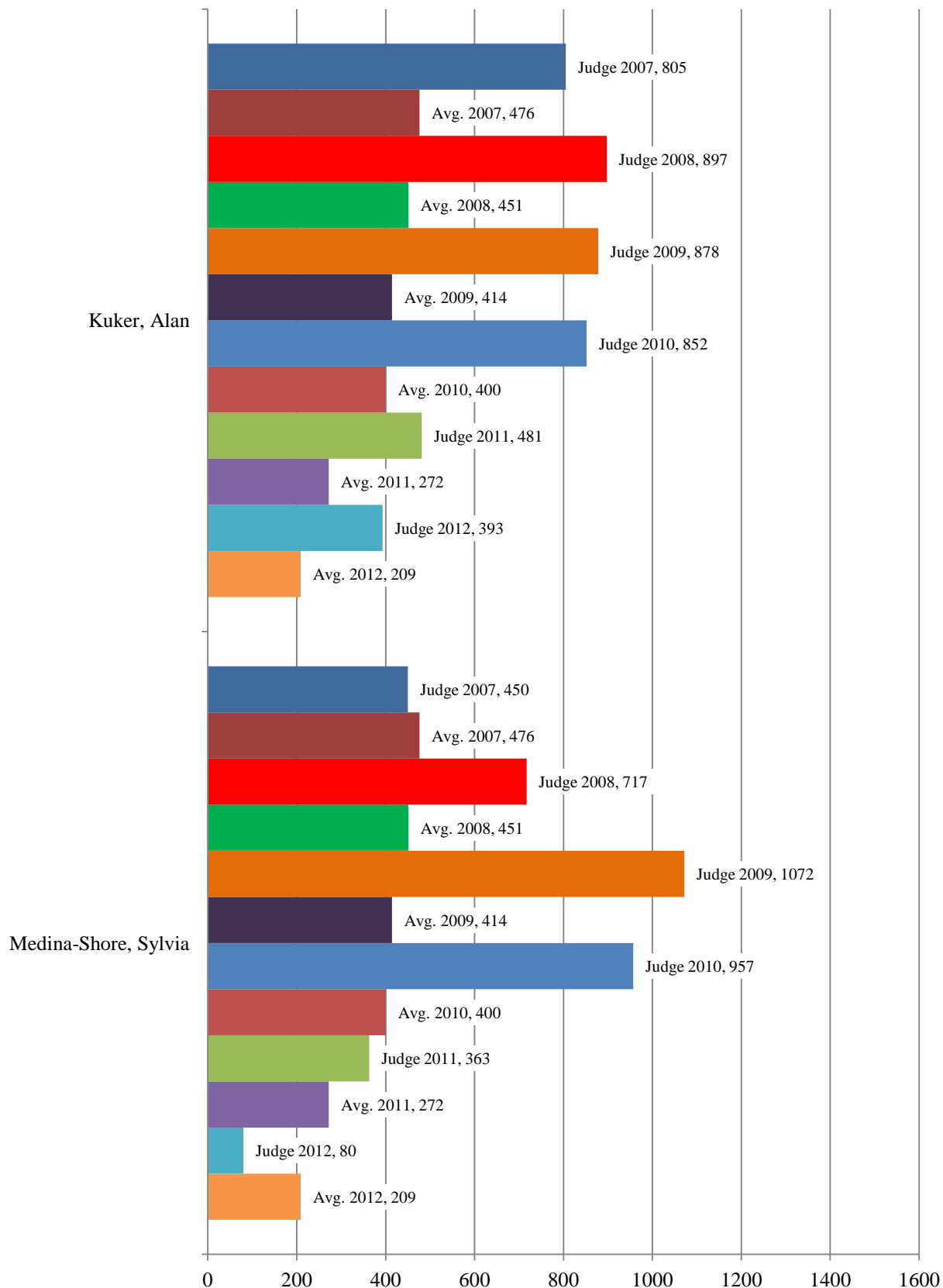
(Continued) The following depicts the volume of “other” (meaning not settlement or stipulation) orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



The following depicts the volume of “other” (meaning not trials) hearings recorded as “held” by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



(Continued) The following depicts the volume of “other” (meaning not trials) hearings recorded as “held” by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



Appendix “9” District ORL (JCC Condry, JCC Pitts, JCC Sculco):

District ORL includes the following counties: Orange and Seminole.

District ORL is a three-Judge District that has repeatedly been managed by two Judges in the last five years. The transfer of Judge Thurman and the death of Judge Farrell have each been trying on the District ORL leadership and staff. In Mid 2010-11 Judge Pitts transferred to ORL from District JAX. Since that time, the situation in District ORL has been more stable. In large part, the decision to spare District ORL a reduction in personnel, in response to the 2012 legislative budget reduction, was in recognition of the significant petition volumes there, and the recent tribulations which this District has confronted. District ORL is the only three Judge District which was not reduced by one mediator position in 2012. Those reductions were instead visited on District Ft. Lauderdale (FTL), District Tampa (TPA), District West Palm Beach (WPB), and District Lakeland (LKL).

The PFB and “new case” volumes in District ORL remain well above average in 2011-12, which is consistent with recent years. The “new case” volume in particular is significant there. PFB closure volumes are reasonably consistent with PFB filing volumes, only slightly higher. This evidences that District ORL continues to close older pending PFB inventories and to make progress to equilibrium between filings and closures. Year-end pending PFB volumes remain slightly higher than the statewide average in 2011-12.

Trial order volumes in District ORL remain higher than the statewide average, which is consistent with the significant PFB and “new case” volumes evidenced by the figures in District ORL. Despite these significant volumes, the time to trial in District ORL was within the 210 day statutory parameter, in two of three divisions. All three Orlando divisions entered their trial orders within thirty days of hearing; each also entered their trial orders within the statewide average of thirteen days in 2011-12.

Consistent with these volumes, District ORL Judges entered an above average volume of both settlement and stipulation orders in 2011-12. There is less consistency throughout District ORL in terms of the “other orders” and “other hearings.” These disparities likely reflect the distinctive styles of these three Judges.

Judge Condry volunteers, and is on the Board of Friends of 440 Scholarship Fund, an educational scholarship organization.

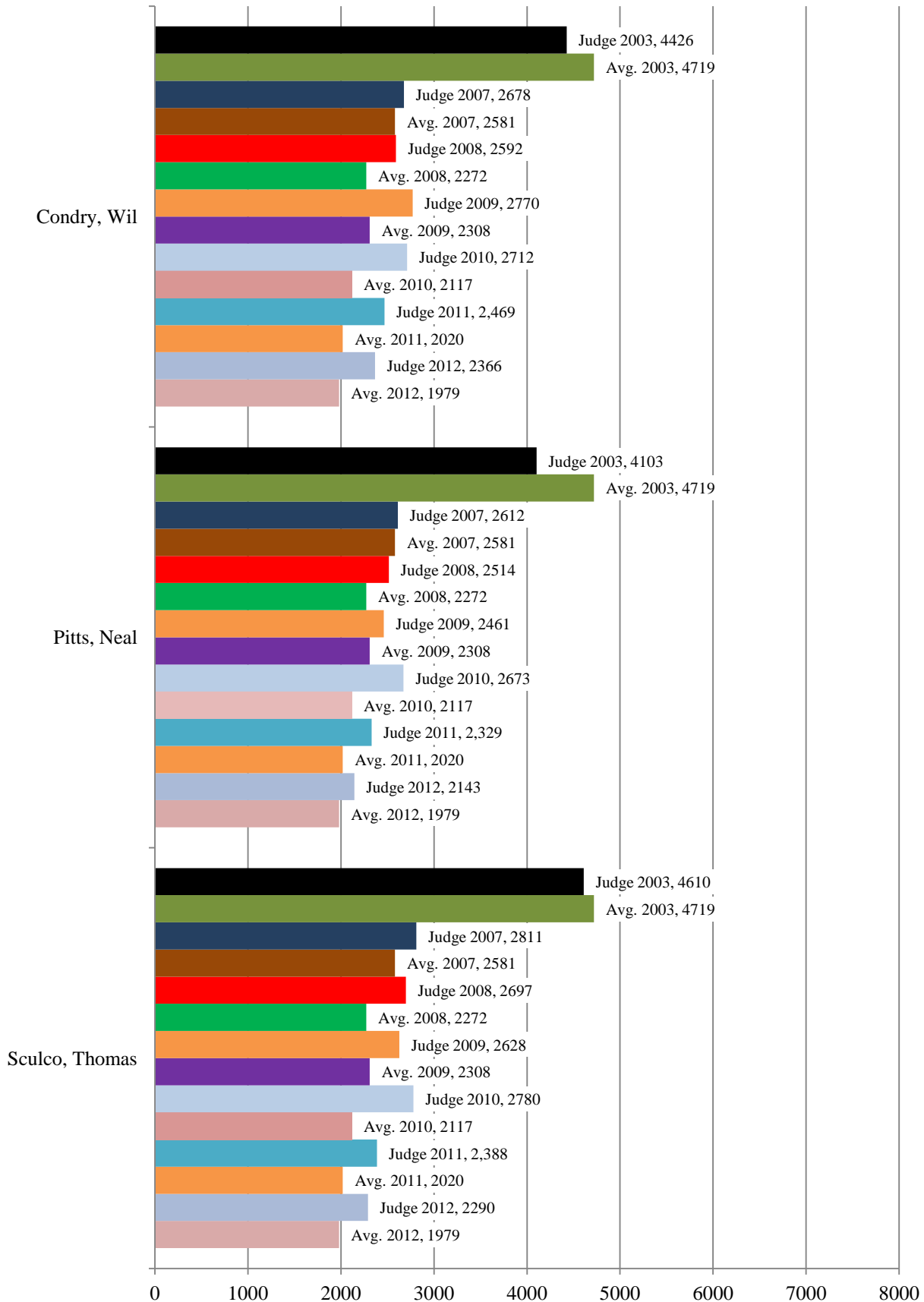
Judge Sculco teaches workers’ compensation at the Florida Agricultural and Mechanical University Law School. He serves as the chair of the workers’ compensation board certification committee, and is President-elect of the Florida Conference of Judges of Compensation Claims.

Mediator Kim is the Statewide Board secretary and the Orlando District coordinator for Friends of 440 Scholarship Fund. She is a Committee member for Central Florida Association of Women Lawyers Judicial Reception and New Members, and an Arbitrator for the Better Business Bureau. Mediator Kim is also a Workshop Instructor for University of Florida Trial Advocacy.

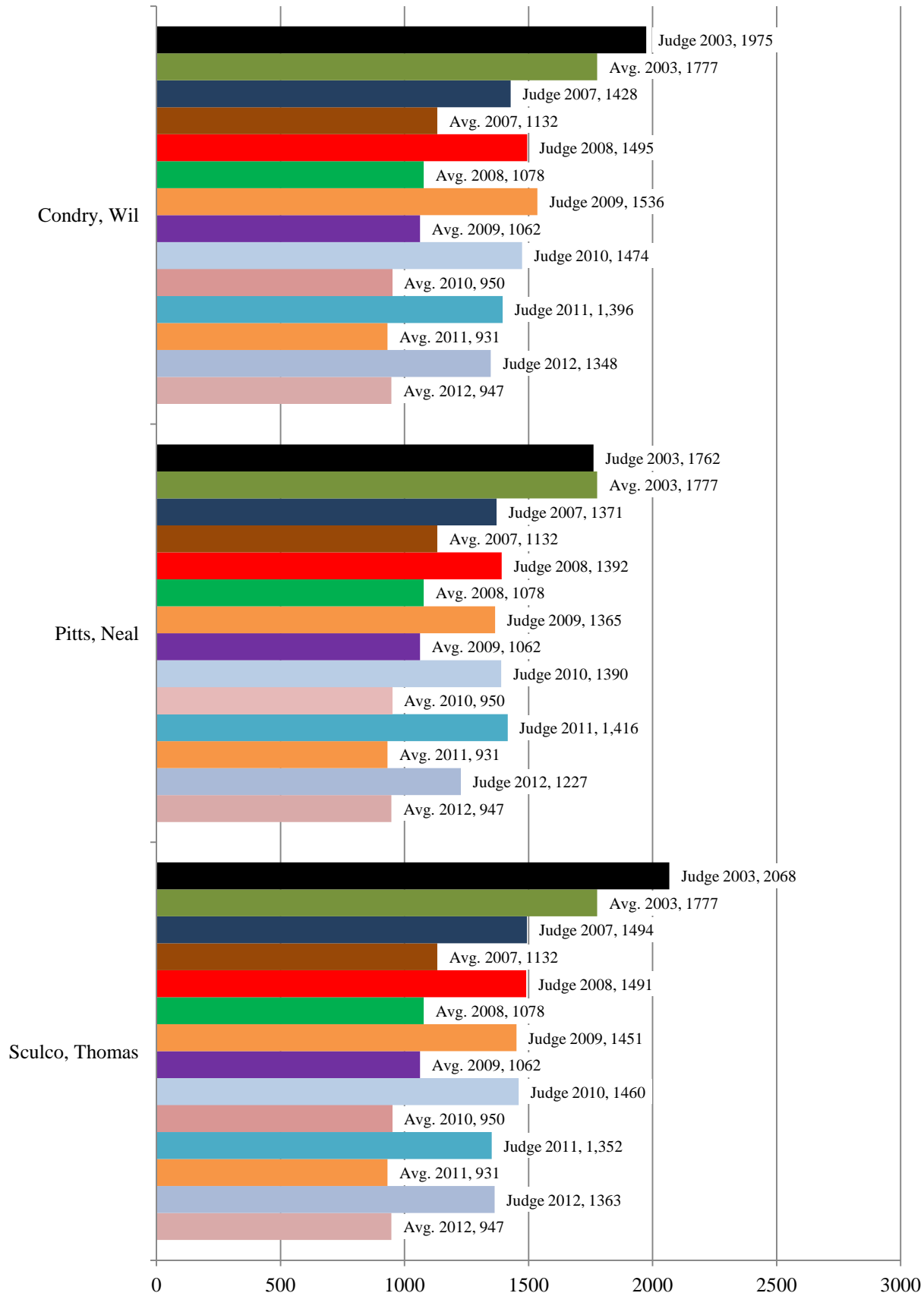


Judge Condry presented scholarships on behalf of The Friends of 440 Inc. at the 2011 Florida Workers’ Compensation Institute program.

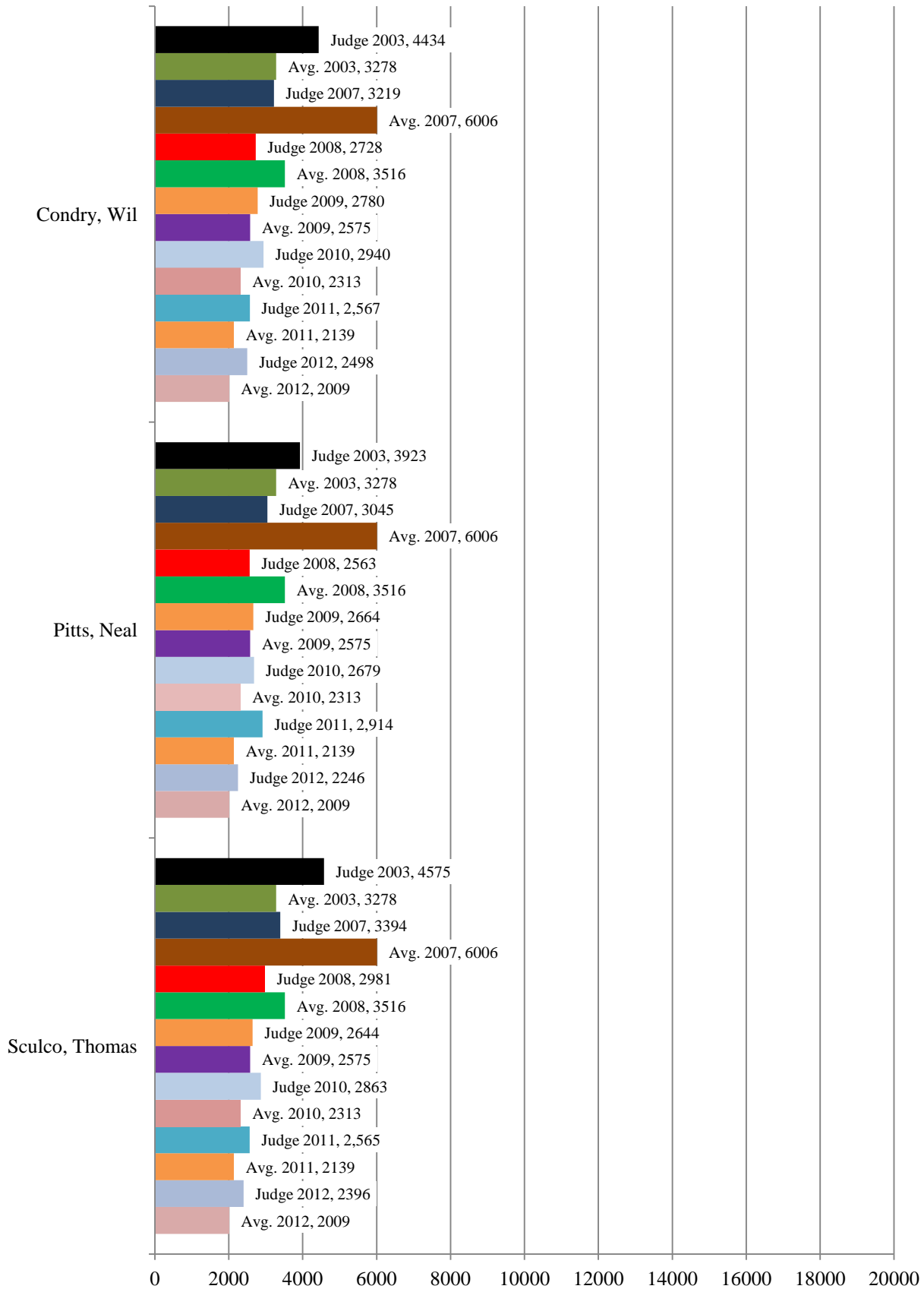
The following depicts the volume of PFBs filed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



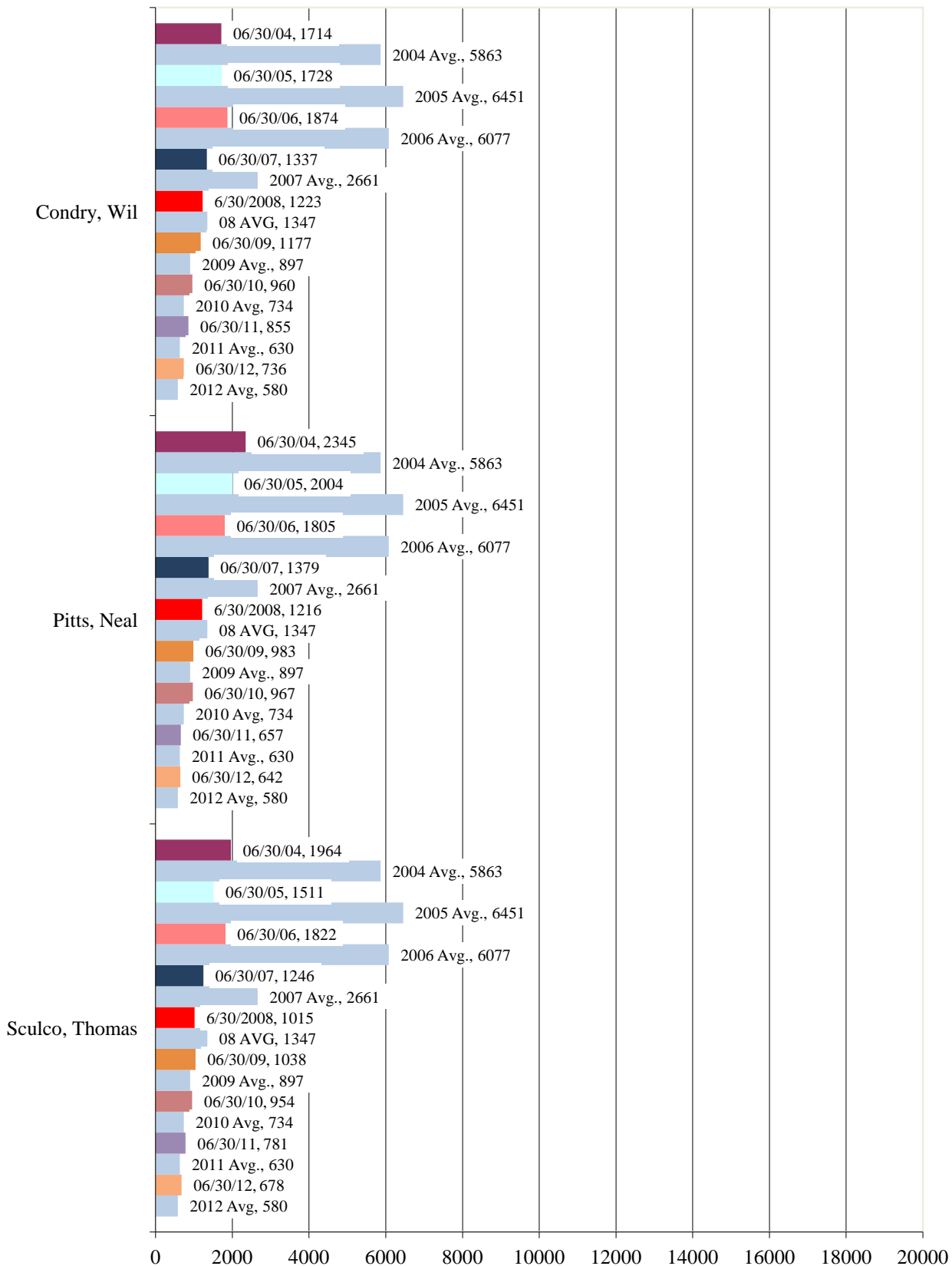
The following depicts the volume of new cases filed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



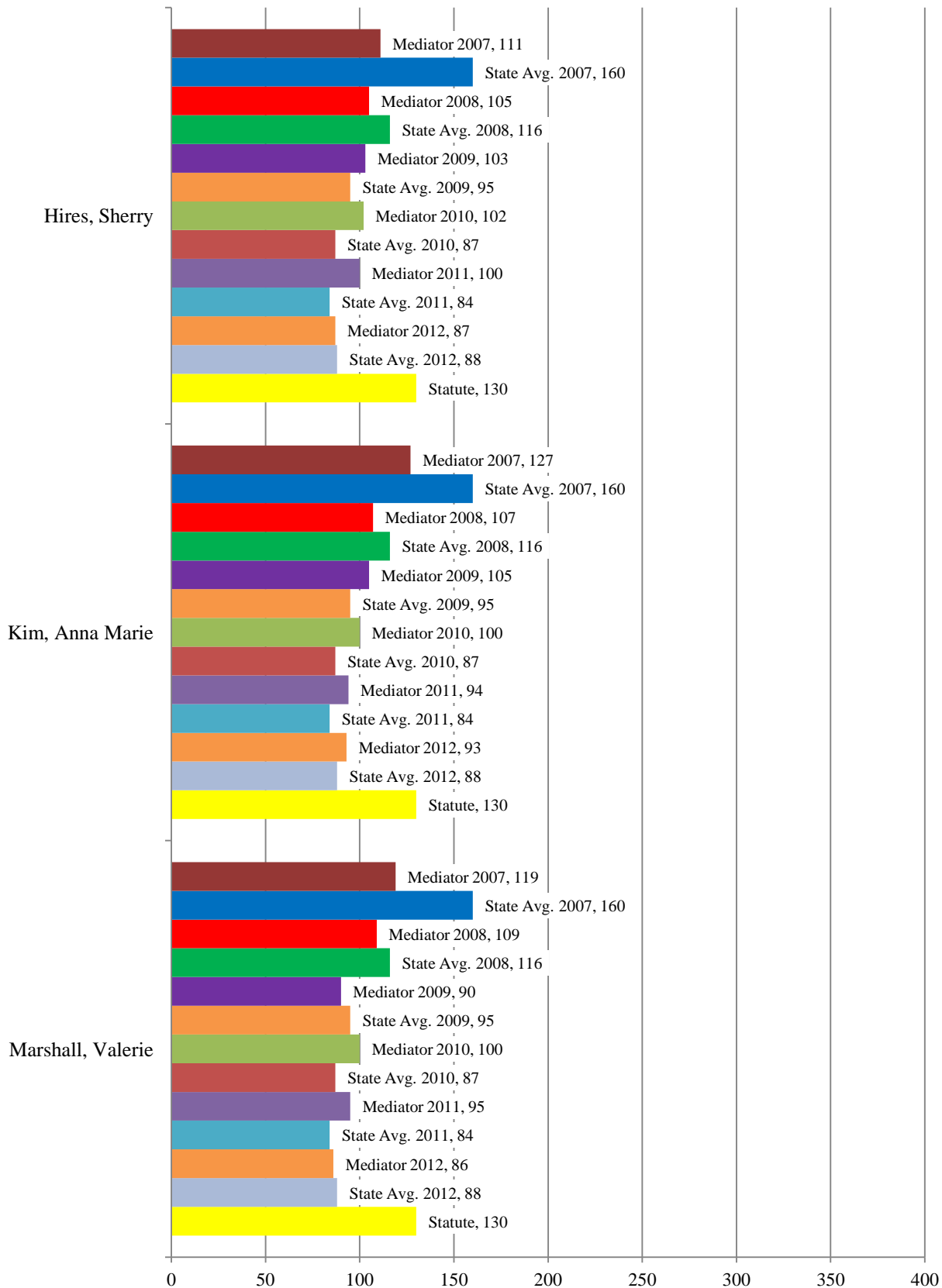
The following depicts the volume of PFBs closed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



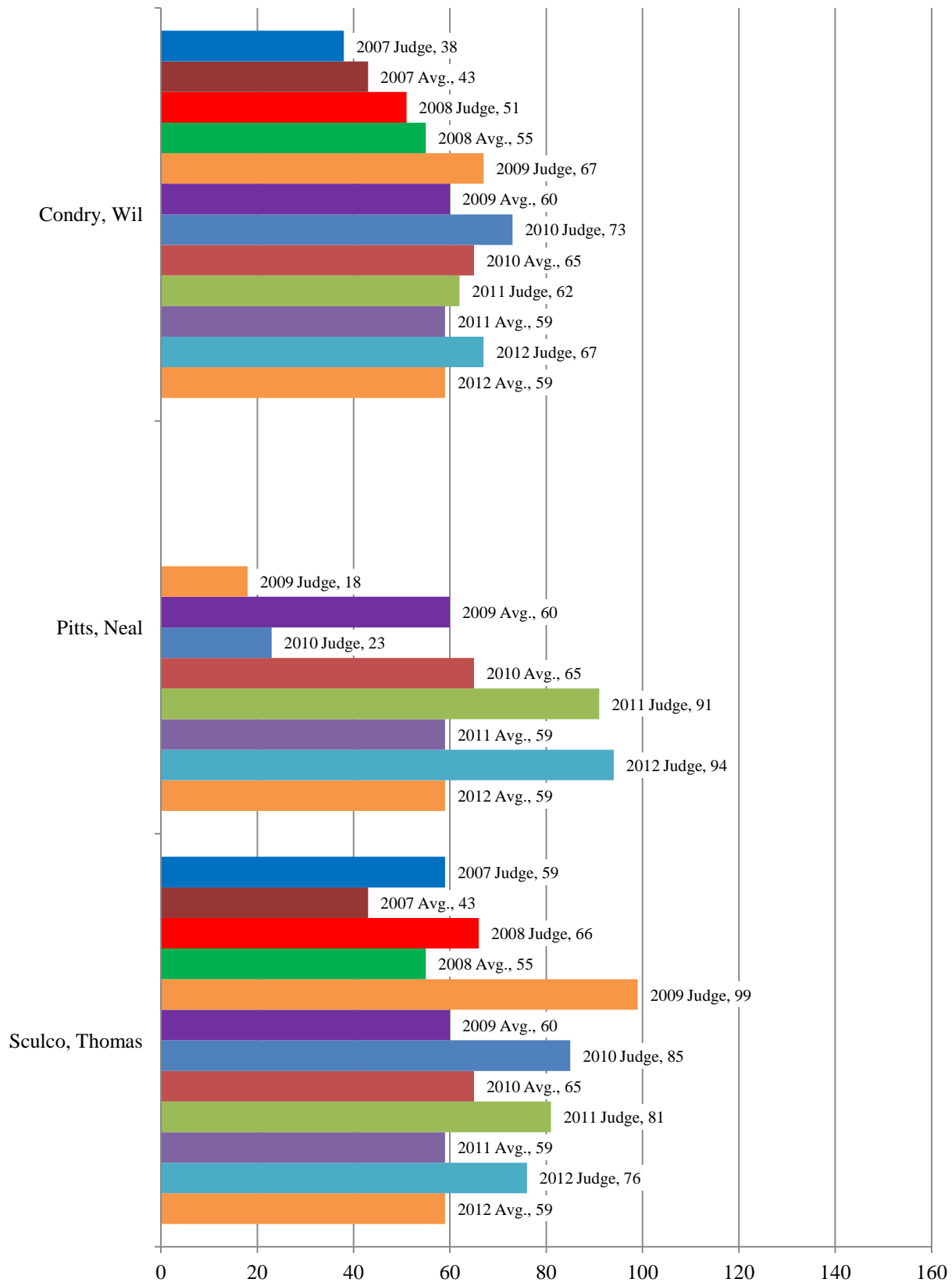
The following depicts the inventory of pending PFBs in this District and the statewide average between 2002-03 and 2010-11. The identification and values for each year are in each bar label.



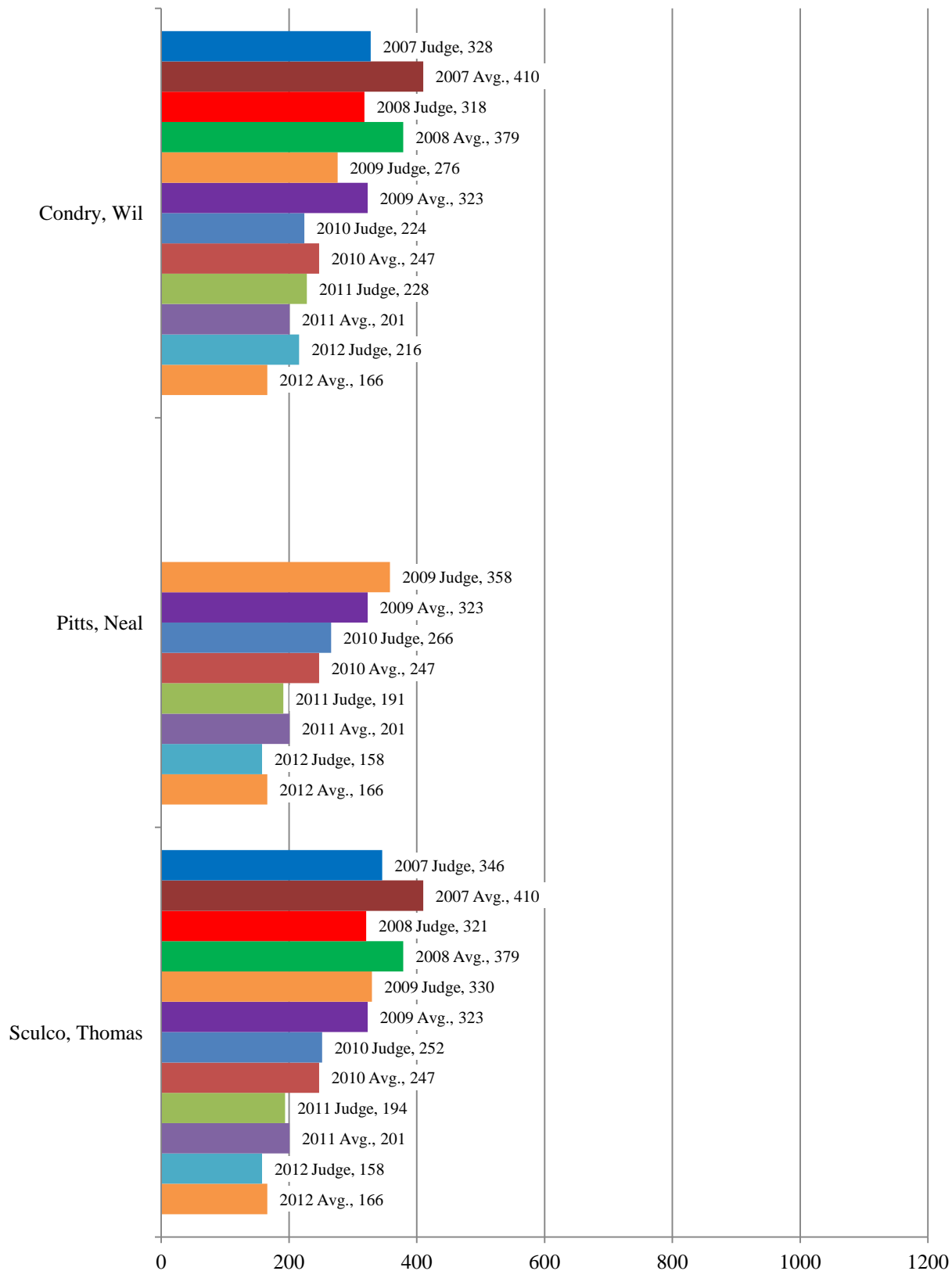
The following depicts the average days between PFB filing, and the first mediation held thereon, for each mediator in the District between 2002-03 and 2010-11. The identification and values for each year are in each bar label. The yellow bar represents the statutory 130 days.



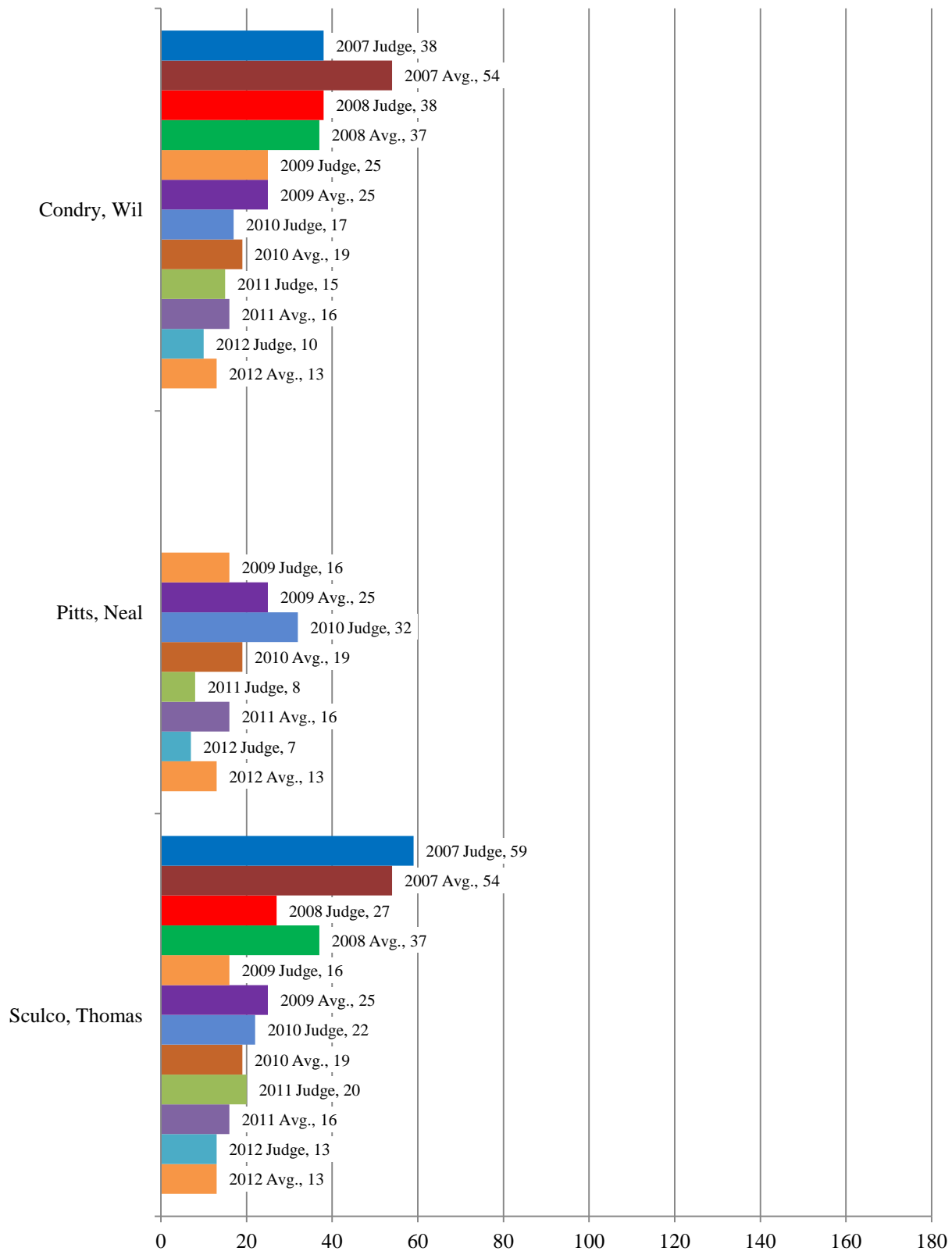
The following graph depicts the total volume of trial orders uploaded in this District and statewide averages between 2006-07 and 2010-11. The identification and values for each year are in each bar label.



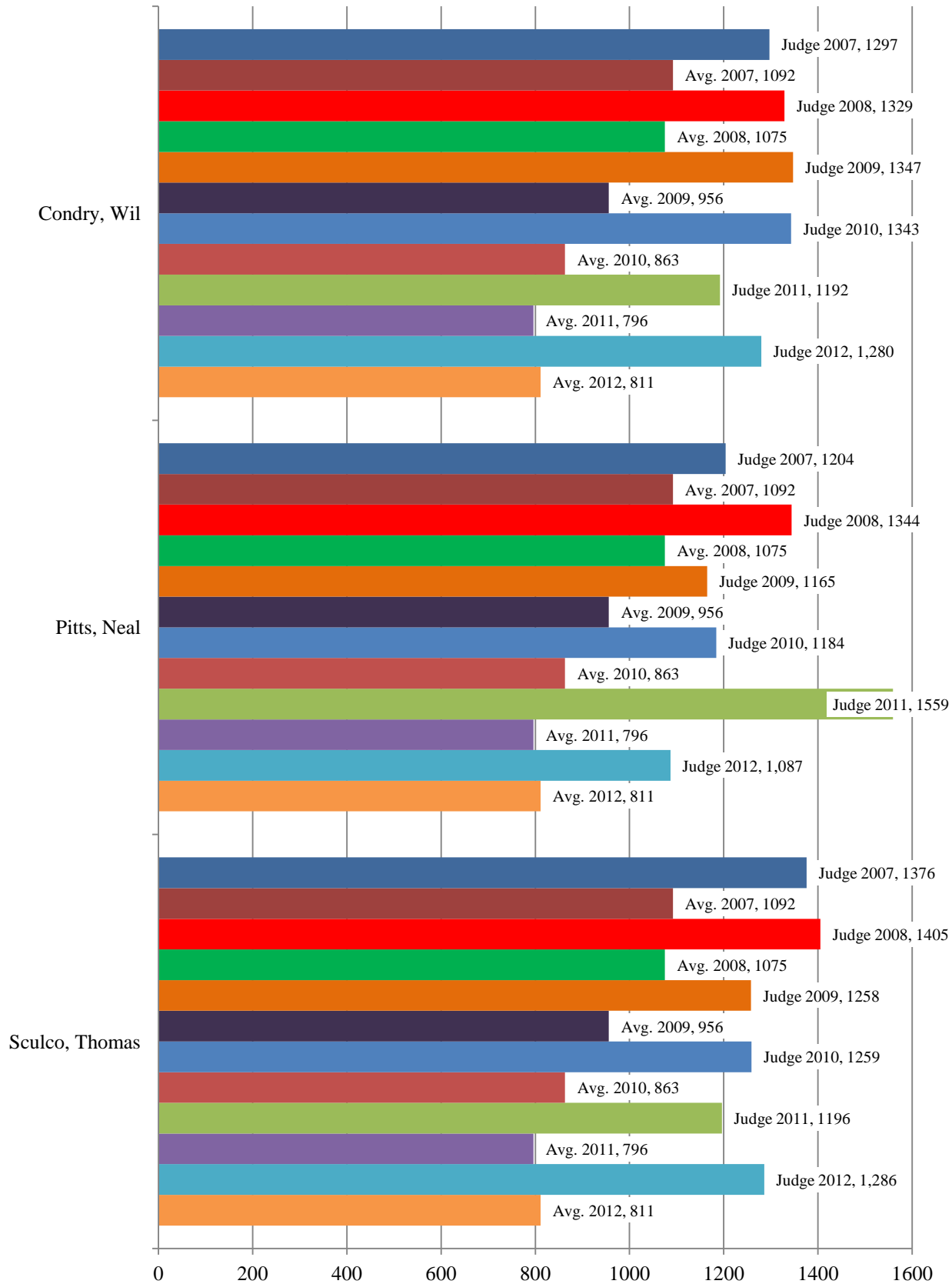
The following depicts the average days between PFB filing and trial commencing for each Judge and the statewide average between 2006-07 and 2010-11. For these calculations, only the first day of trial is considered, and days after the first trial day are included in the days between trial and final order. The identification for each year and the values are in each bar label.



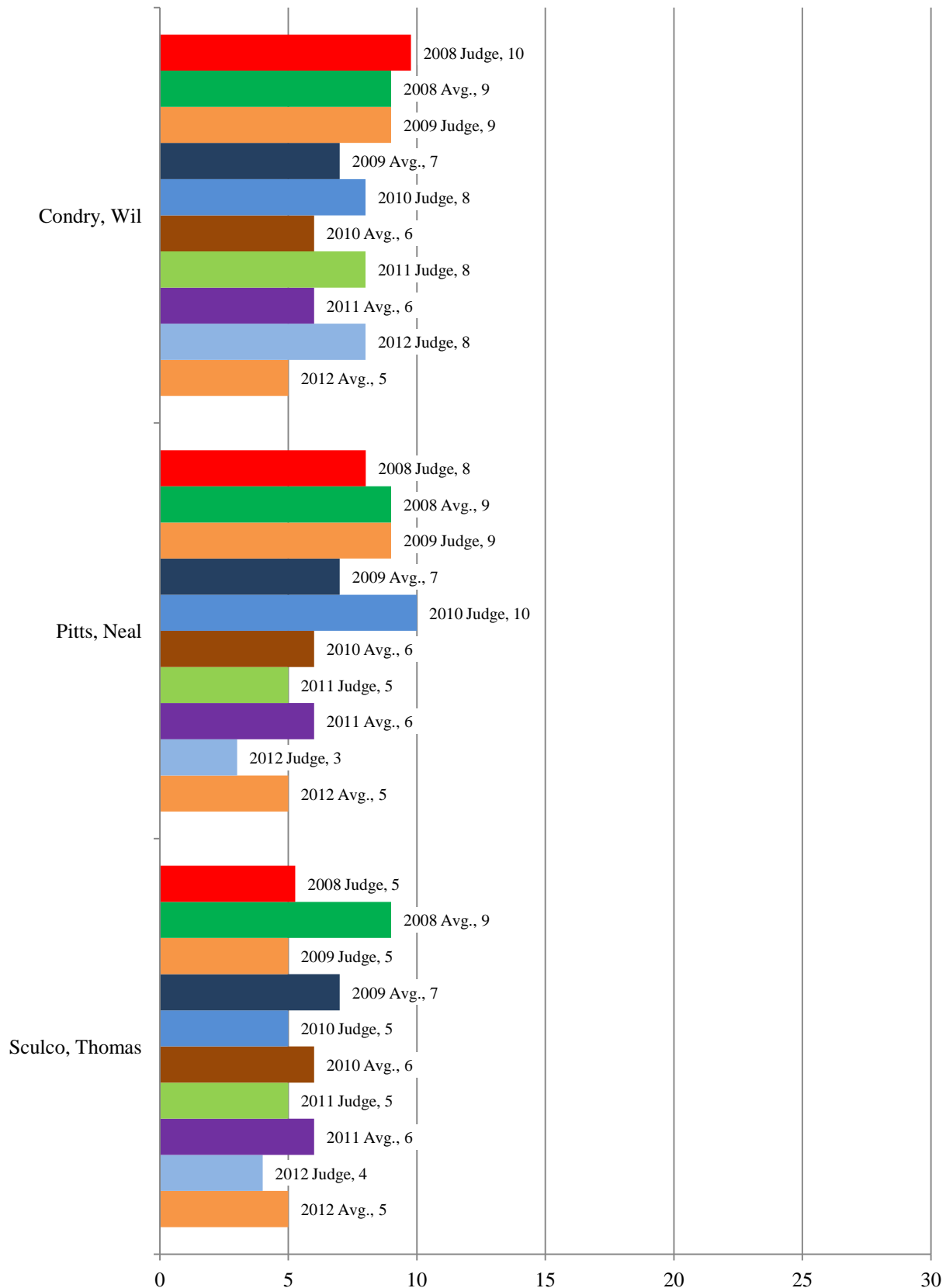
The following depicts the average days between trial commencing and entry of the trial order for each Judge and the statewide average between 2006-07 and 2010-11. All days between the first day of trial and last day of trial are included in the calculation of days between trial and final order. The identification for each year and the values are in each bar label.



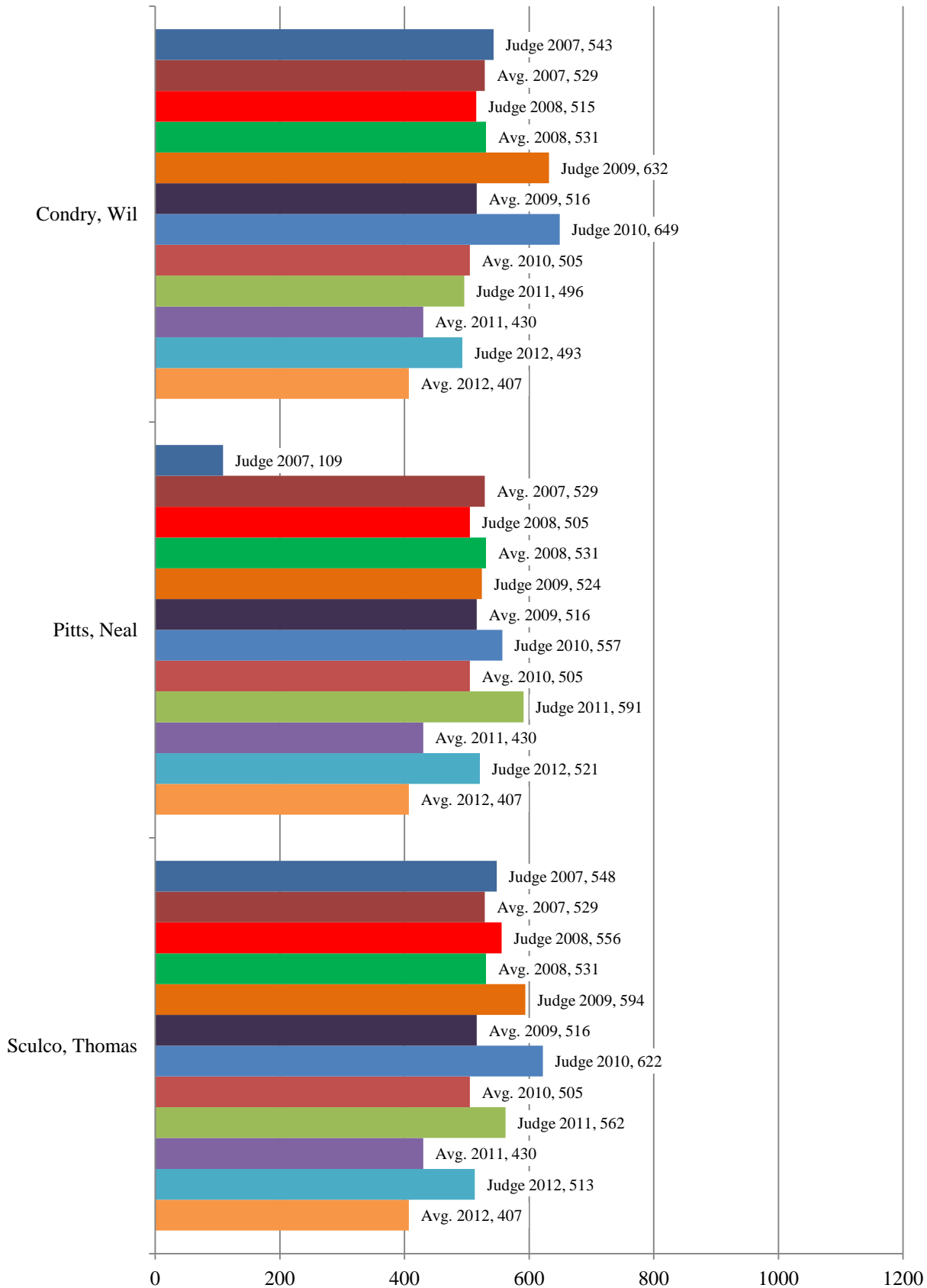
The following depicts the volume of settlement orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



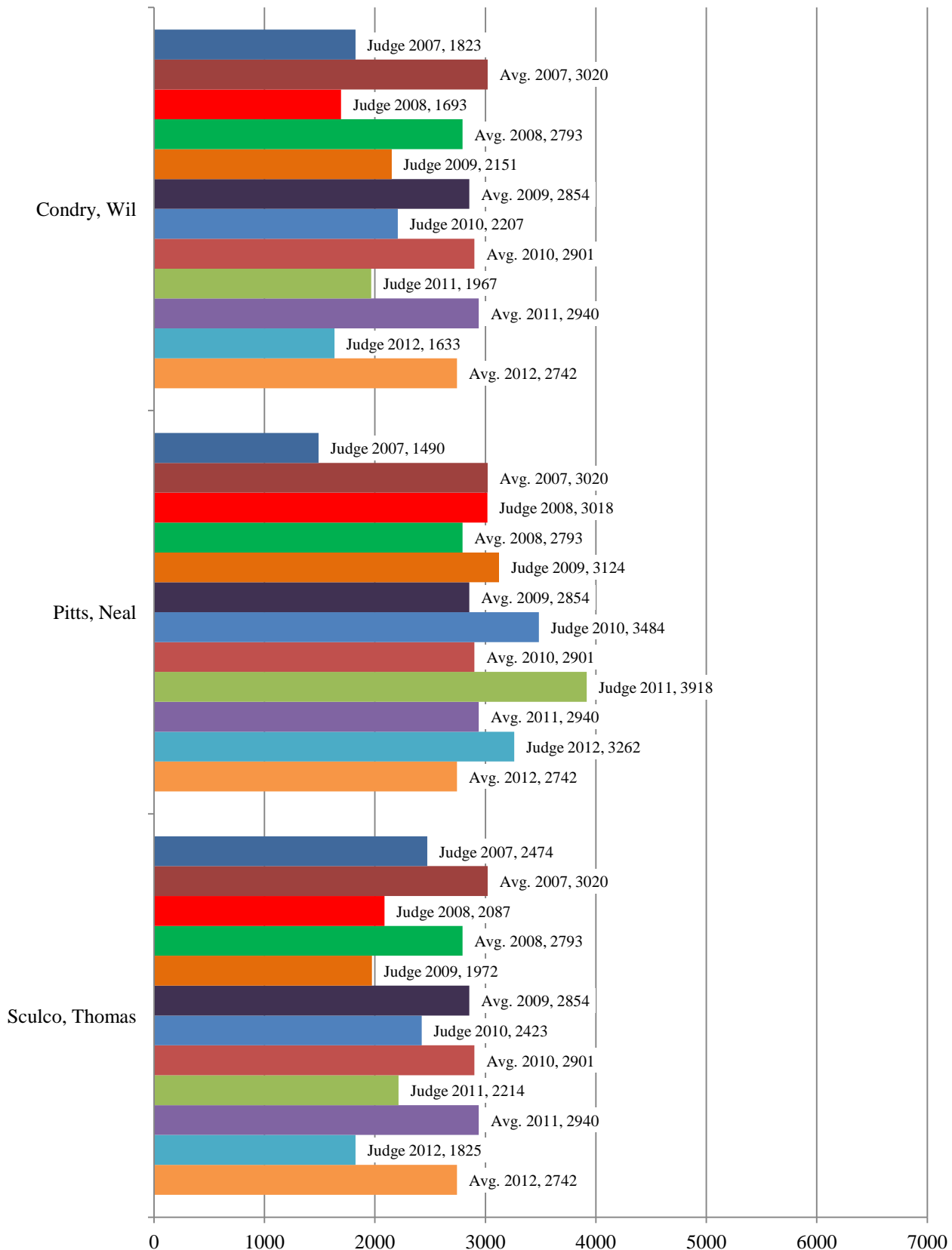
The following depicts the average number of days between filing of a settlement motion and entry of a settlement order by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



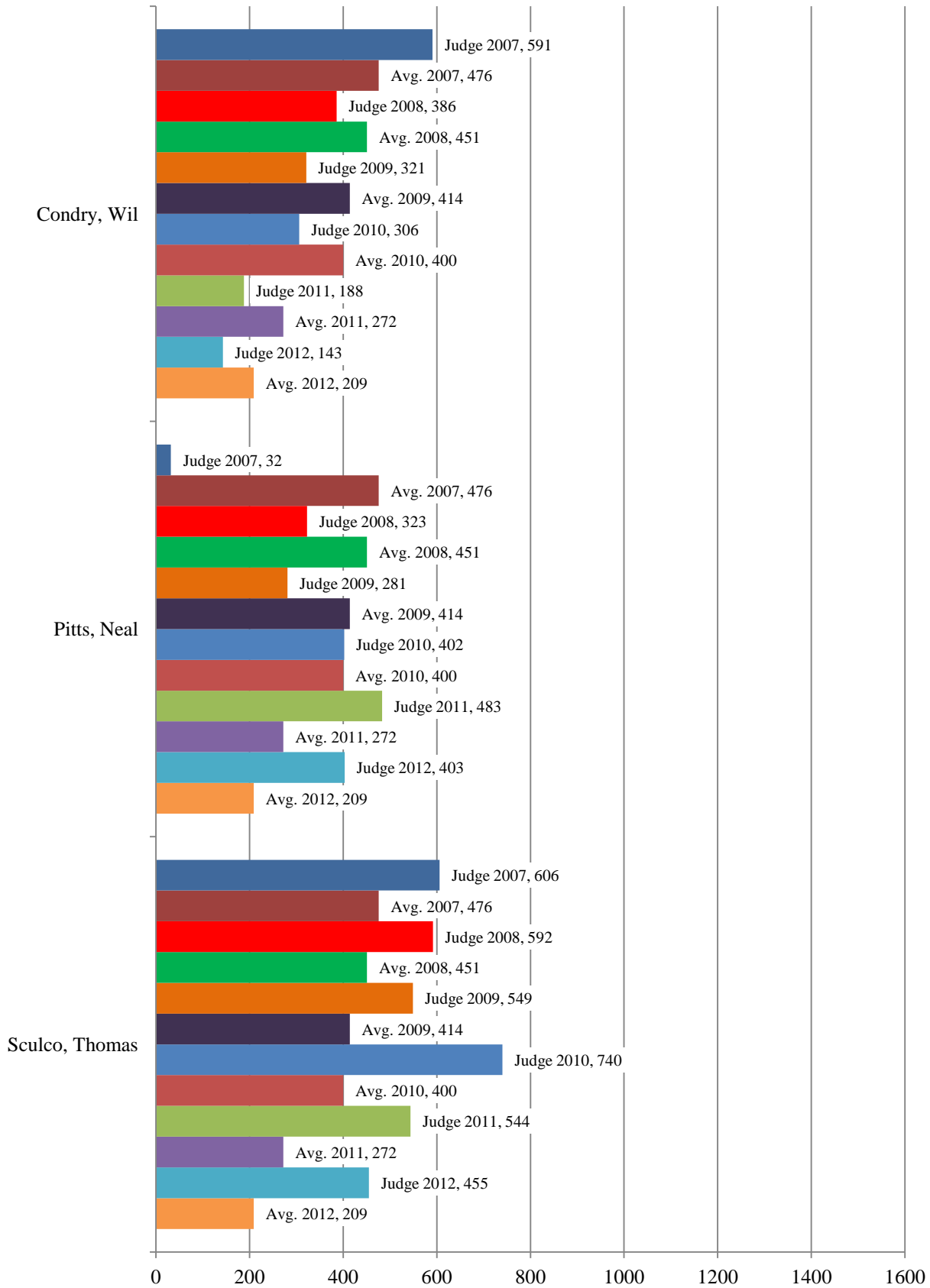
The following depicts the volume of stipulation orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



The following depicts the volume of “other” (meaning not settlement or stipulation) orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



The following depicts the volume of “other” (meaning not trials) hearings recorded as “held” by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



Appendix “10” District PMC (JCC Roesch):

District PMC in Panama City includes the following counties: Bay, Calhoun, Gulf, Holmes, Jackson, Liberty, Walton, and Washington.

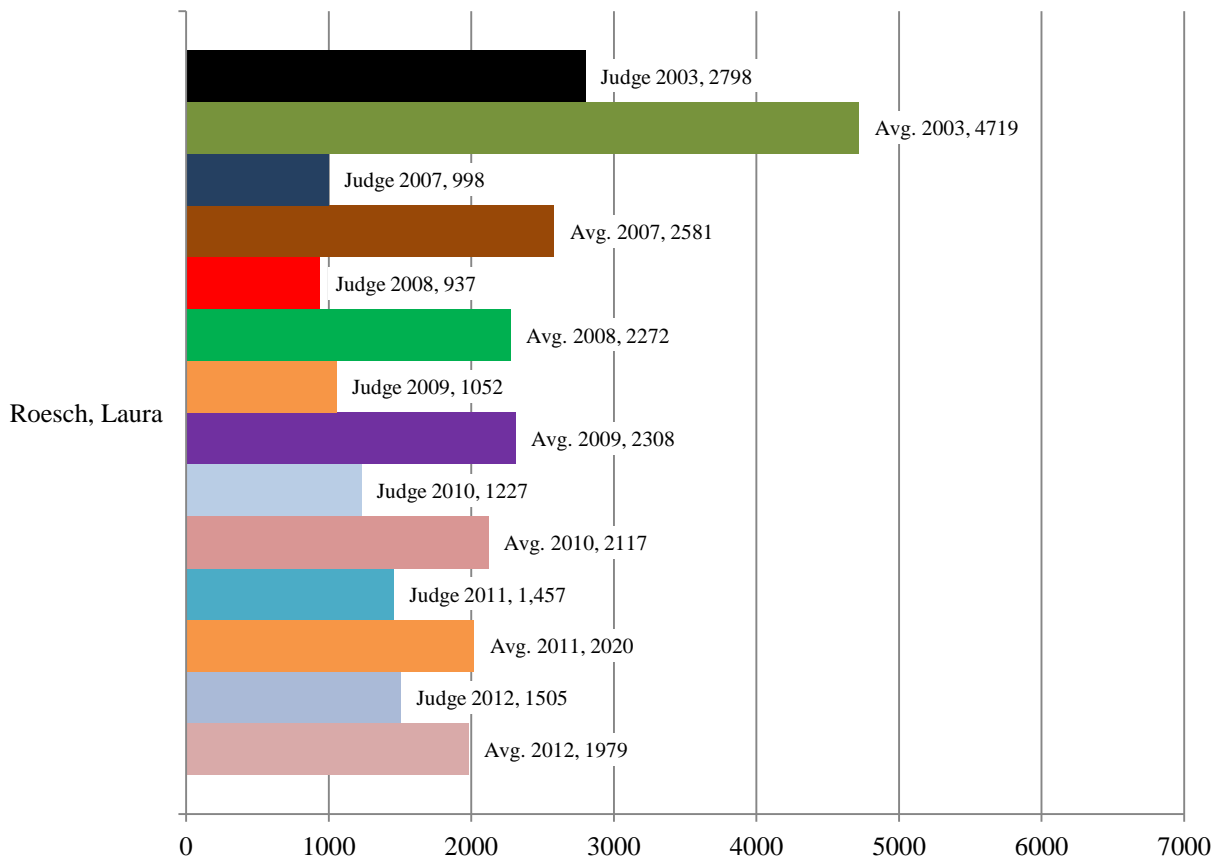
District PMC is one of the largest geographic Districts in the state. While most parties will usually travel to the District office, there are occasions when trials are held remotely, by Judge Roesch, throughout this very large geographic area. The population center is Panama City, which is a significant travel from either of the next closest Districts, Tallahassee (98 miles, 126 minute drive-time) and Pensacola (103 miles, 150 minute drive-time).

In PMC, the 2011-12 PFB and “new case” filing rates remained well below the statewide averages, as did the trial volume. Judge Roesch has volunteered for the last three fiscal years to hear cases remotely in other Districts using the video teleconference (VTC) network. This has included efforts in District LKL and ORL as a visiting Judge, and for the last three years, Judge Roesch has been assigned “new cases” in District FTL as part of the OJCC “out-of-District” Judge program. In 2012, the OJCC began assigning most of the Monroe (Florida Keys) County cases to Judge Roesch, following the negotiation of access to a VTC unit location in the Keys.

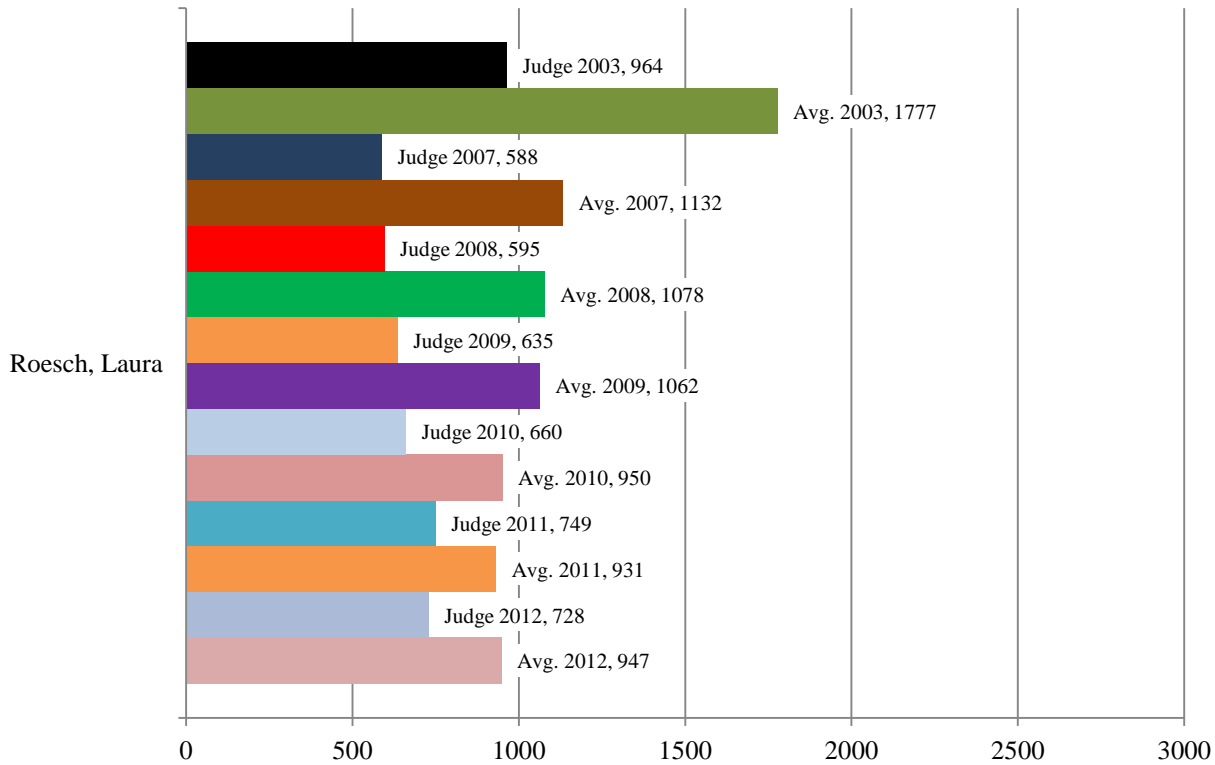
Average time to mediation, to trial and from trial, to final order, are all within the statutory mandates in District PMC, and have been for some time. The average time between filing of a settlement motion and entry of the resulting order is also well below the statewide average.

Judge Roesch hosted and participated in a panel discussion on the Heart/Lung Presumptions in Workers’ Compensation cases involving firefighters, law enforcement and correctional officers, held in Panama City. She is a mentor for a middle school student as part of the Bay Education Foundation’s “Take Stock in Children” program. This program is intended to help develop a “college bound” attitude, personal growth and development, and support academic success.

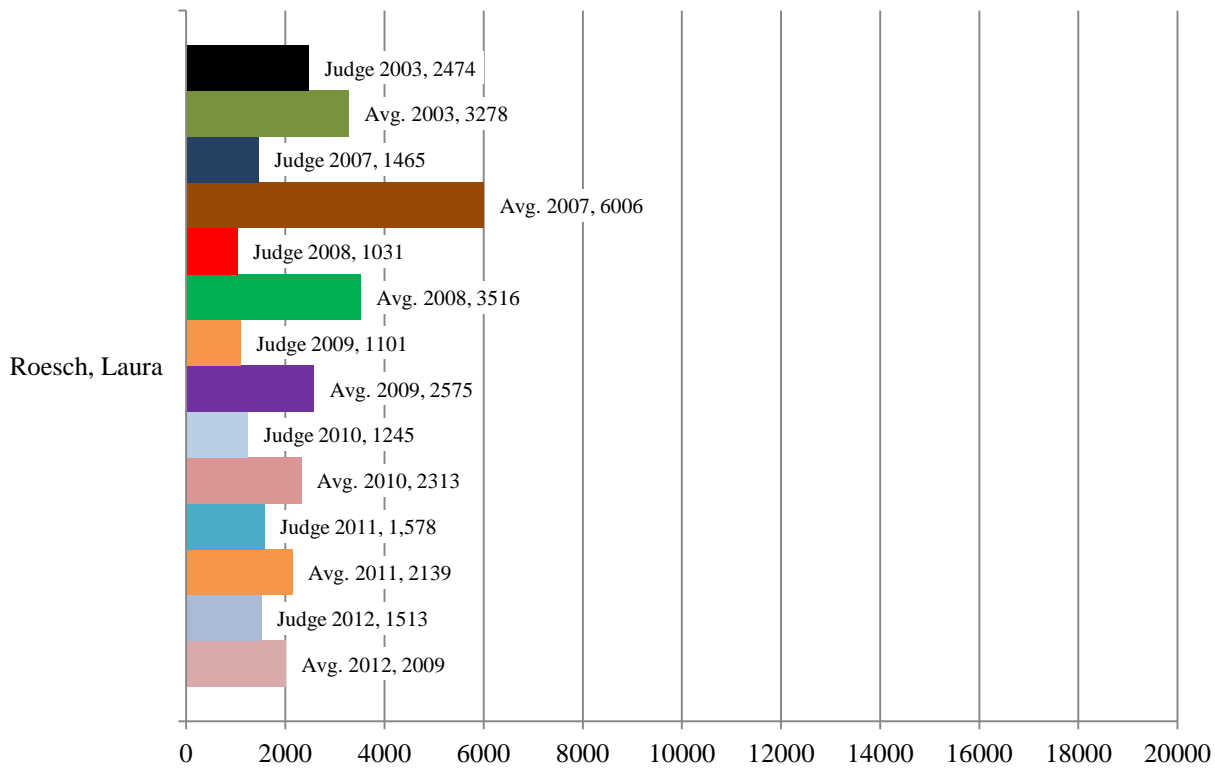
The following depicts the volume of PFBs filed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



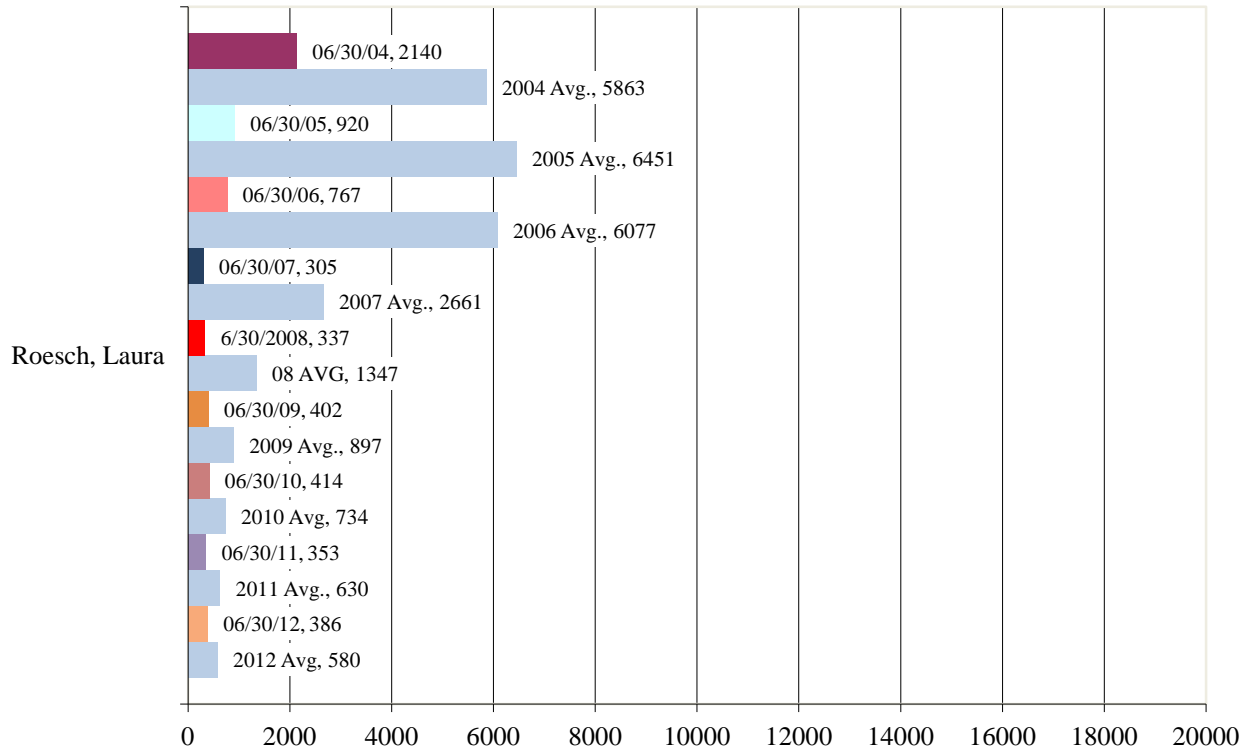
The following depicts the volume of new cases filed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



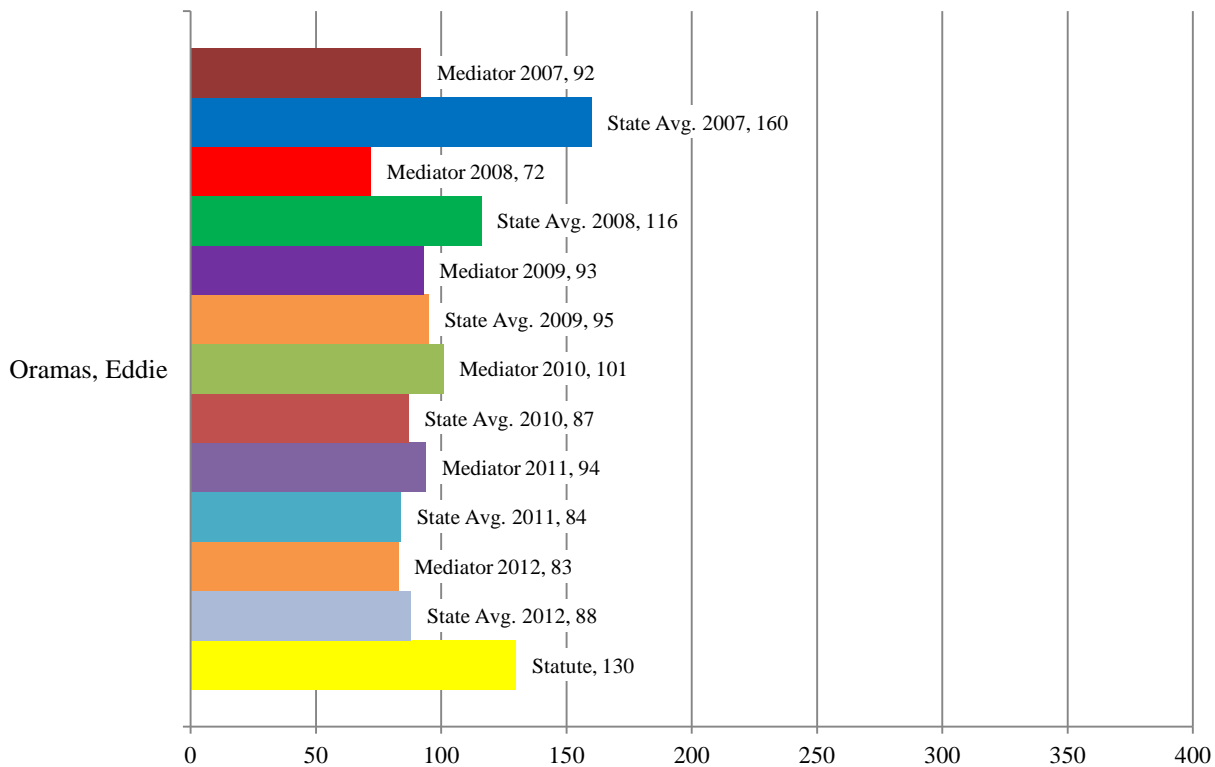
The following depicts the volume of PFBs closed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



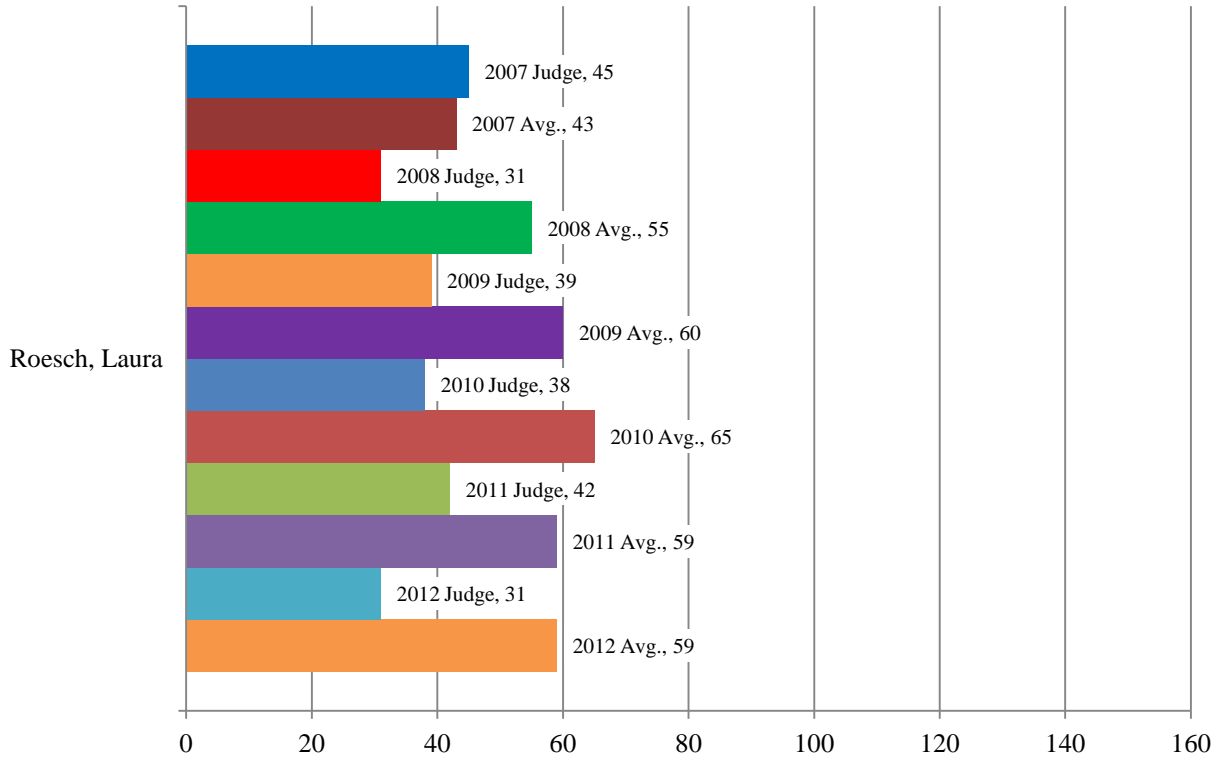
The following depicts the inventory of pending PFBs in this District and the statewide average between 2002-03 and 2010-11. The identification and values for each year are in each bar label.



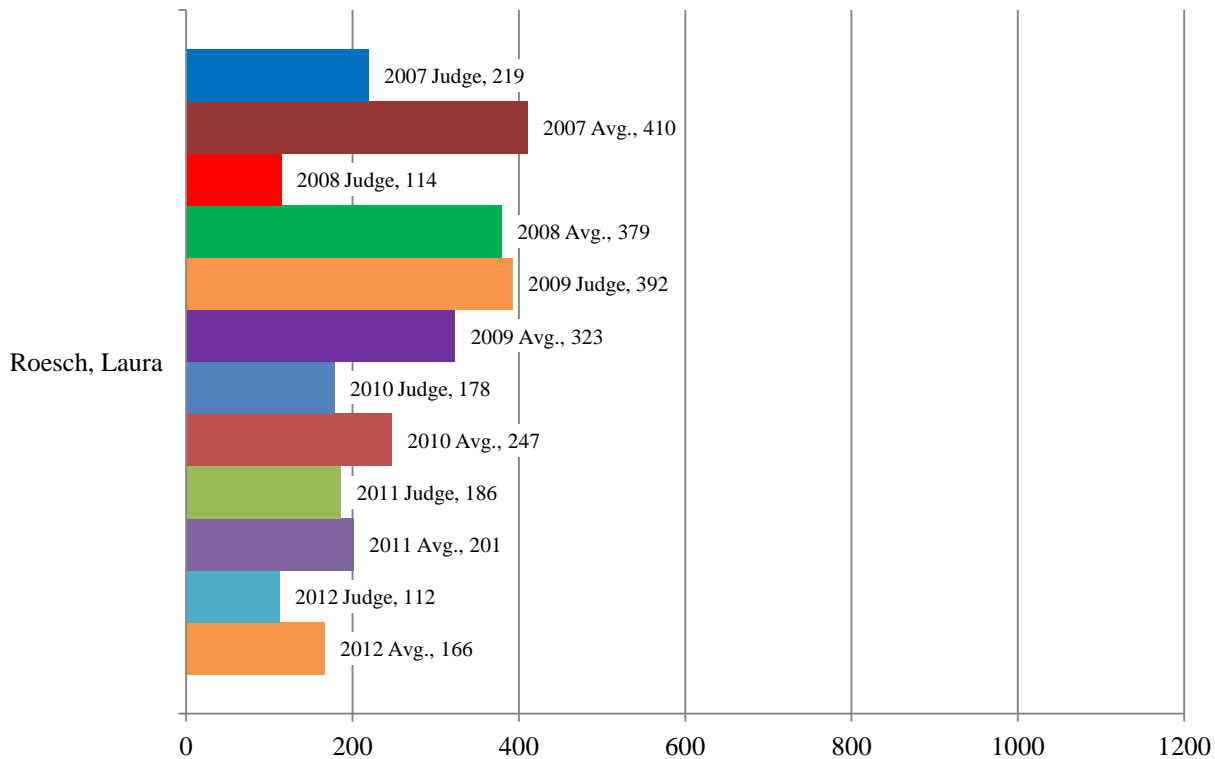
The following depicts the average days between PFB filing, and the first mediation held thereon, for each mediator in the District between 2002-03 and 2010-11. The identification and values for each year are in each bar label. The yellow bar represents the statutory 130 days.



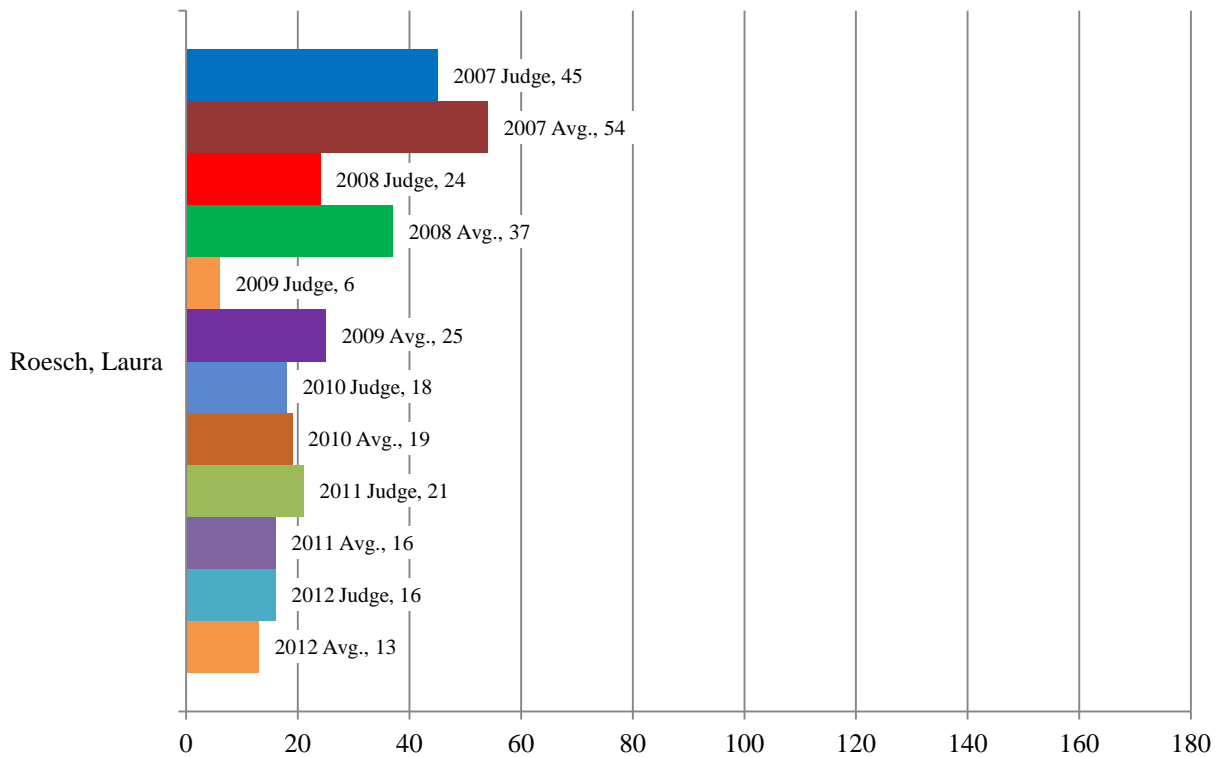
The following graph depicts the total volume of trial orders uploaded in this District and statewide averages between 2006-07 and 2010-11. The identification and values for each year are in each bar label.



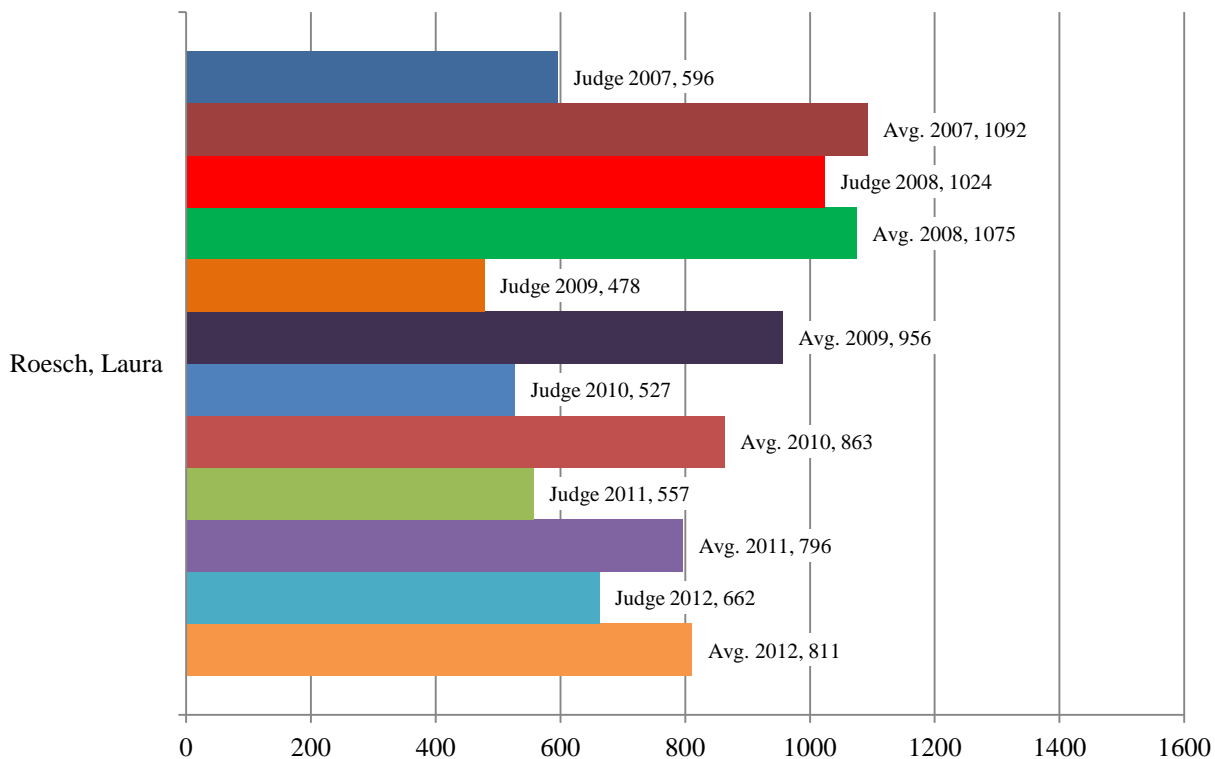
The following depicts the average days between PFB filing and trial commencing for each Judge and the statewide average between 2006-07 and 2010-11. For these calculations, only the first day of trial is considered, and days after the first trial day are included in the days between trial and final order. The identification for each year and the values are in each bar label.



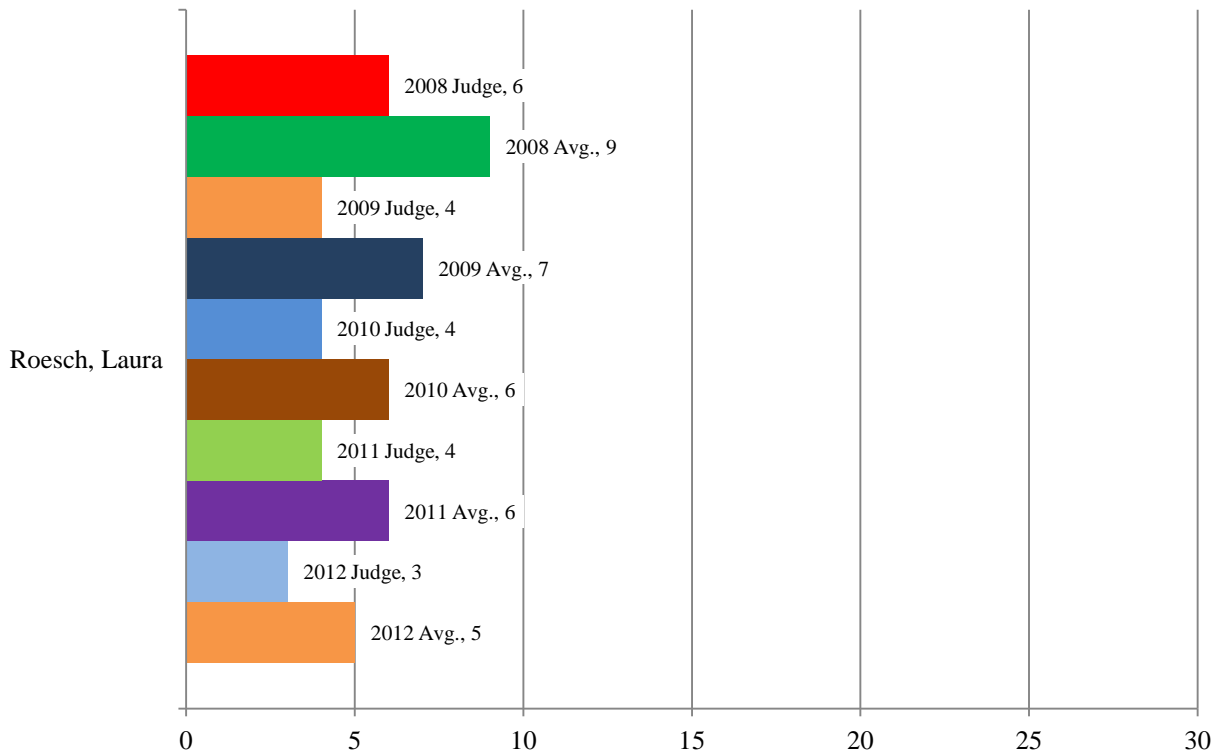
The following depicts the average days between trial commencing and entry of the trial order for each Judge and the statewide average between 2006-07 and 2010-11. All days between the first day of trial and last day of trial are included in the calculation of days between trial and final order. The identification for each year and the values are in each bar label.



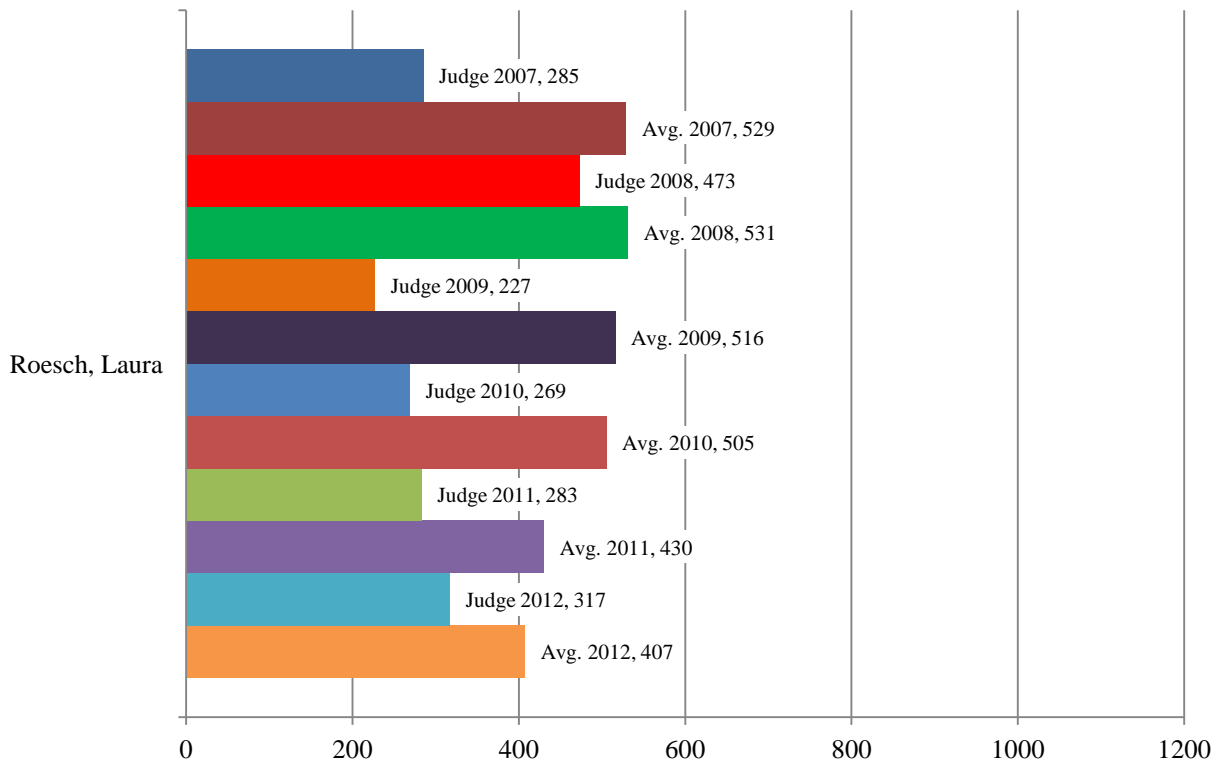
The following depicts the volume of settlement orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



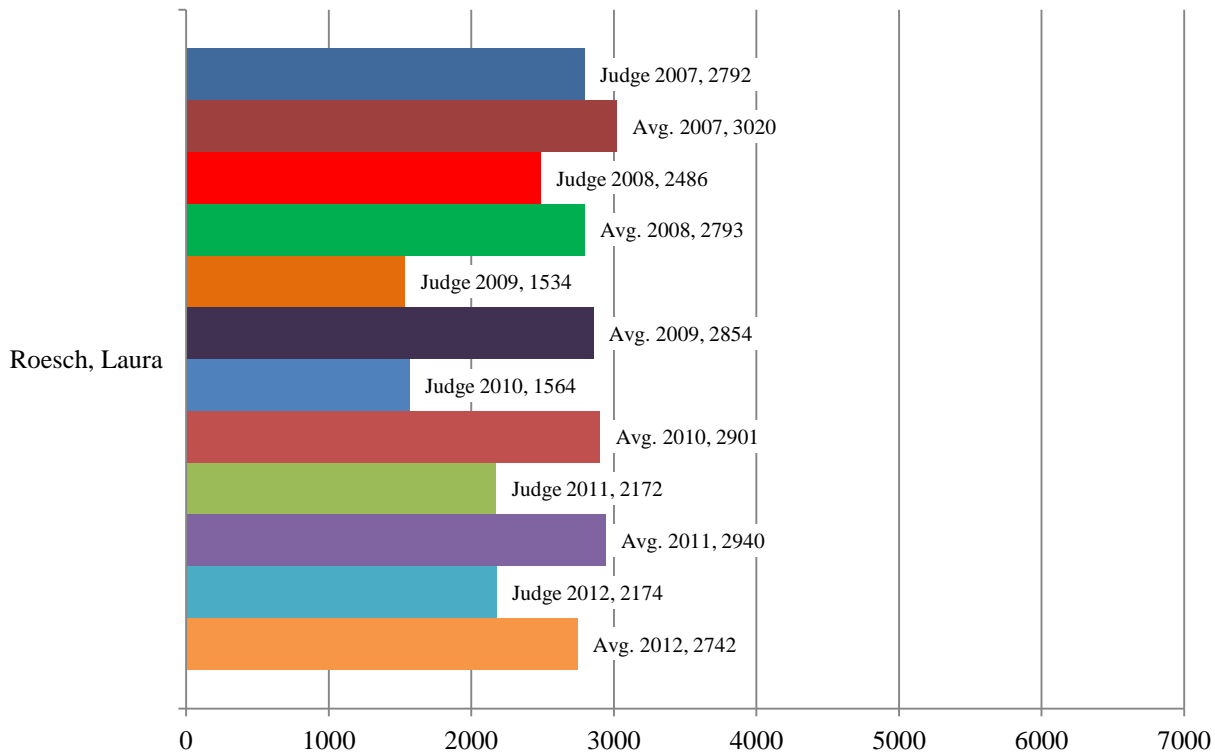
The following depicts the average number of days between filing of a settlement motion and entry of a settlement order by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



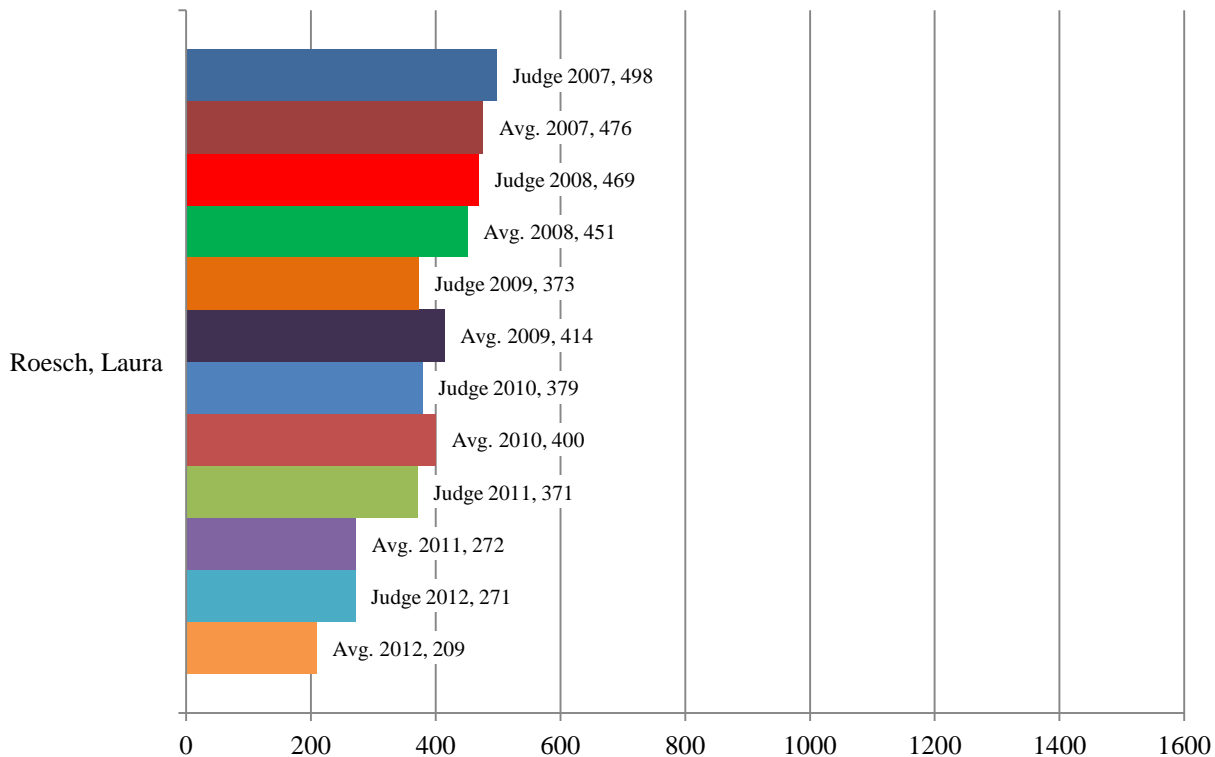
The following depicts the volume of stipulation orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



The following depicts the volume of “other” (meaning not settlement or stipulation) orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



The following depicts the volume of “other” (meaning not trials) hearings recorded as “held” by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



Appendix “11” District PNS (JCC Winn):

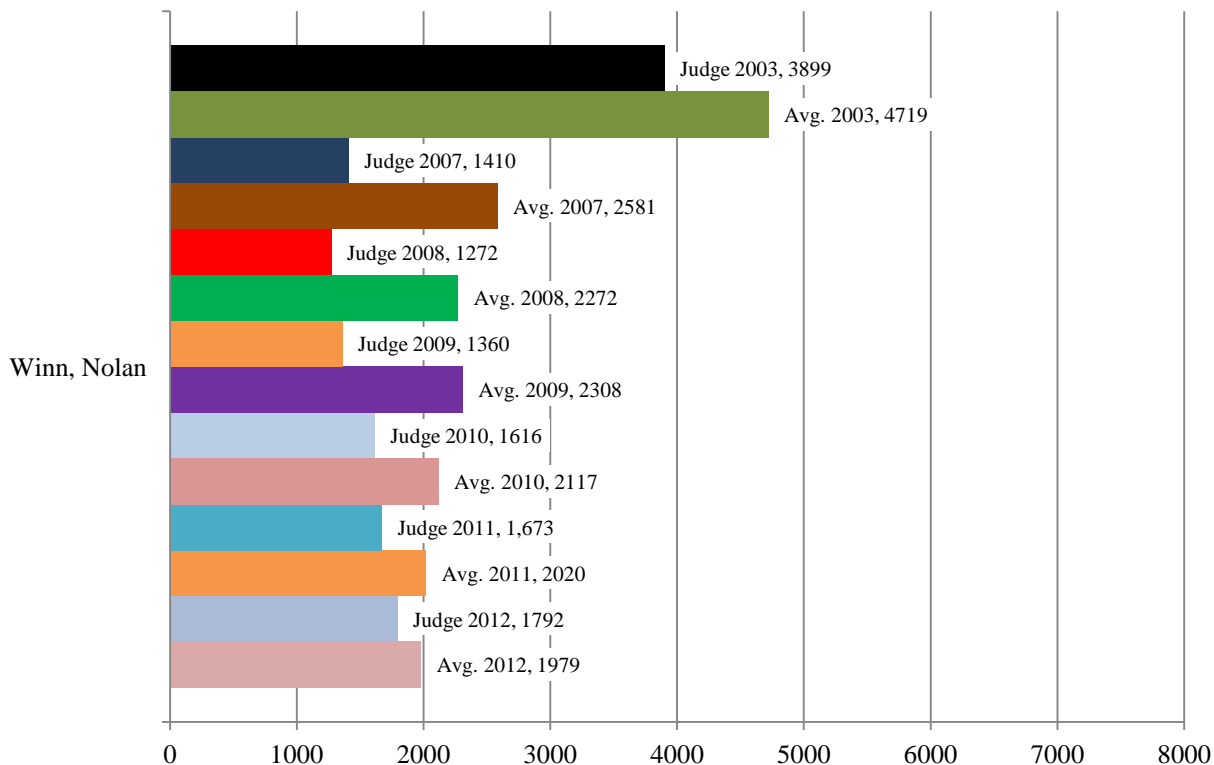
District PNS includes Escambia, Santa Rosa and Okaloosa counties.

2011-12 PFB volumes in District PNS remain notably lower than the statewide average. The PNS volume of “new cases” remains notably above the statewide average. This pattern has been reasonably consistent in District PNS for the last several years.

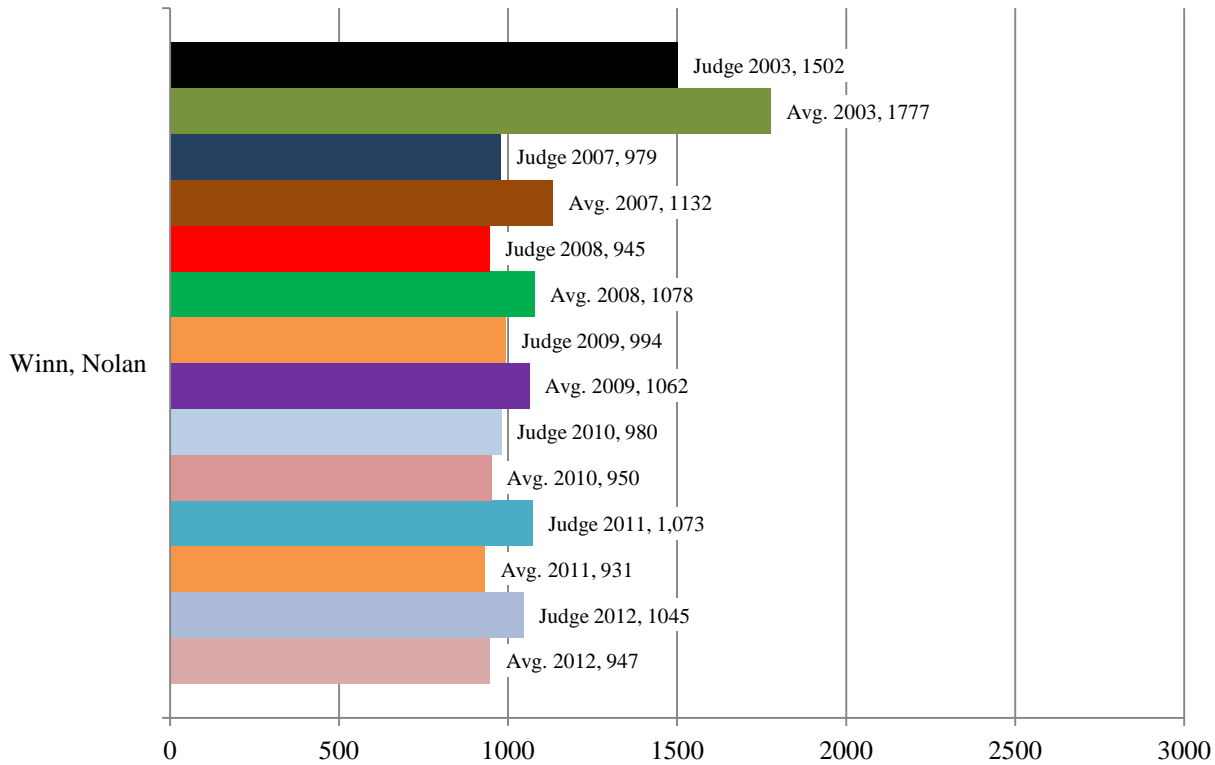
District PNS remains within the statutory parameters for timeliness, regarding time from PFB to mediation, PFB to trial, and trial to order. This has been a hallmark of District PNS for the last three fiscal years. Trial volume rebounded in PNS in 2011-12. This is a stark contrast to the lower than average trial volumes in 2009-10 and 2010-11. The average days from PFB to trial in PNS remains among the lowest in the state. Judge Winn has been accepting “new case” assignments from District Ft. Lauderdale (FTL) for the last three fiscal years, as part of the OJCC “out-of-district” Judge program.

The availability of ready and willing Judges to step in when this system confronts illness, absence and death serves as an apt illustration to the team attitude and mentality of this agency. In recent years, a volume of claims against a particular employer were consolidated from throughout Florida and transferred for handling by Judge Winn. This alleviated stress for litigants, as a single judge brings ultimate consistency and predictability. Following that transfer, this group of over 200 claims reached resolution. This illustrates another contributing effect of the videoteleconference capabilities that are the hallmark of the twenty-first Century OJCC.

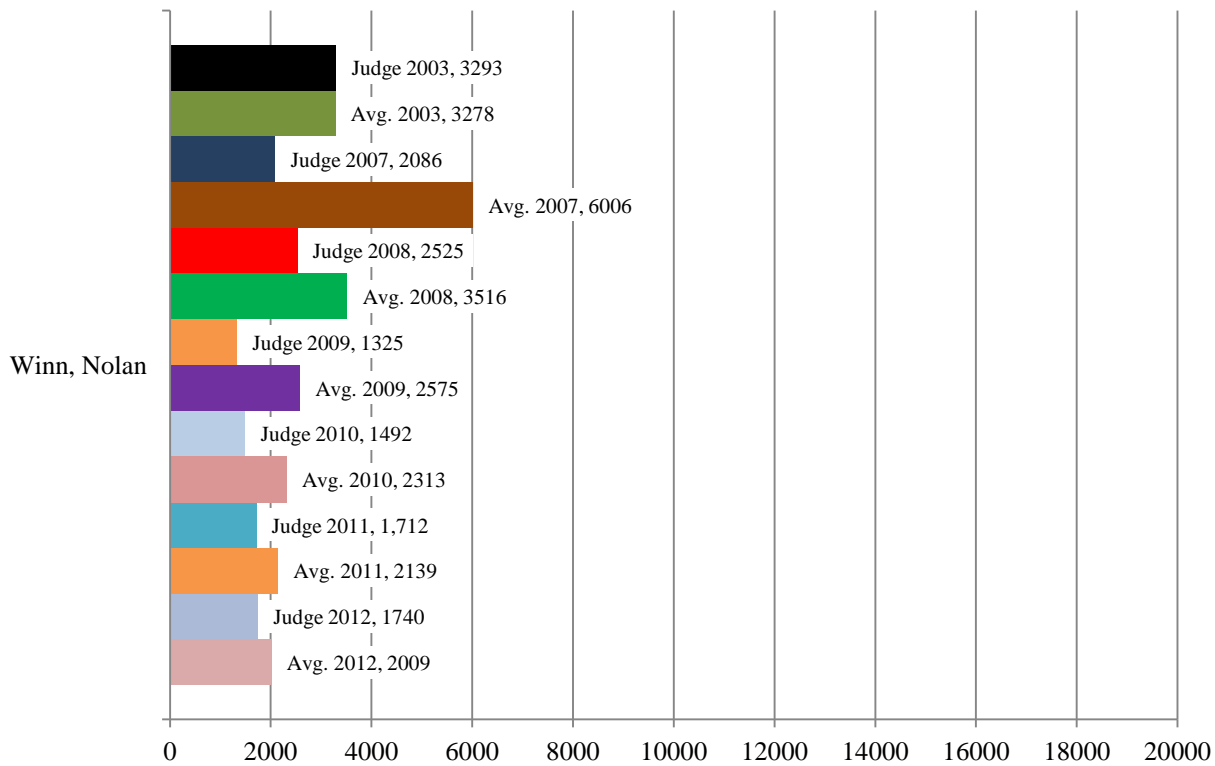
The following depicts the volume of PFBs filed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



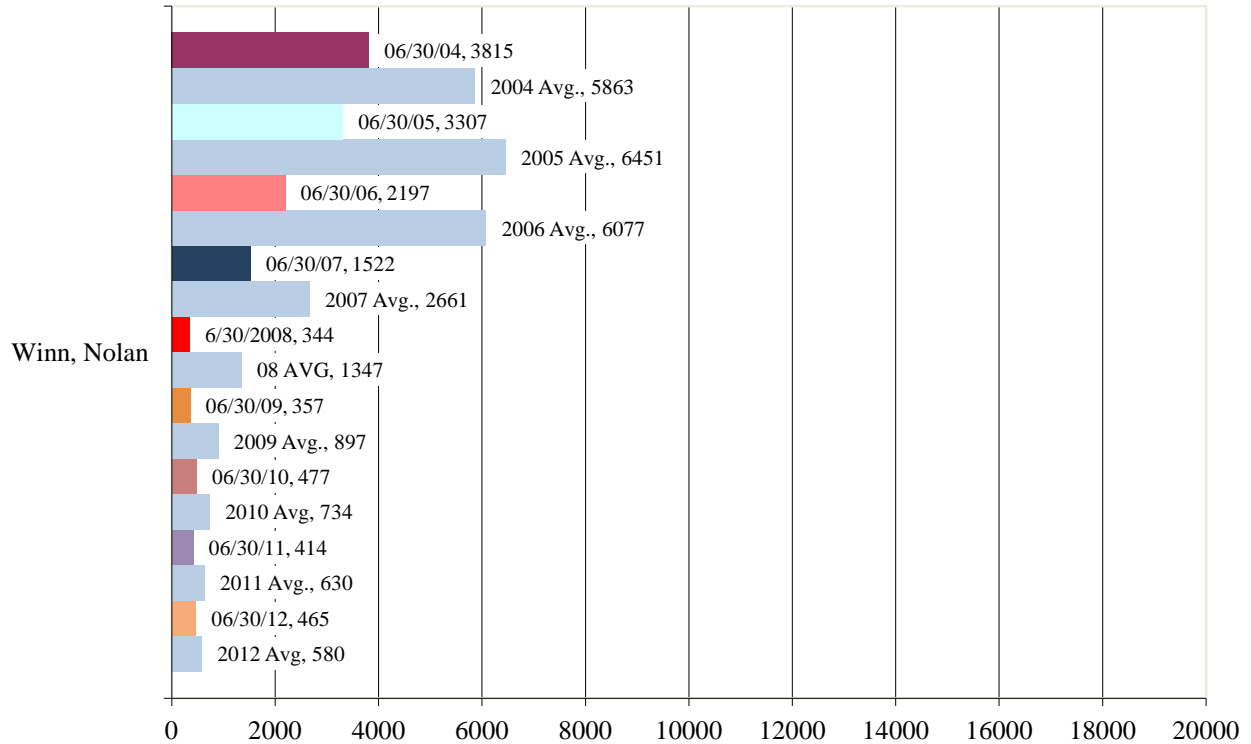
The following depicts the volume of new cases filed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



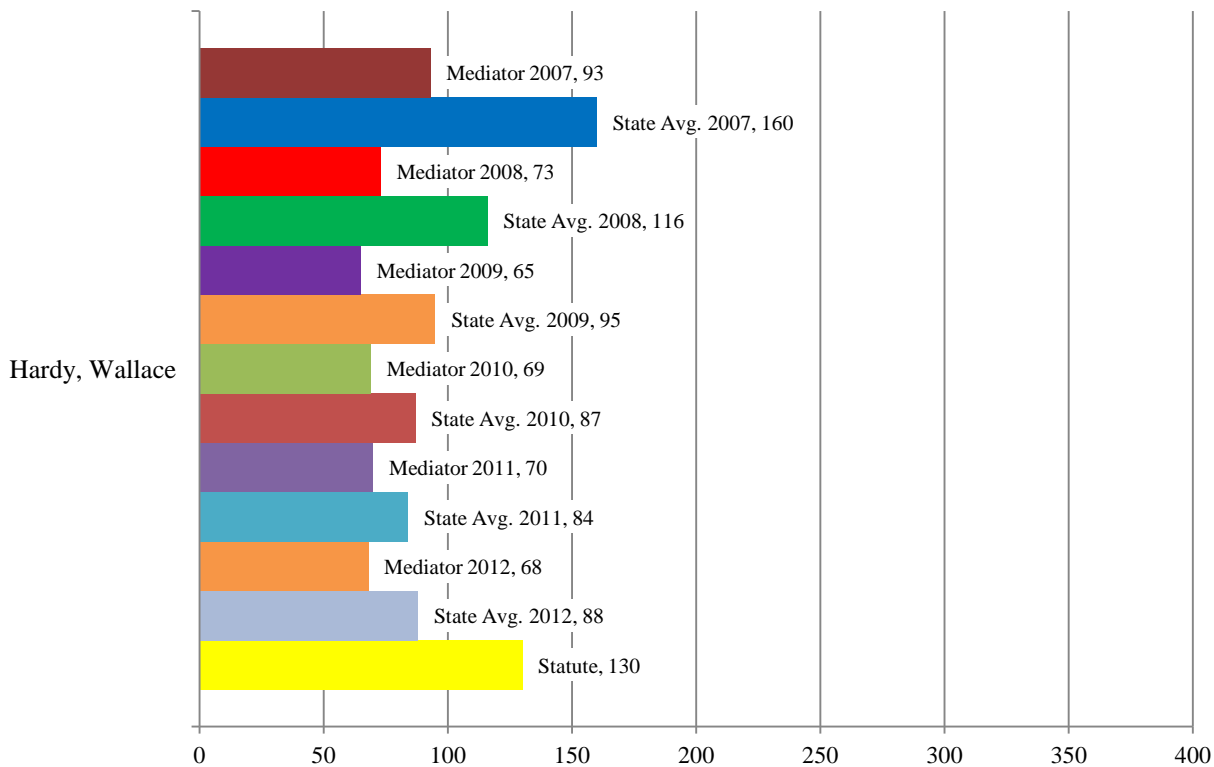
The following depicts the volume of PFBs closed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



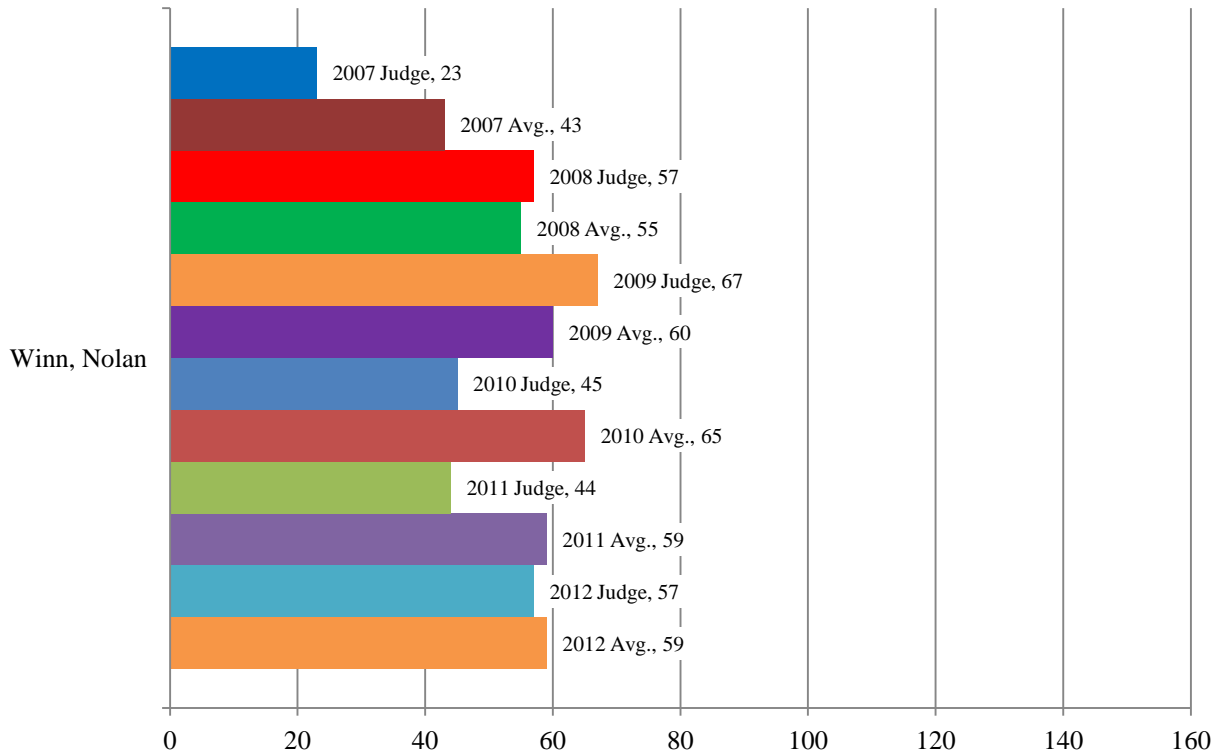
The following depicts the inventory of pending PFBs in this District and the statewide average between 2002-03 and 2010-11. The identification and values for each year are in each bar label.



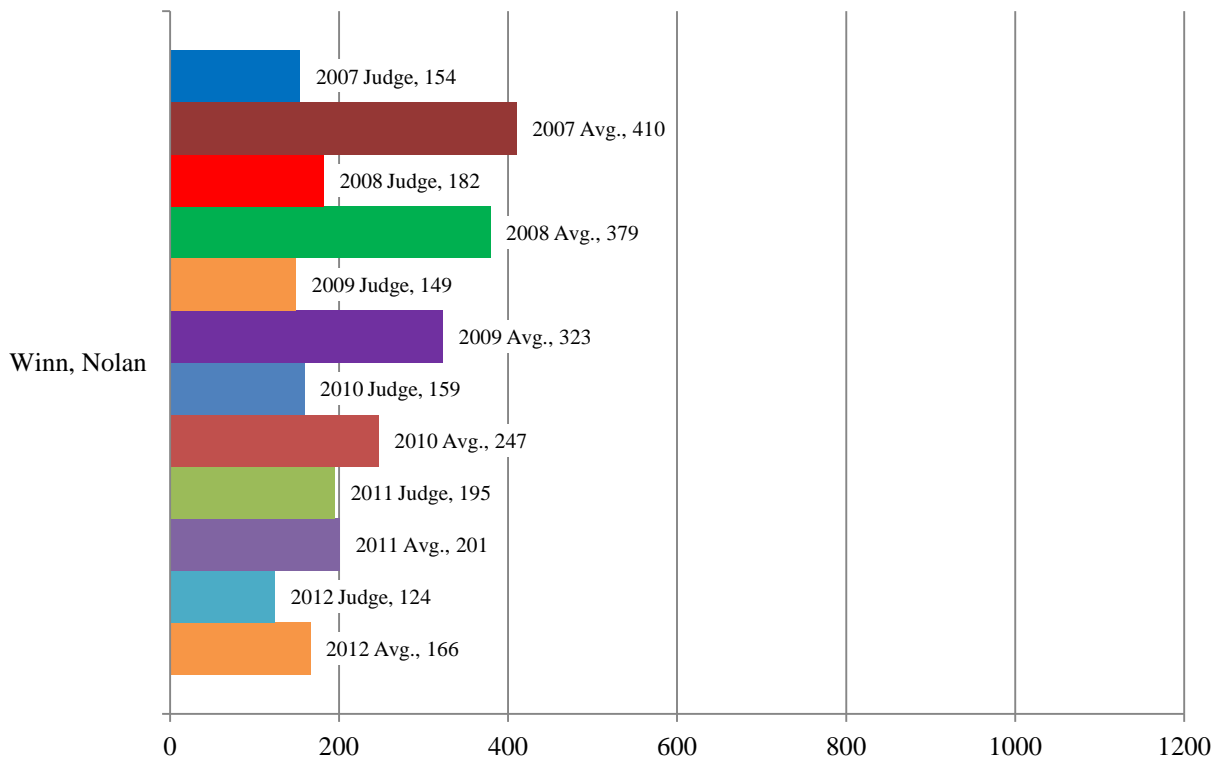
The following depicts the average days between PFB filing, and the first mediation held thereon, for each mediator in the District between 2002-03 and 2010-11. The identification and values for each year are in each bar label. The yellow bar represents the statutory 130 days.



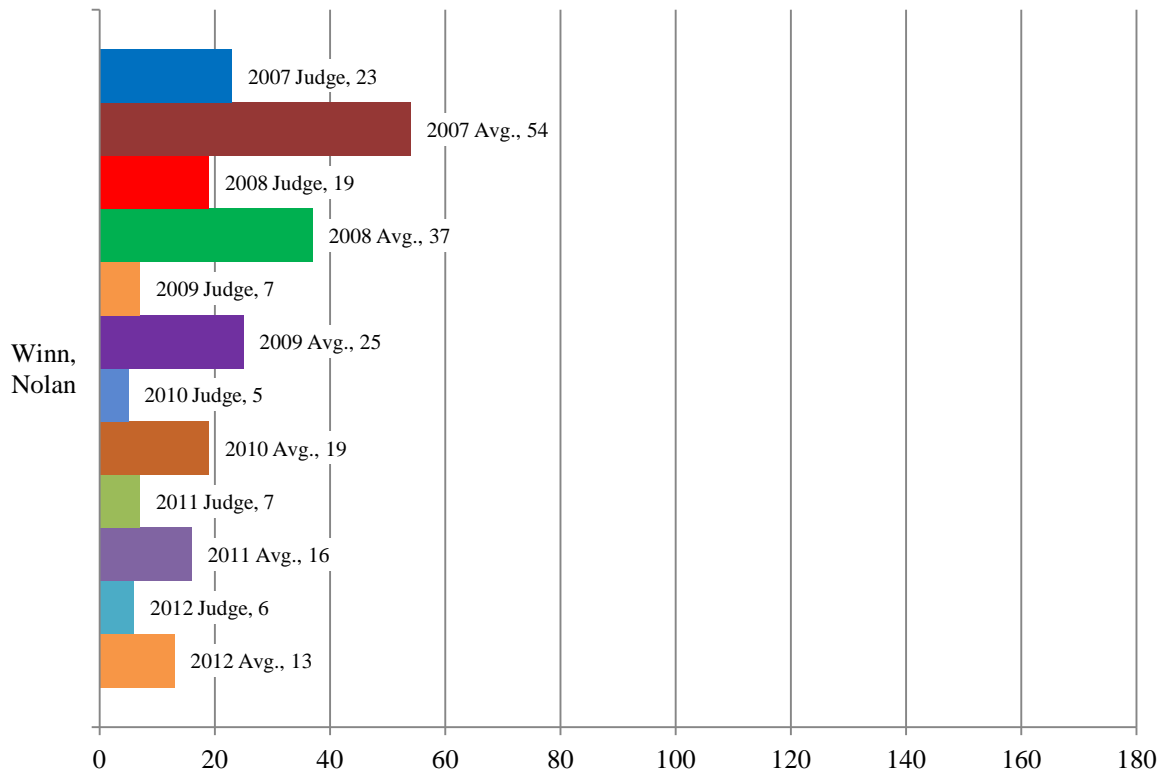
The following graph depicts the total volume of trial orders uploaded in this District and statewide averages between 2006-07 and 2010-11. The identification and values for each year are in each bar label.



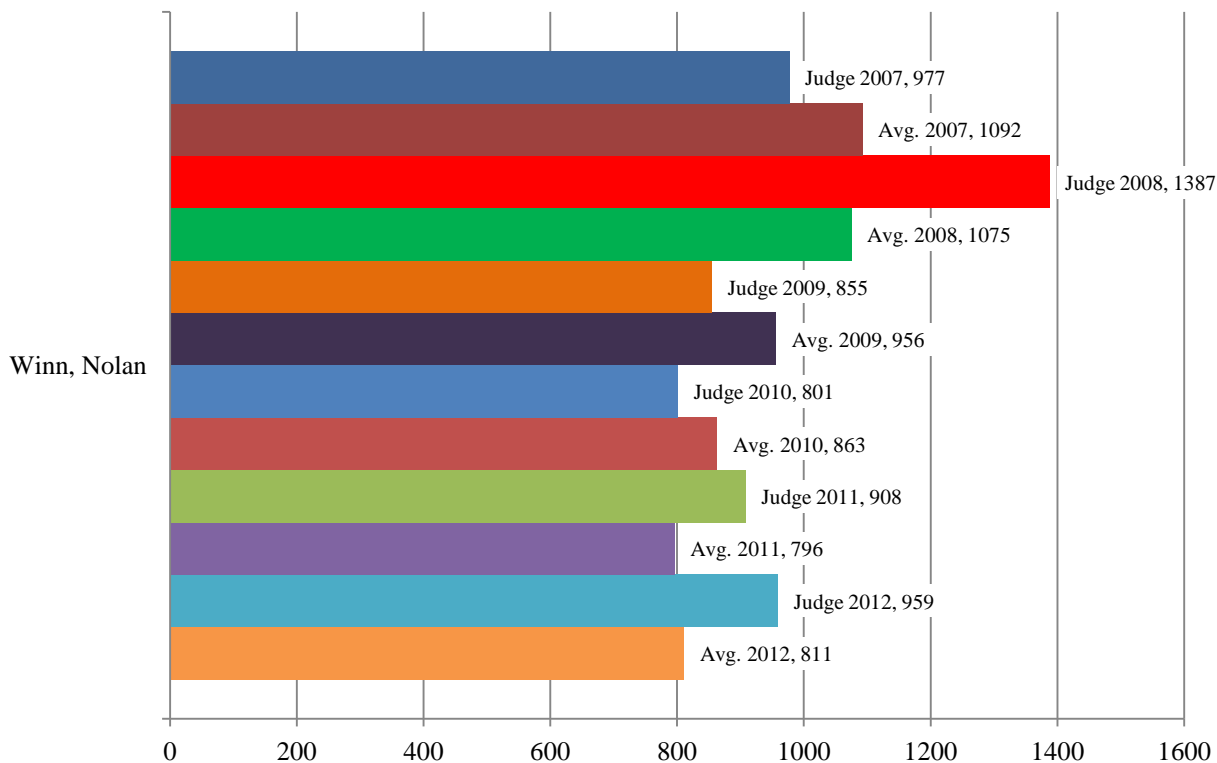
The following depicts the average days between PFB filing and trial commencing for each Judge and the statewide average between 2006-07 and 2010-11. For these calculations, only the first day of trial is considered, and days after the first trial day are included in the days between trial and final order. The identification for each year and the values are in each bar label.



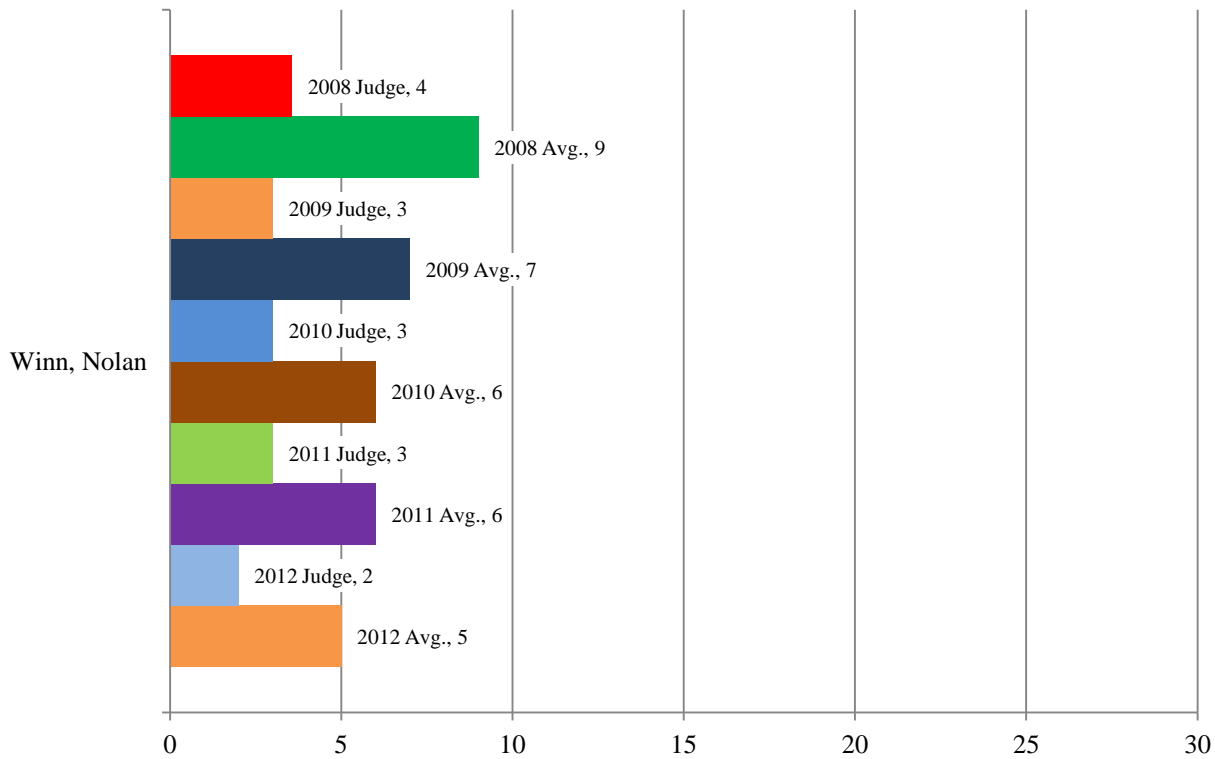
The following depicts the average days between trial commencing and entry of the trial order for each Judge and the statewide average between 2006-07 and 2010-11. All days between the first day of trial and last day of trial are included in the calculation of days between trial and final order. The identification for each year and the values are in each bar label.



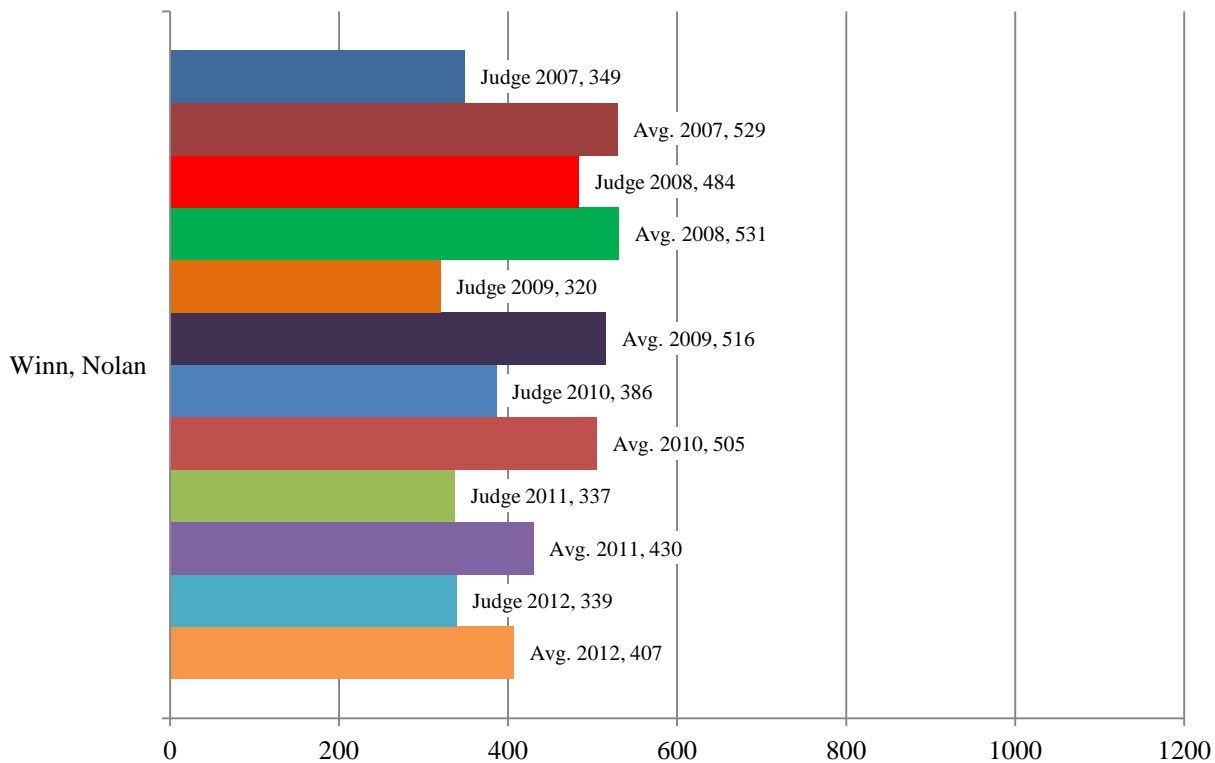
The following depicts the volume of settlement orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



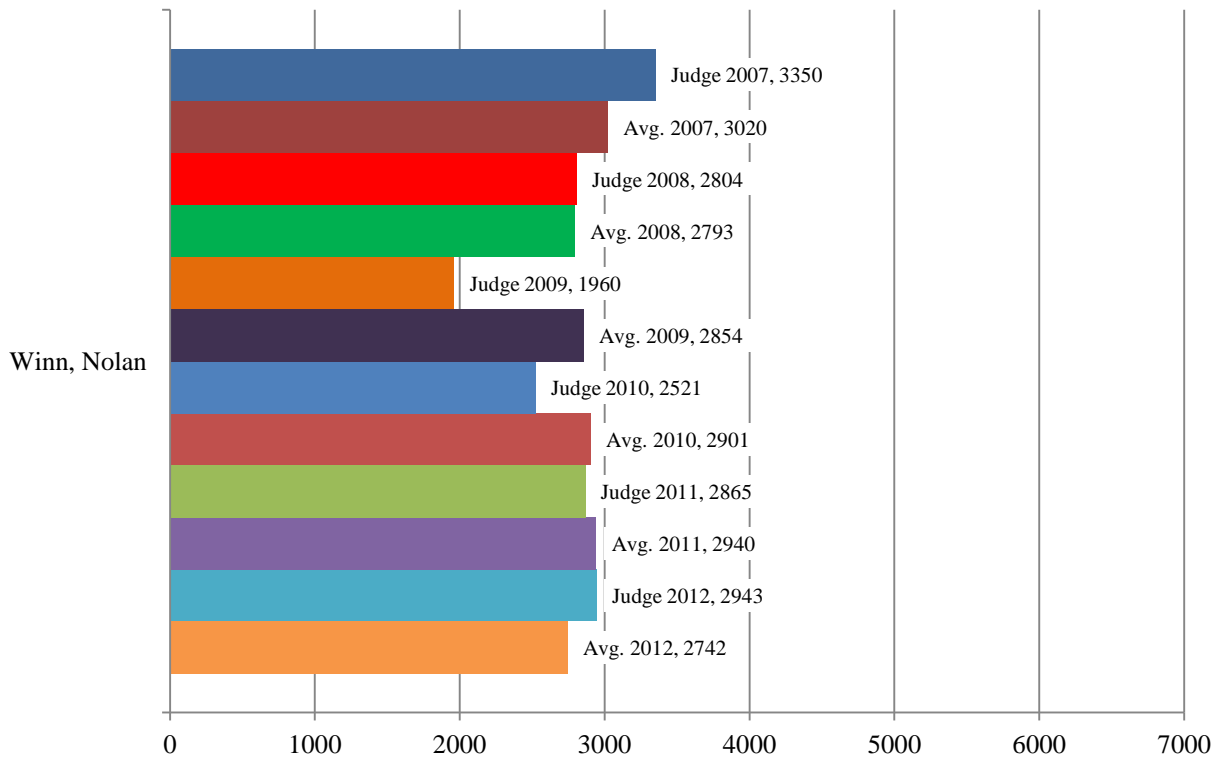
The following depicts the average number of days between filing of a settlement motion and entry of a settlement order by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



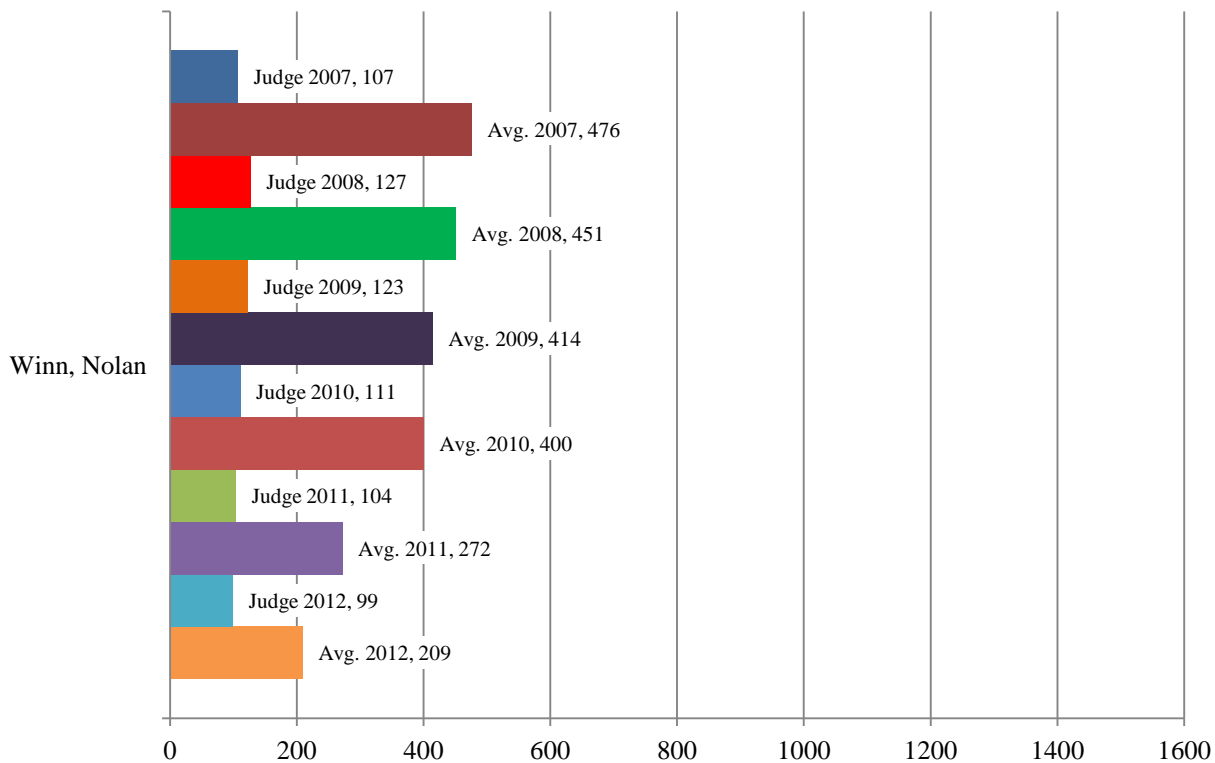
The following depicts the volume of stipulation orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



The following depicts the volume of “other” (meaning not settlement or stipulation) orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



The following depicts the volume of “other” (meaning not trials) hearings recorded as “held” by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



Appendix “12” District PSL (JCC McAliley):

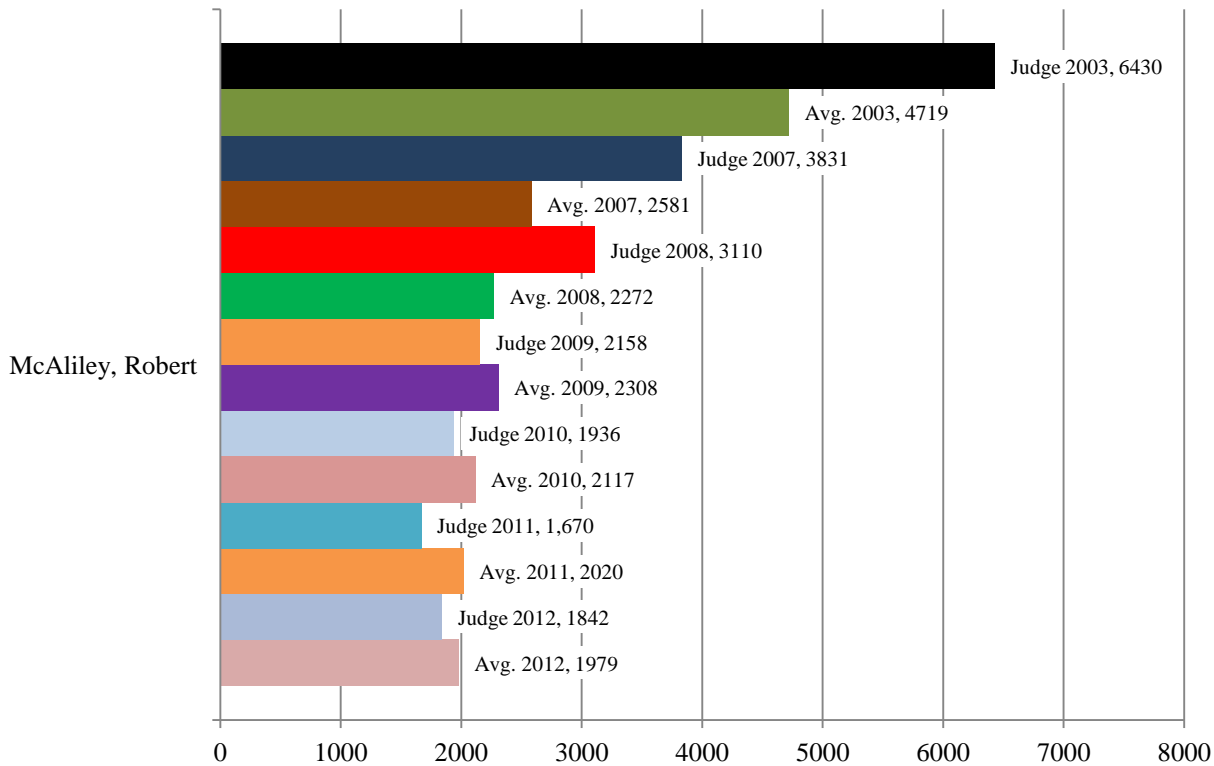
District PSL includes Martin and St. Lucie counties. For most of 2007-08 District PSL also included Indian River and Okeechobee counties.

In the spring of 2008 those two counties were transferred to District MEL in an effort to alleviate the significantly higher filing volumes in District PSL. Following that transfer, there was a notable decrease in PFB and “new case” filing volumes in District PSL. However, since 2010-11, both metrics have rebounded somewhat. In 2011-12, PFB filing rates in District PSL were closer to the statewide average, and the “new case” filings were very close.

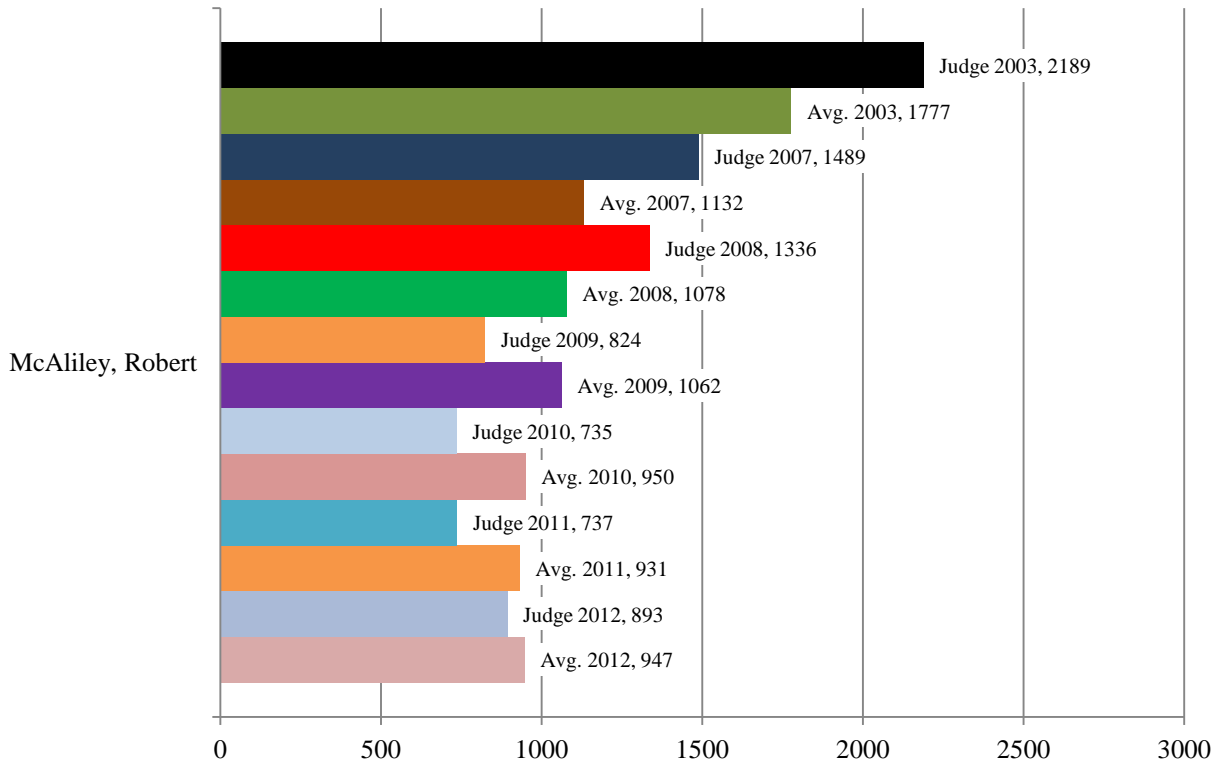
Also in 2011-12, Judge McAliley entered the “out-of-district” judge program. Initially, the OJCC had intended to transfer Monroe County (the Florida Keys) to District PSL. However, at the time for this transfer, following the OJCC obtaining access to a Monroe County VTC facility, the Florida Legislature’s budget reduction actions resulted in a vacant judicial position in District Melbourne. Judge McAliley graciously and rapidly volunteered to travel to Melbourne biweekly to cover that pressing need. In light of the intent to avail itself of his offer, the OJCC shifted the Monroe County responsibilities to Panama City instead. Within weeks of that decision, Judge Remsnyder elected to transfer from St. Petersburg to District Melbourne, alleviating the need for this travel volunteered by Judge McAliley. Despite this ultimate outcome, the key point for emphasis is the attitude of contribution and team work displayed by Judge McAliley when the need did exist. In 2012-13, the OJCC will add VTC capacity to the MIA district and Judge McAliley will be afforded additional VTC “out-of-district” judge opportunities.

The average days between PFB to mediation, PFB to trial, and trial to order are all within the statutory time frames in District PSL. Timeliness and efficiency are obvious in the metrics of this District. The trial volume is markedly below the statewide average, and case assignment adjustments in fiscal 2012-13 are planned.

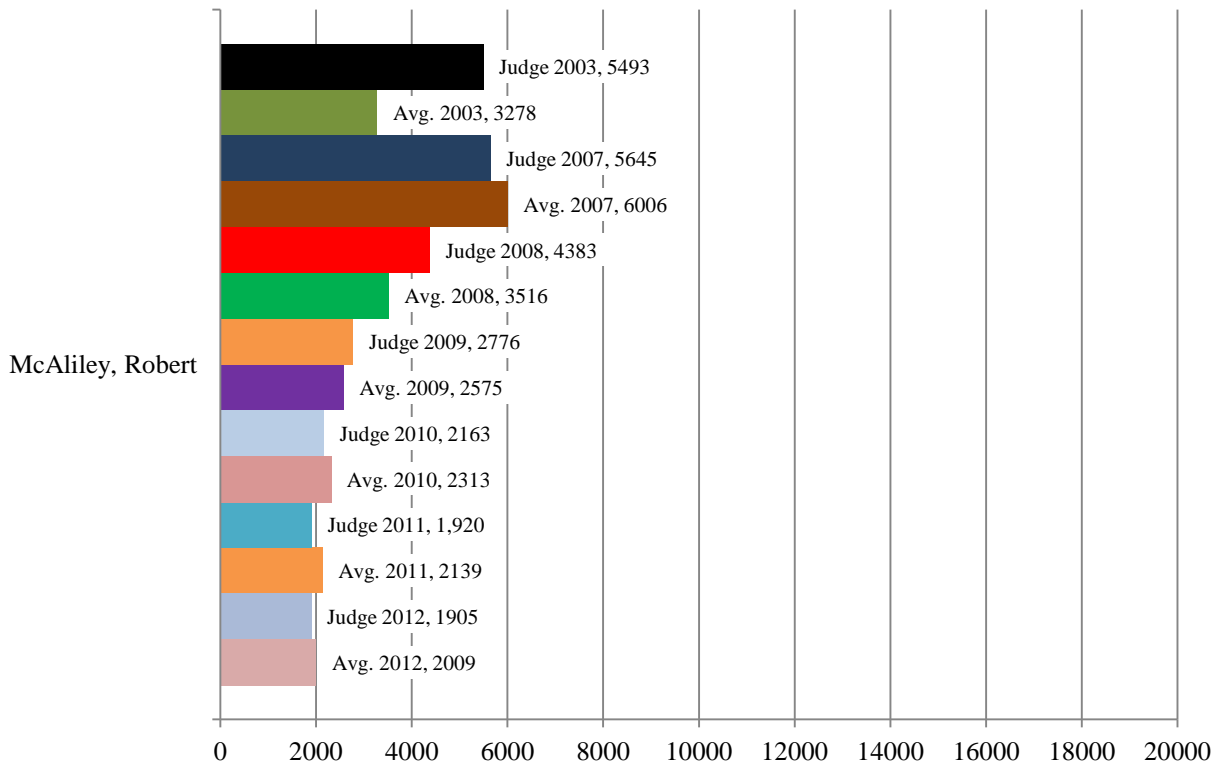
The following depicts the volume of PFBs filed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



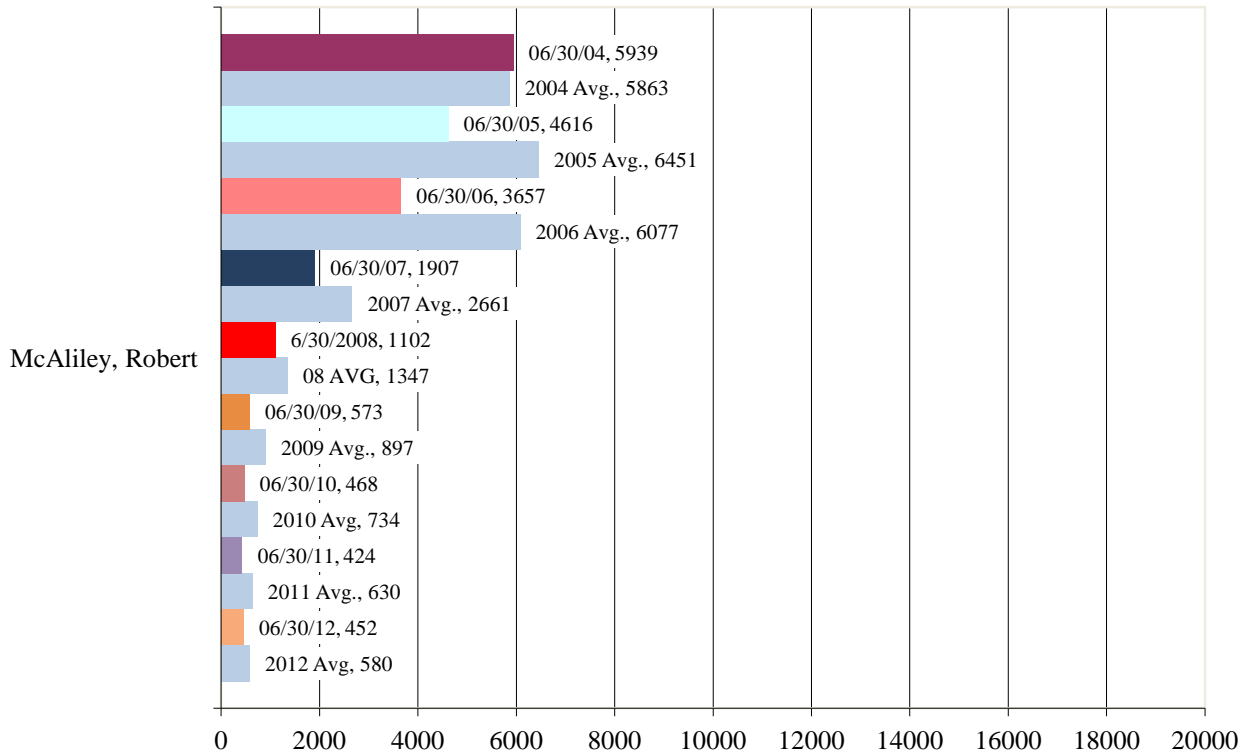
The following depicts the volume of new cases filed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



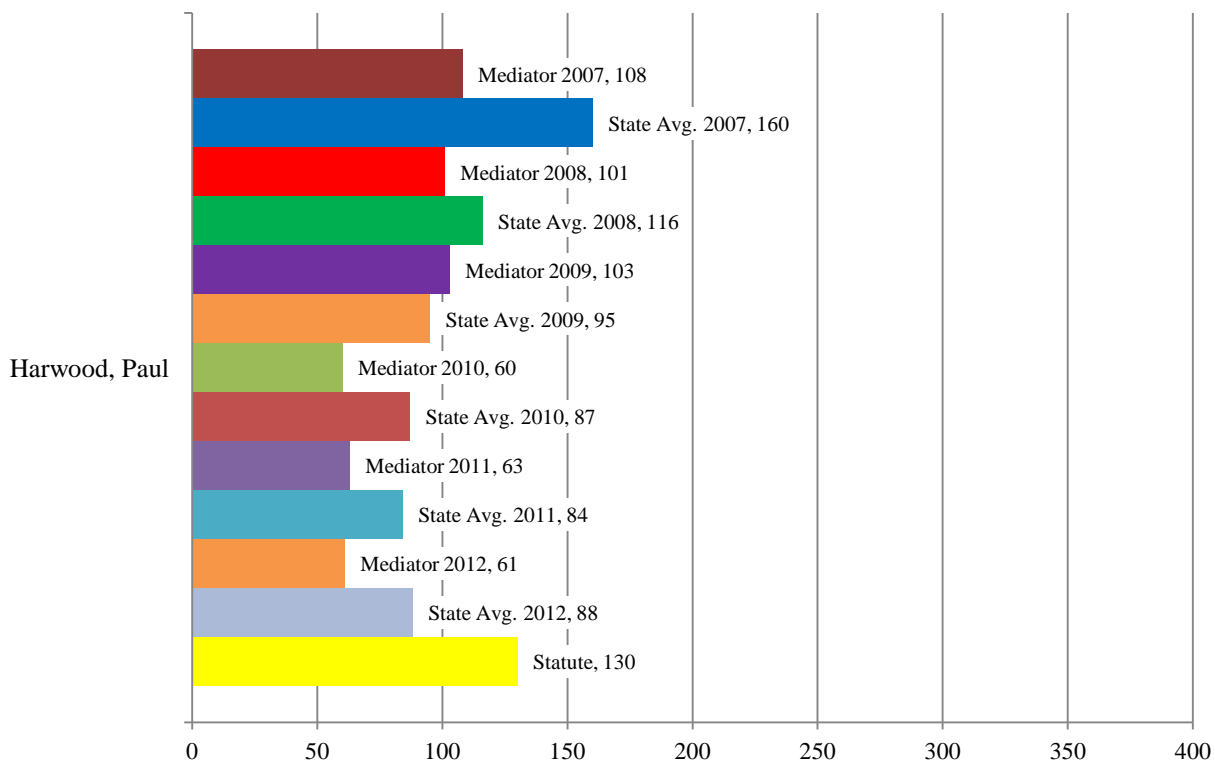
The following depicts the volume of PFBs closed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



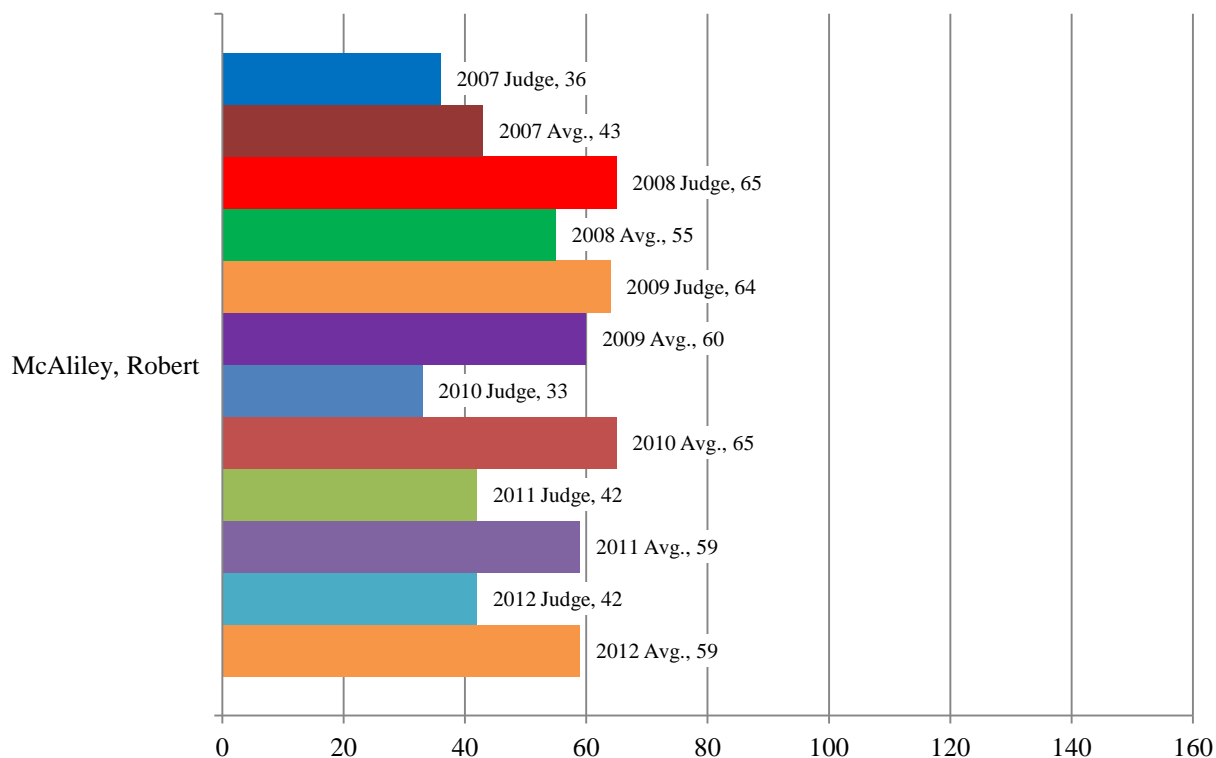
The following depicts the inventory of pending PFBs in this District and the statewide average between 2002-03 and 2010-11. The identification and values for each year are in each bar label.



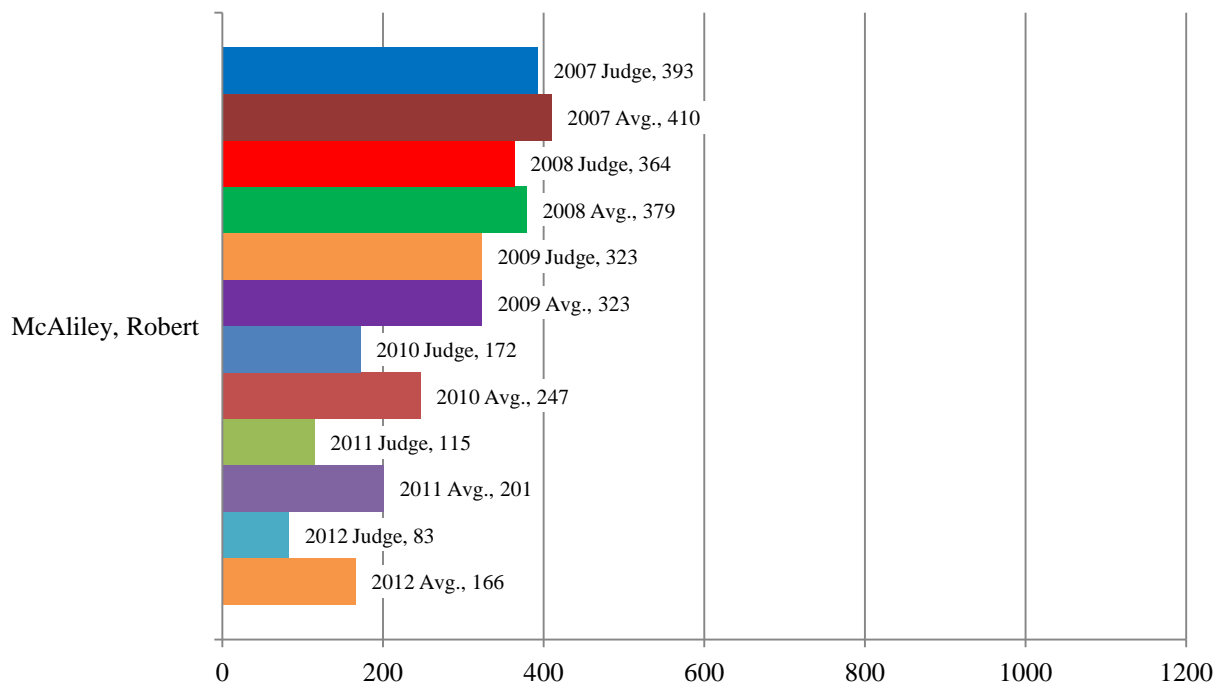
The following depicts the average days between PFB filing, and the first mediation held thereon, for each mediator in the District between 2002-03 and 2010-11. The identification and values for each year are in each bar label. The yellow bar represents the statutory 130 days.



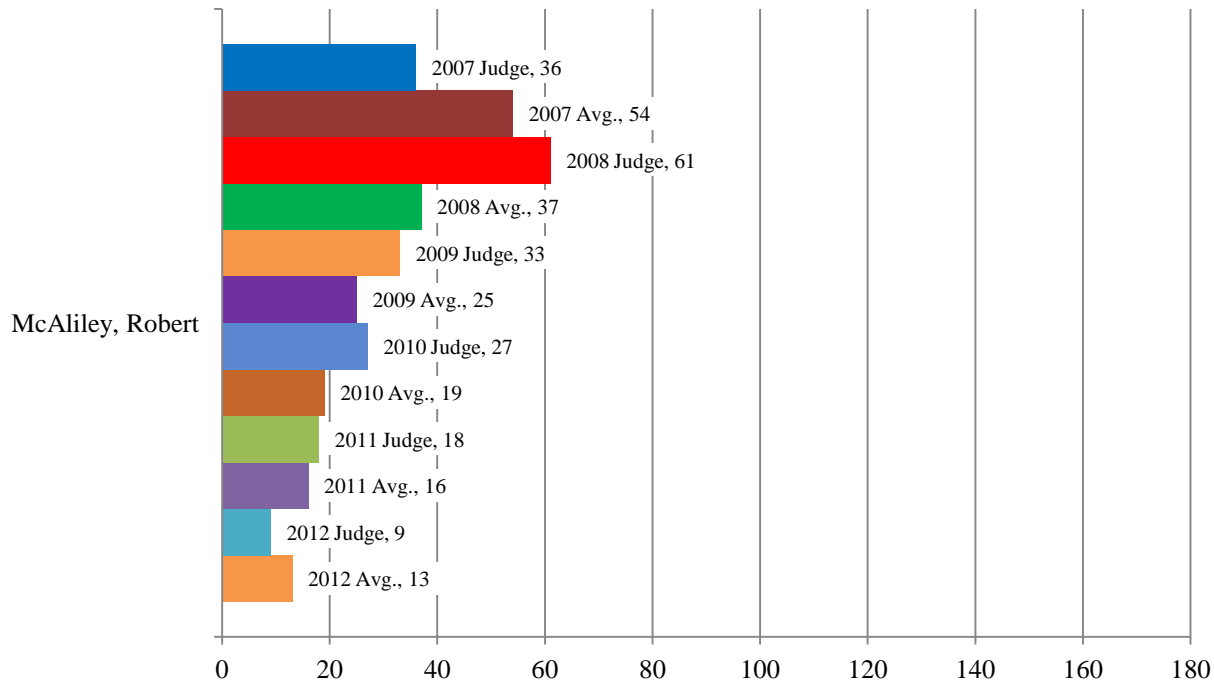
The following graph depicts the total volume of trial orders uploaded in this District and statewide averages between 2006-07 and 2010-11. The identification and values for each year are in each bar label.



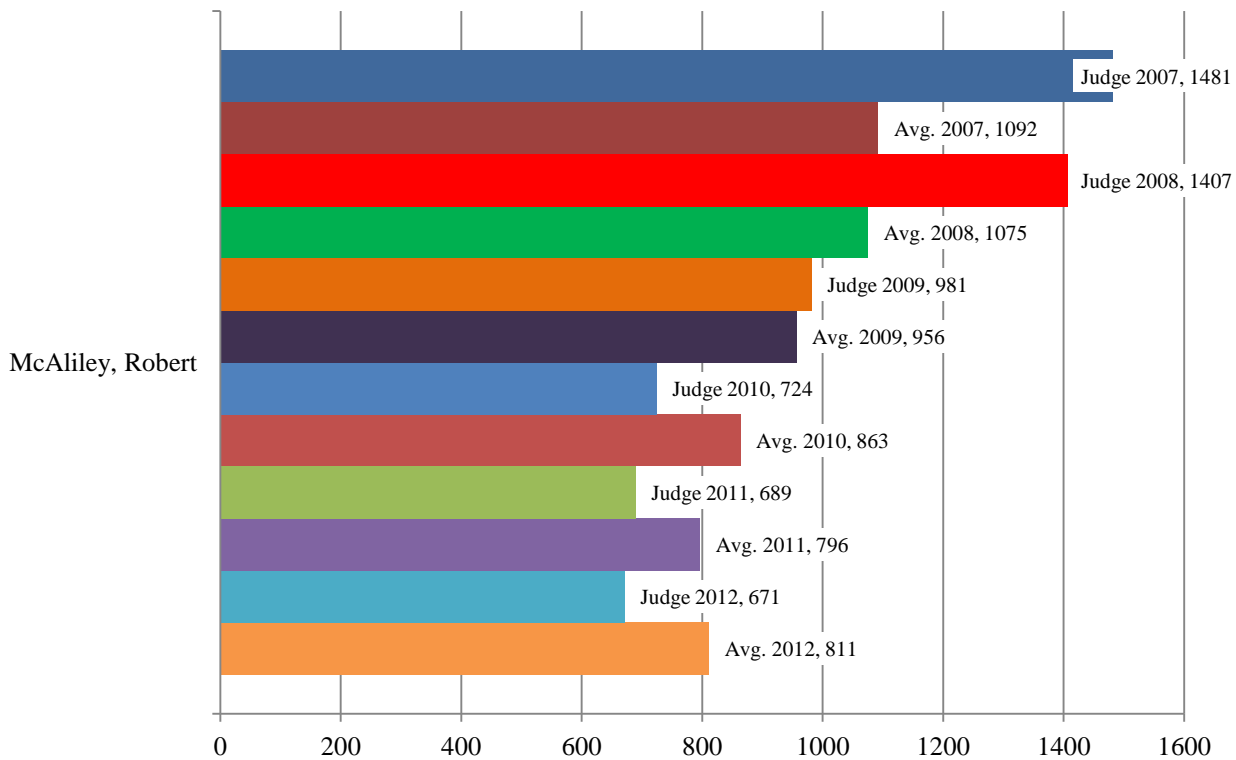
The following depicts the average days between PFB filing and trial commencing for each Judge and the statewide average between 2006-07 and 2010-11. For these calculations, only the first day of trial is considered, and days after the first trial day are included in the days between trial and final order. The identification for each year and the values are in each bar label.



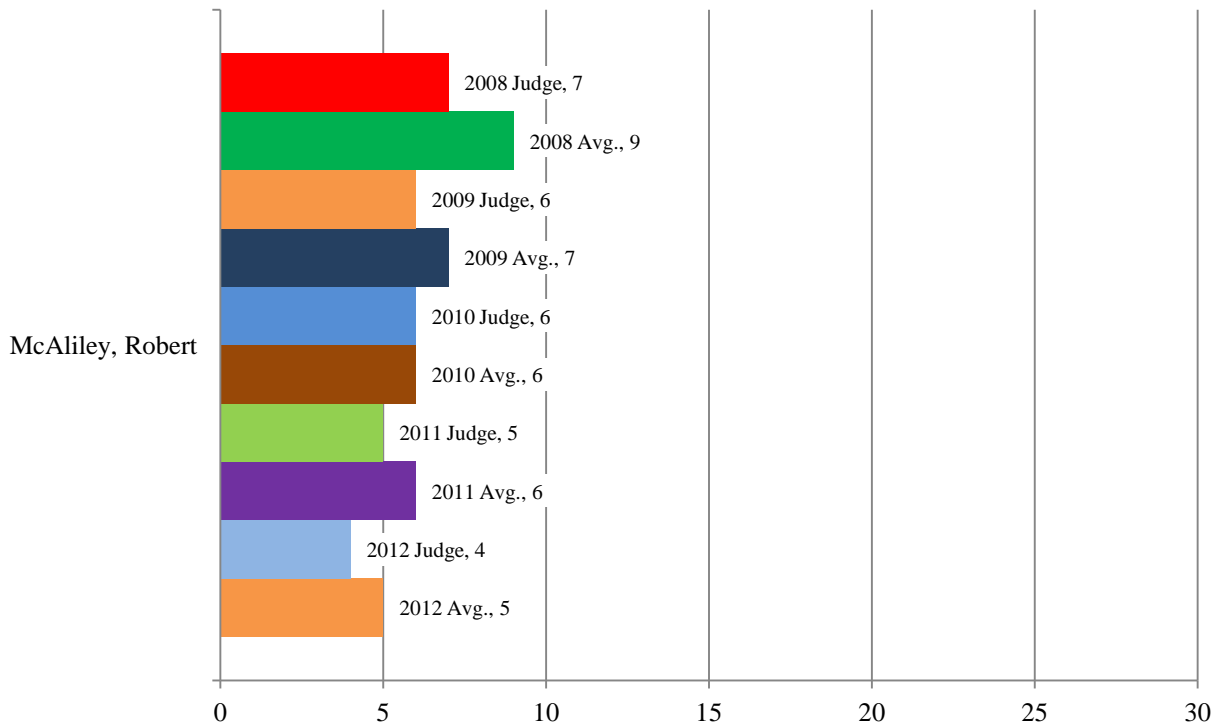
The following depicts the average days between trial commencing and entry of the trial order for each Judge and the statewide average between 2006-07 and 2010-11. All days between the first day of trial and last day of trial are included in the calculation of days between trial and final order. The identification for each year and the values are in each bar label.



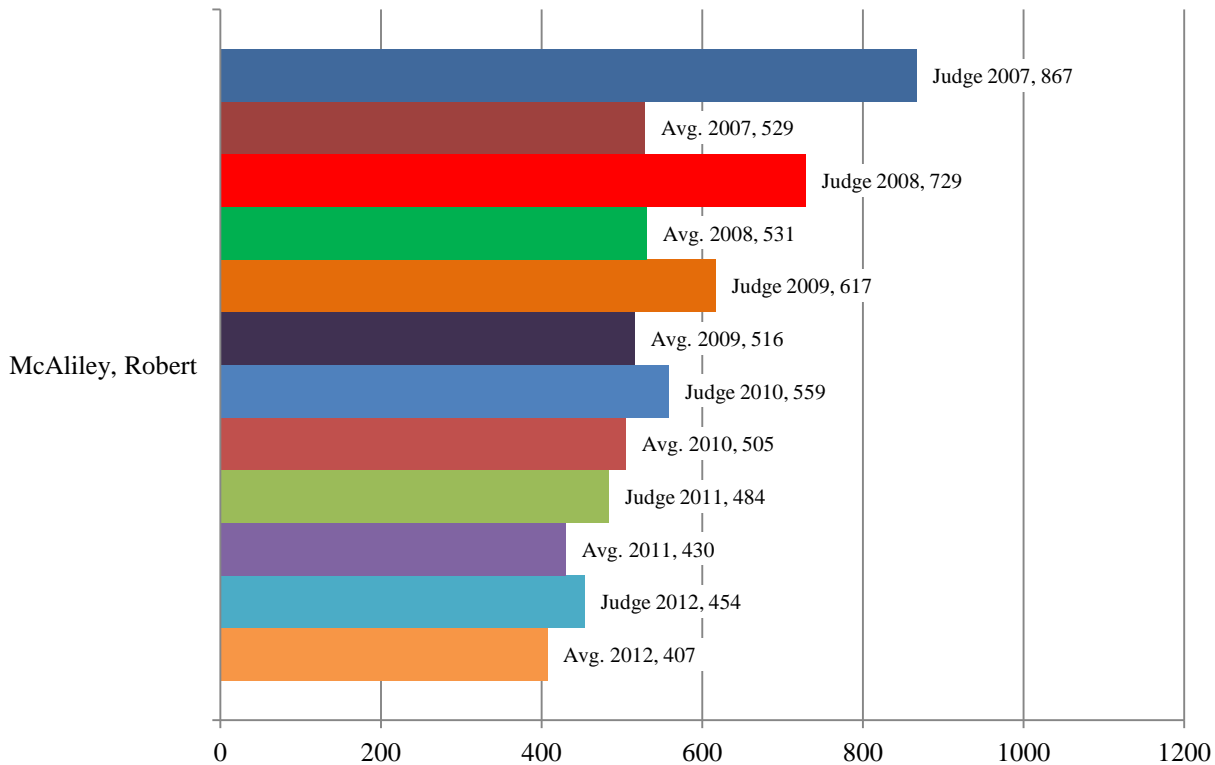
The following depicts the volume of settlement orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



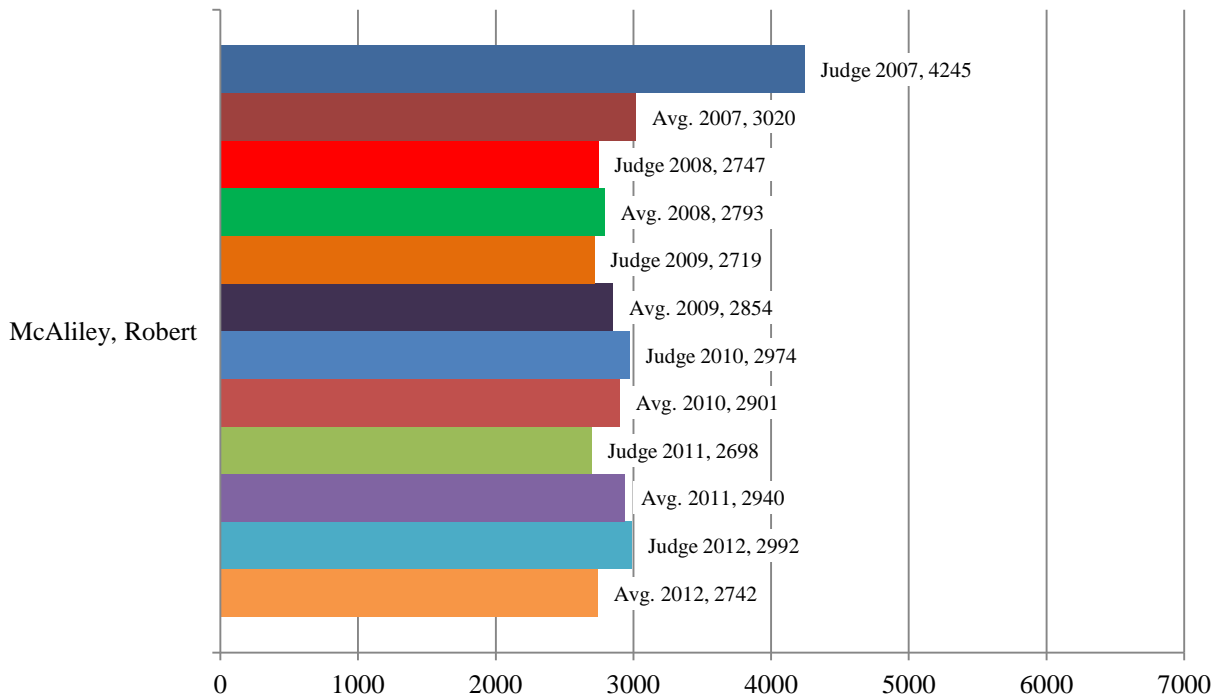
The following depicts the average number of days between filing of a settlement motion and entry of a settlement order by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



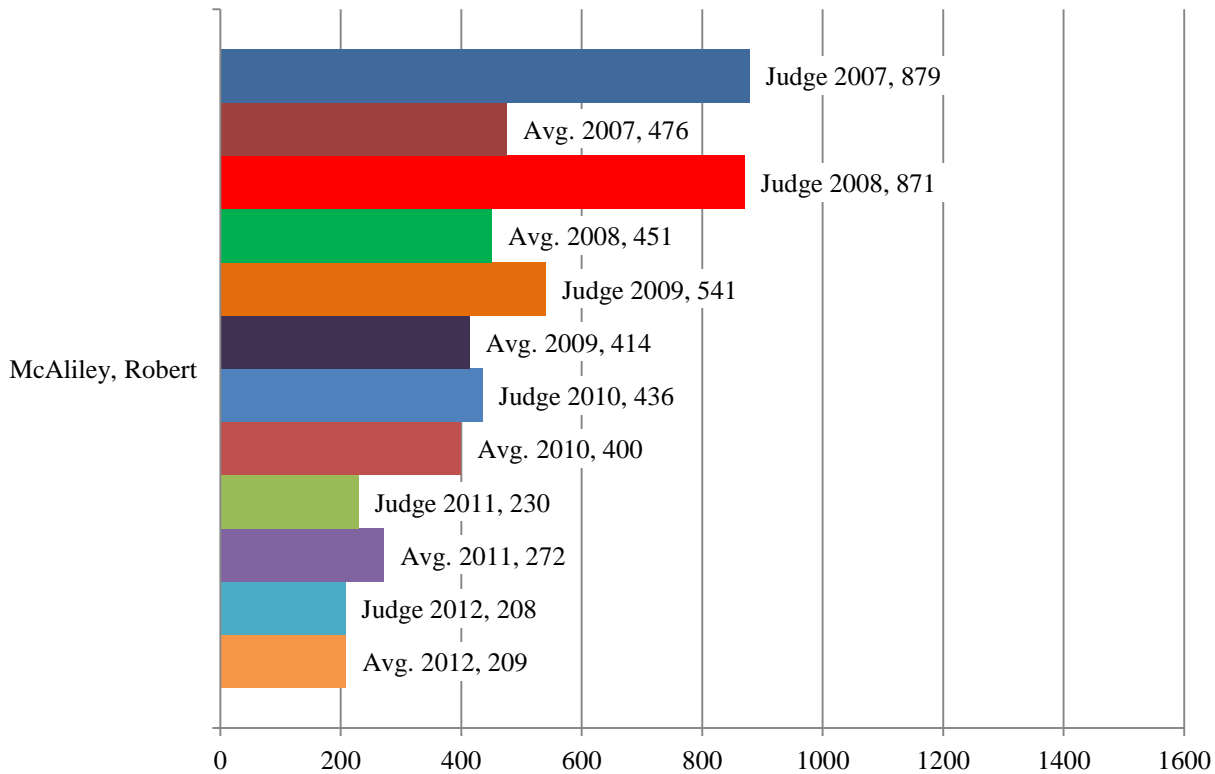
The following depicts the volume of stipulation orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



The following depicts the volume of “other” (meaning not settlement or stipulation) orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



The following depicts the volume of “other” (meaning not trials) hearings recorded as “held” by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



Appendix “13” District SAR (JCC Beck):

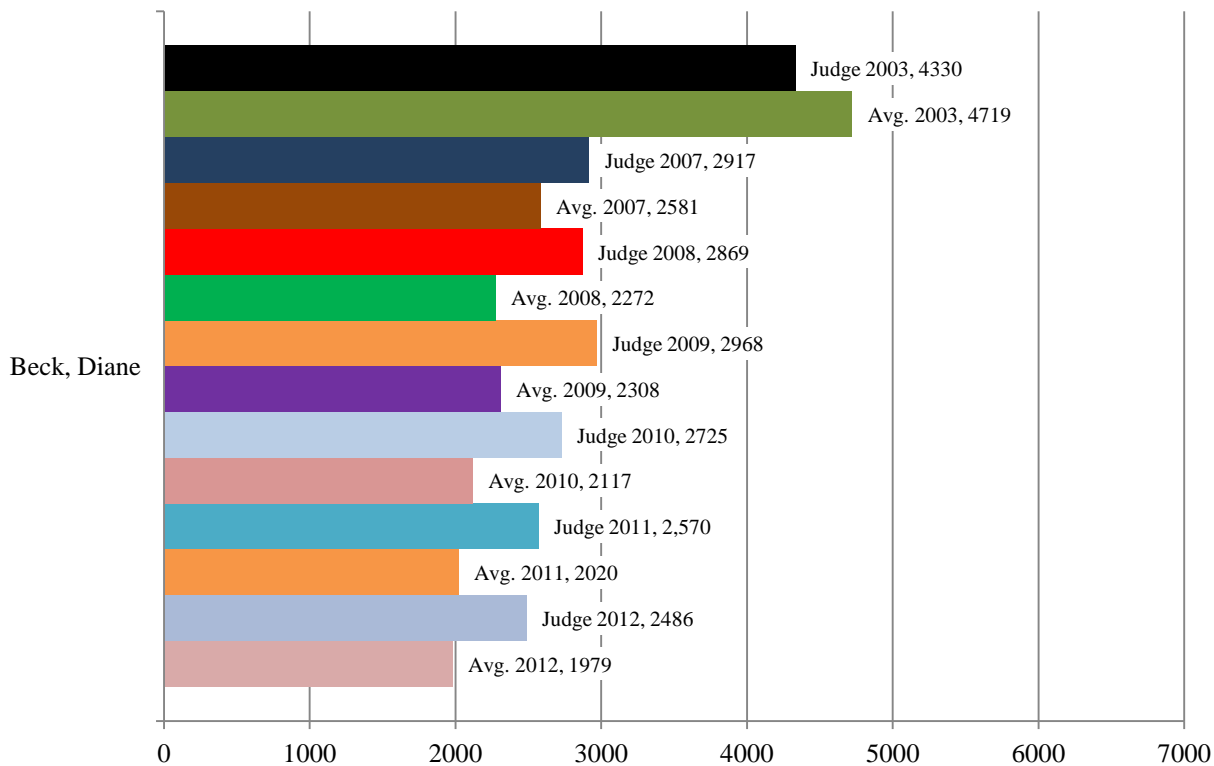
Manatee and Sarasota counties comprise District SAR.

The PFB and “new case” filing volumes in District SAR both remain above the statewide averages. This is consistent with the situation in District SAR in the last five years. Notably, the PFB closure rate is likewise higher than the statewide average, and is consistent with the PFB filing rates. This supports that the SAR docket is in, or close to, equilibrium, a state where incoming claim volumes are reasonably consistent with claim closures. This is consistent with the year-end inventory of open petitions, which is above the statewide average in SAR each year.

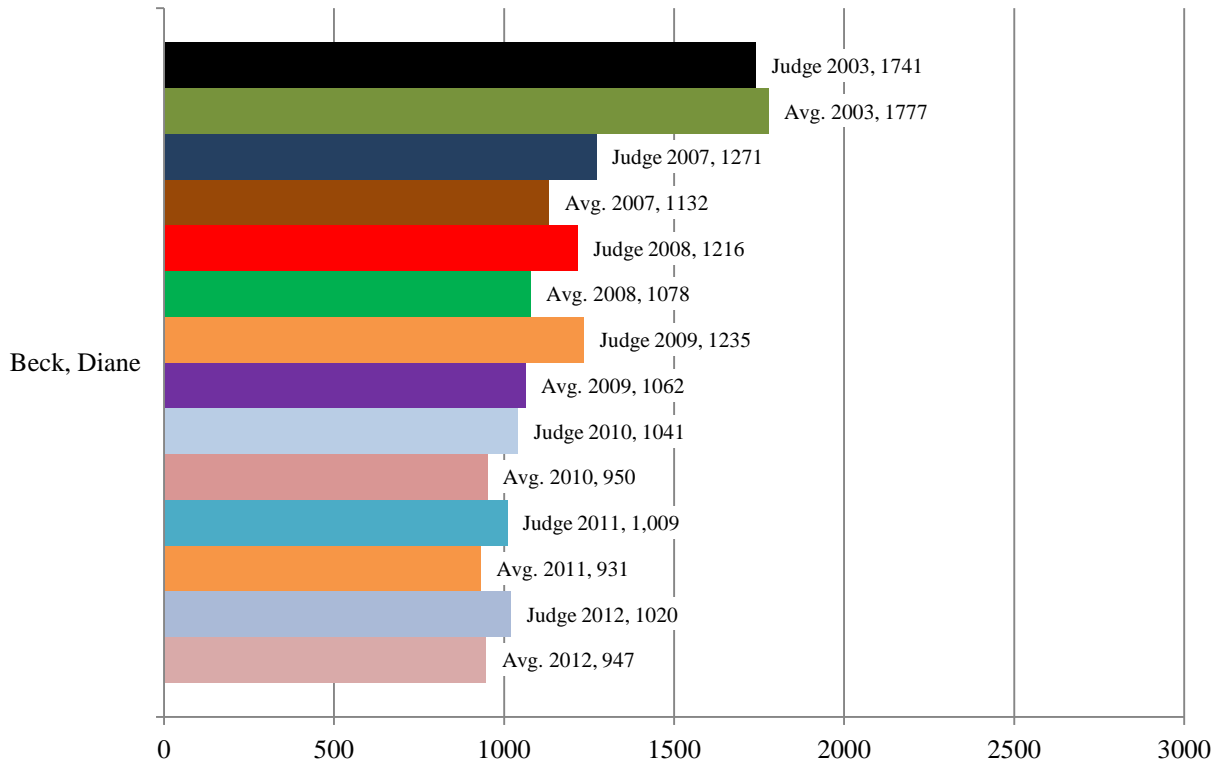
Trial volume is notably above average in SAR. Despite this, the District is within the statutory time parameters for PFB to mediation, PFB to trial and Trial to order. These timely efforts are significant in light of the significant volumes of filings and trials. Judge Beck’s leadership in this one-Judge District is notable, from the persistent and consistent management of significant workload. The statistics support that Judge Beck minimizes the “other orders” and “other hearings,” thereby focusing on the trial process. The below average volume of “other orders” may support the conclusion that claims in District SAR are less intensive in terms of motion practice than in some other areas of the state. This may be attributable to the long and consistent service of this Judge, which should be expected to lead to predictability among attorneys in that area, and thus less need for motion practice.

Judge Beck spoke on the Multijurisdictional Law Panel for the National Association of Workers’ Compensation Judiciary in August, 2011. She judged the preliminary rounds of the Earle Zehmer Moot Court Competition in August 2012.

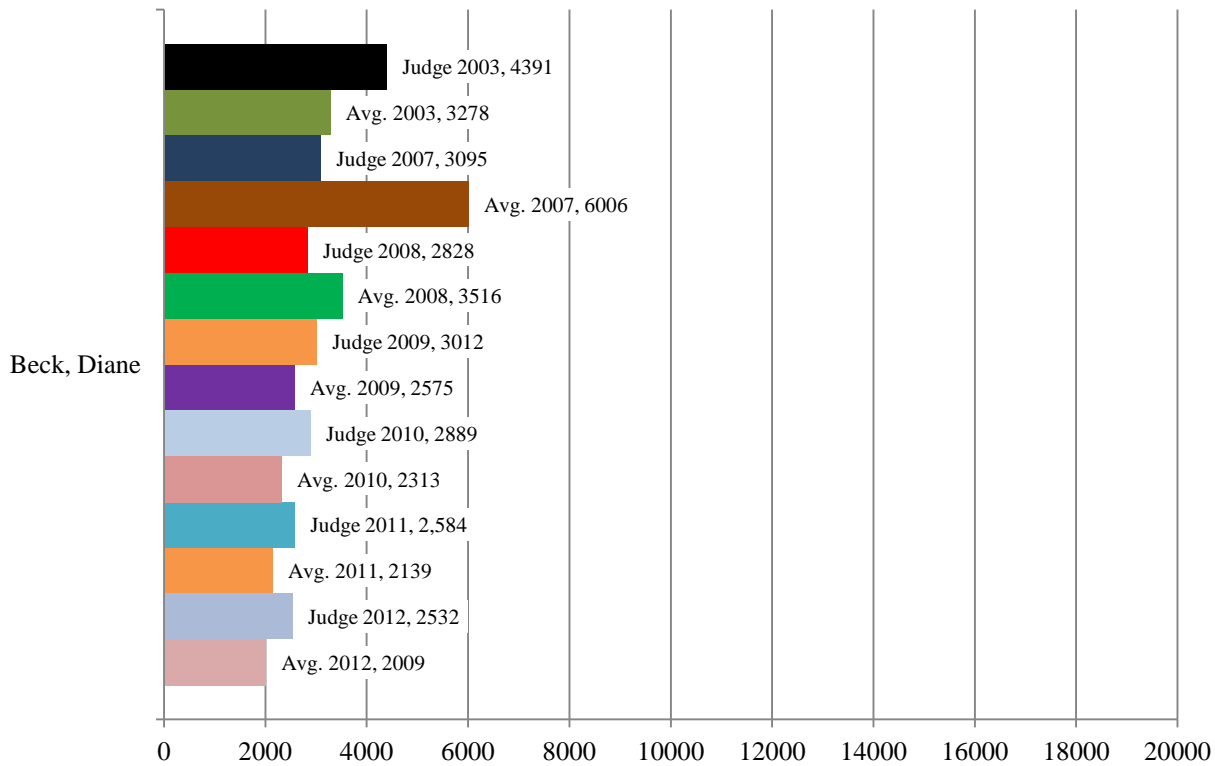
The following depicts the volume of PFBs filed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



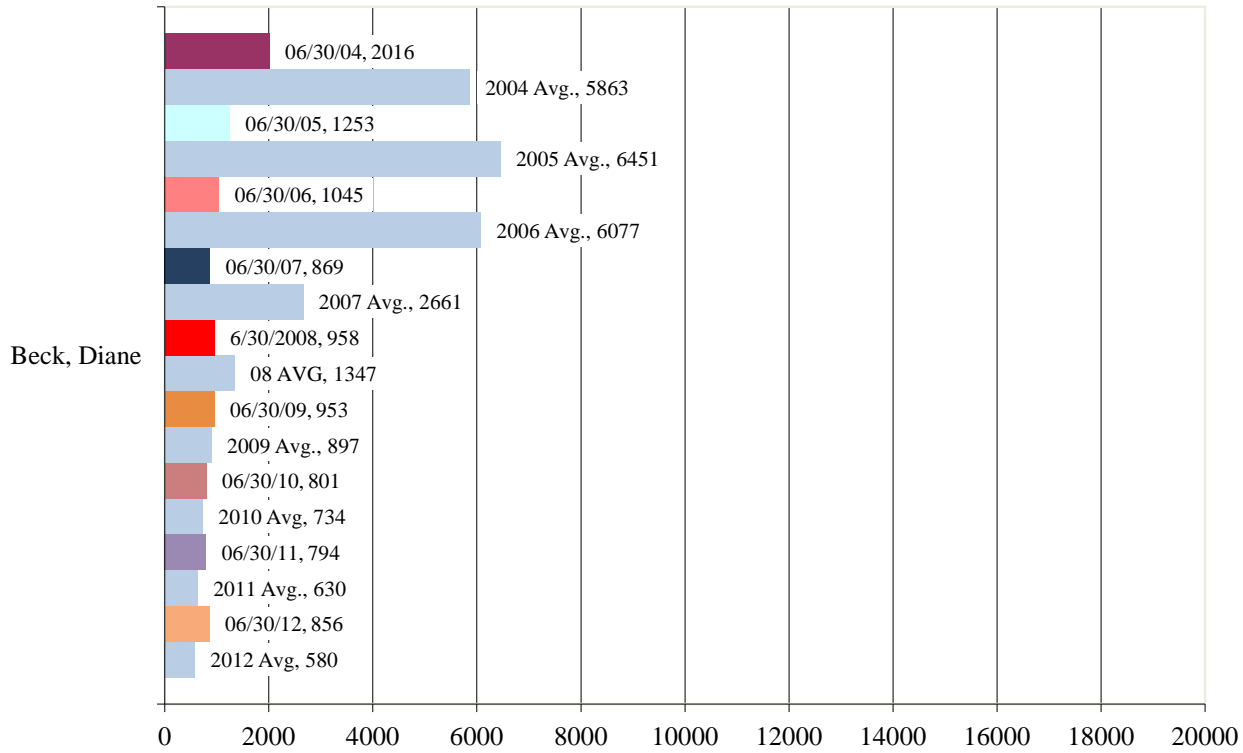
The following depicts the volume of new cases filed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



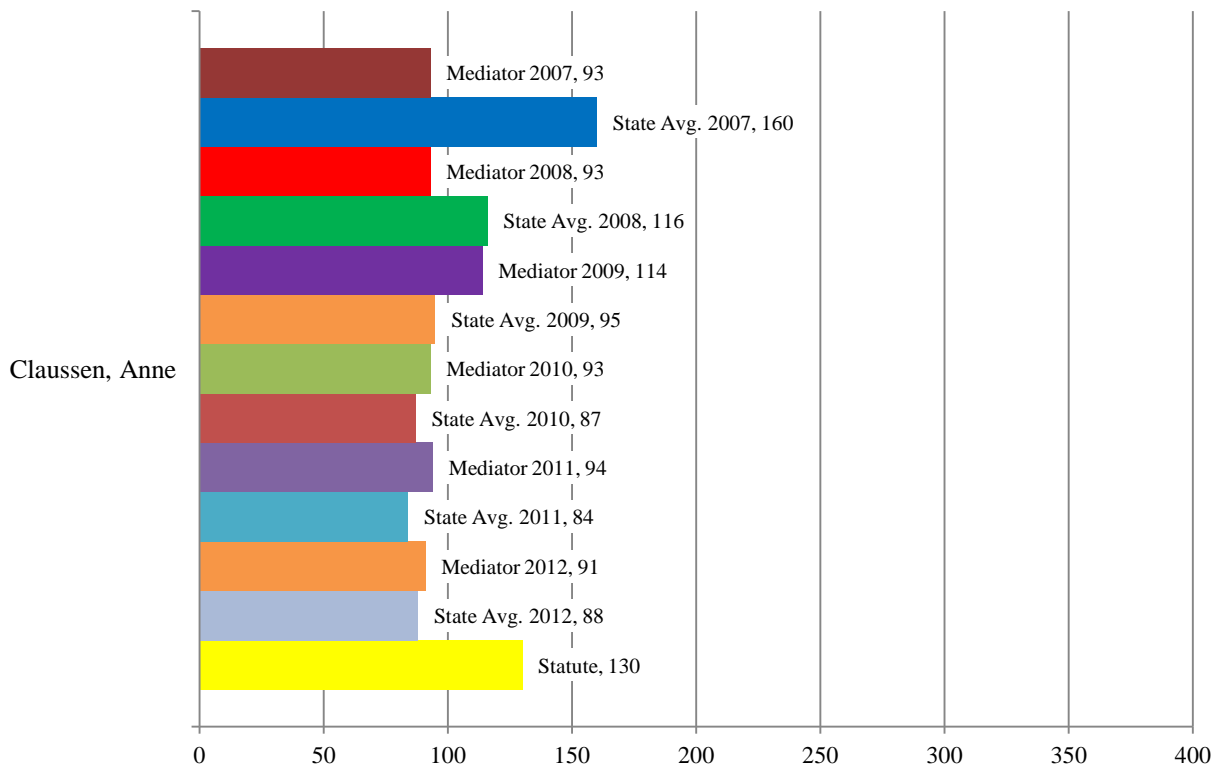
The following depicts the volume of PFBs closed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



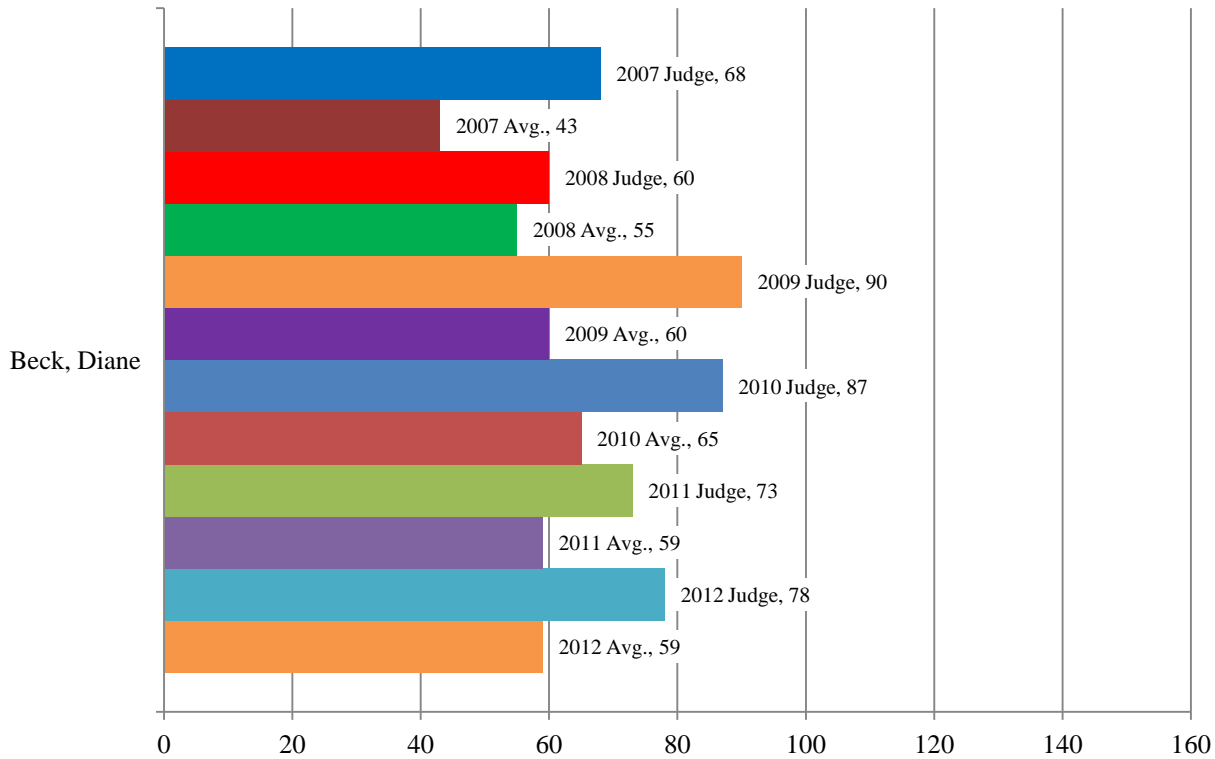
The following depicts the inventory of pending PFBs in this District and the statewide average between 2002-03 and 2010-11. The identification and values for each year are in each bar label.



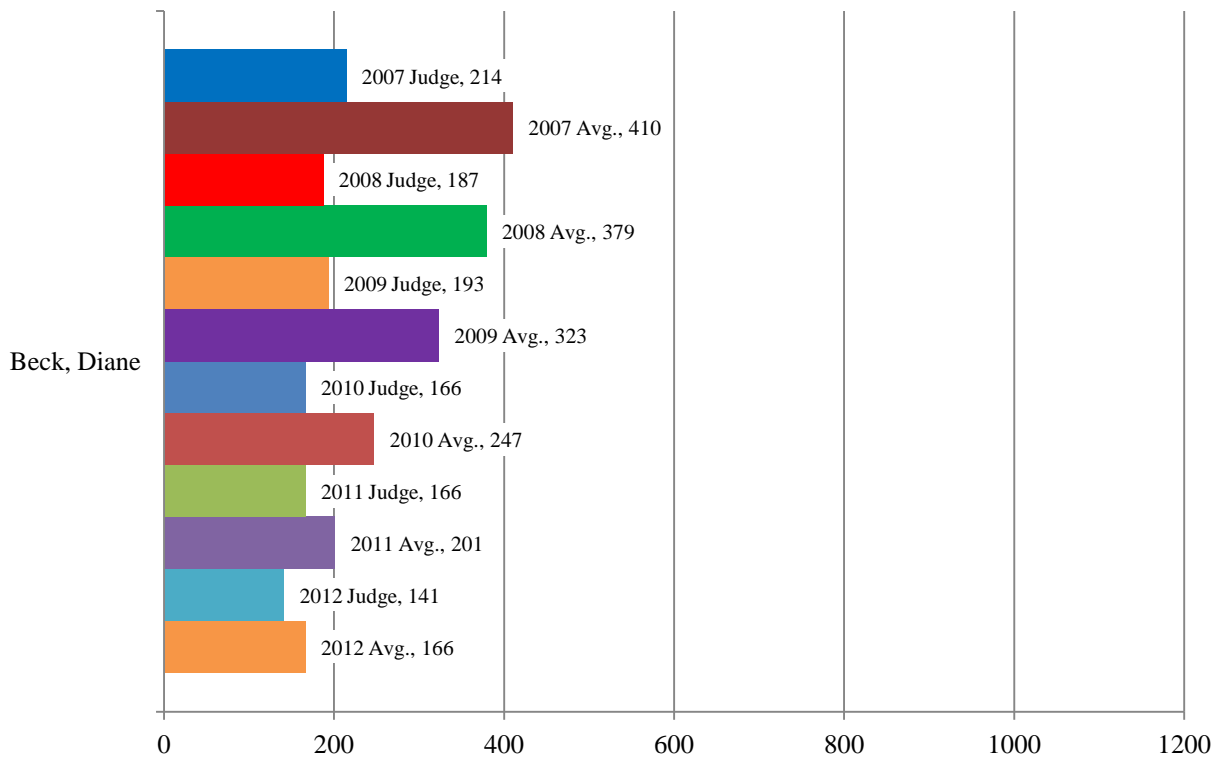
The following depicts the average days between PFB filing, and the first mediation held thereon, for each mediator in the District between 2002-03 and 2010-11. The identification and values for each year are in each bar label. The yellow bar represents the statutory 130 days.



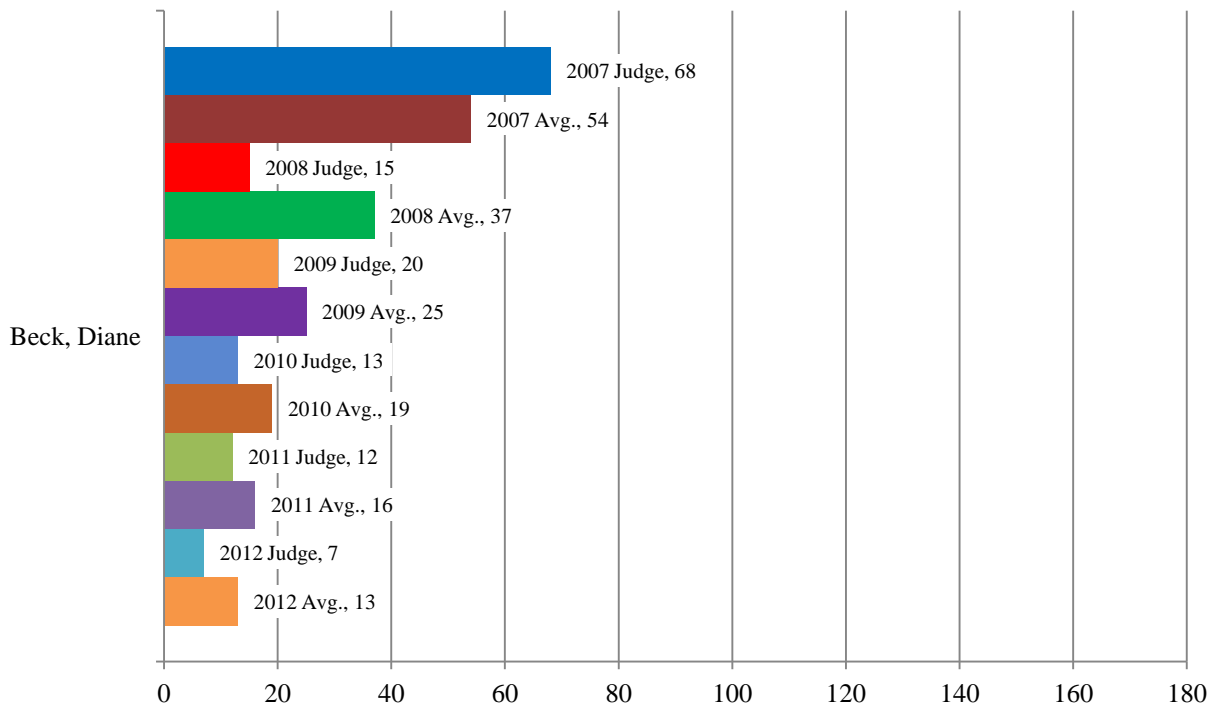
The following graph depicts the total volume of trial orders uploaded in this District and statewide averages between 2006-07 and 2010-11. The identification and values for each year are in each bar label.



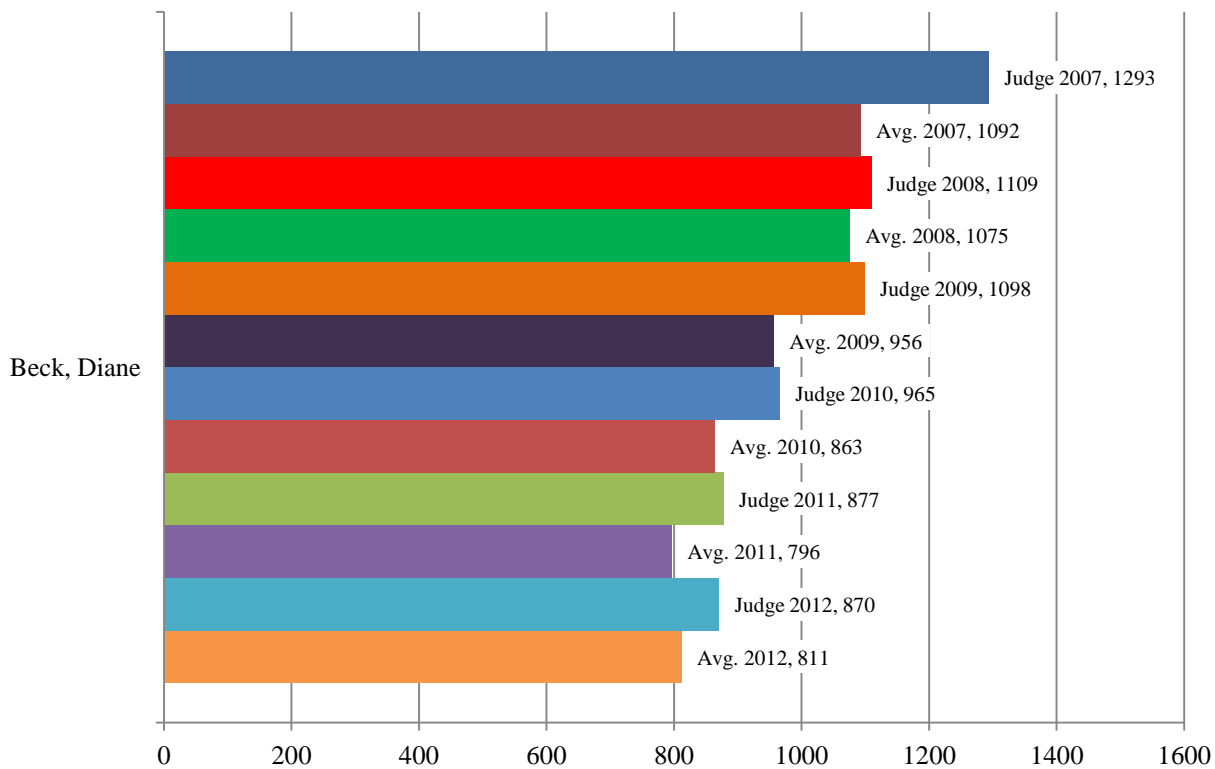
The following depicts the average days between PFB filing and trial commencing for each Judge and the statewide average between 2006-07 and 2010-11. For these calculations, only the first day of trial is considered, and days after the first trial day are included in the days between trial and final order. The identification for each year and the values are in each bar label.



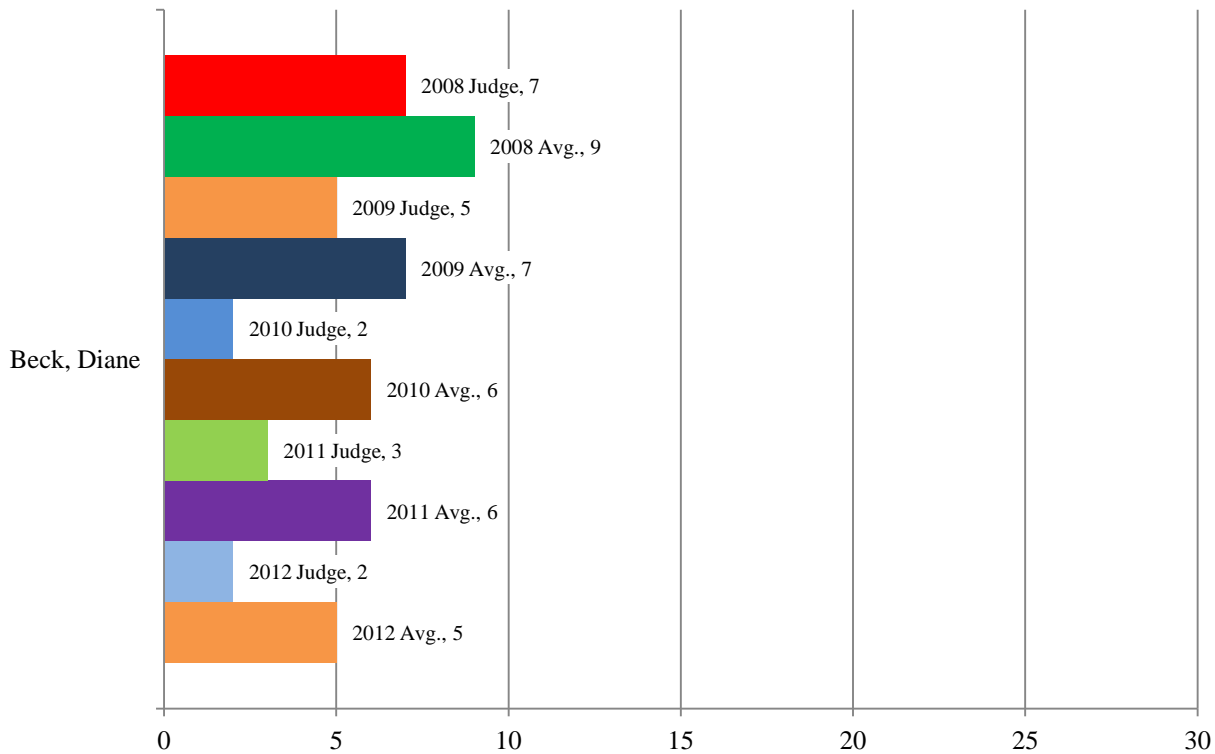
The following depicts the average days between trial commencing and entry of the trial order for each Judge and the statewide average between 2006-07 and 2010-11. All days between the first day of trial and last day of trial are included in the calculation of days between trial and final order. The identification for each year and the values are in each bar label.



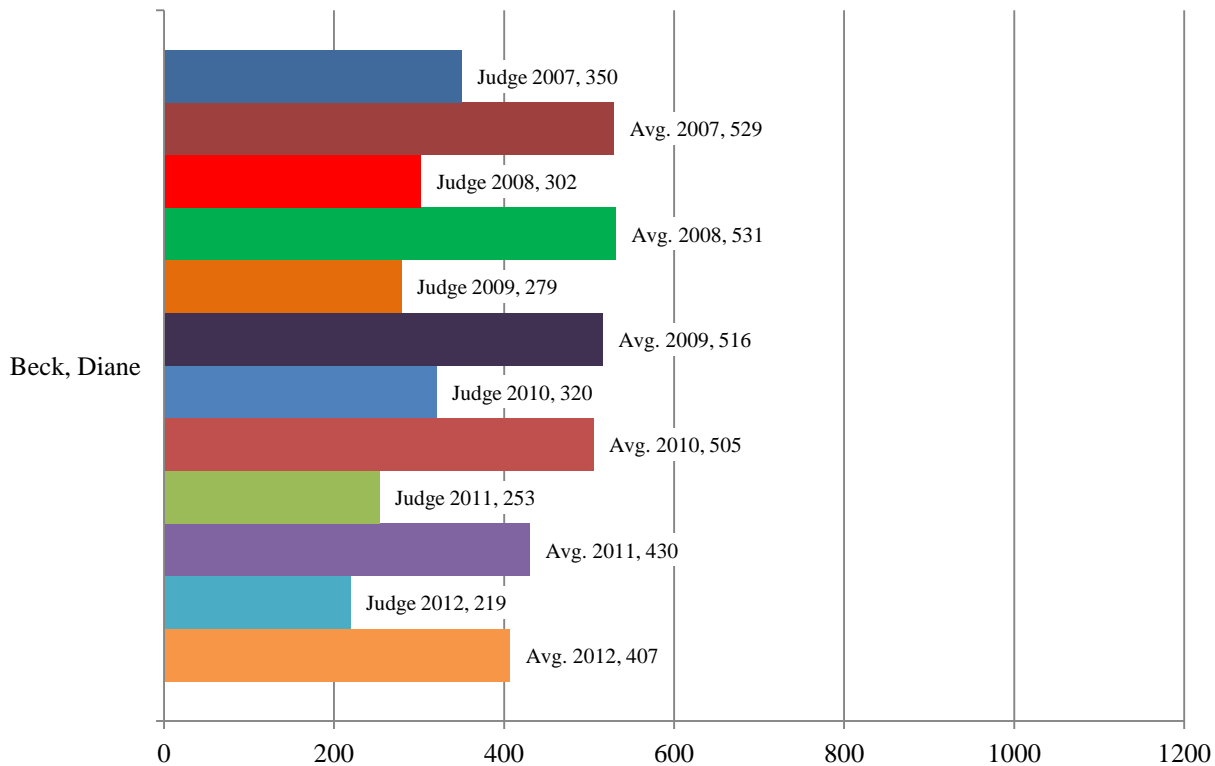
The following depicts the volume of settlement orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



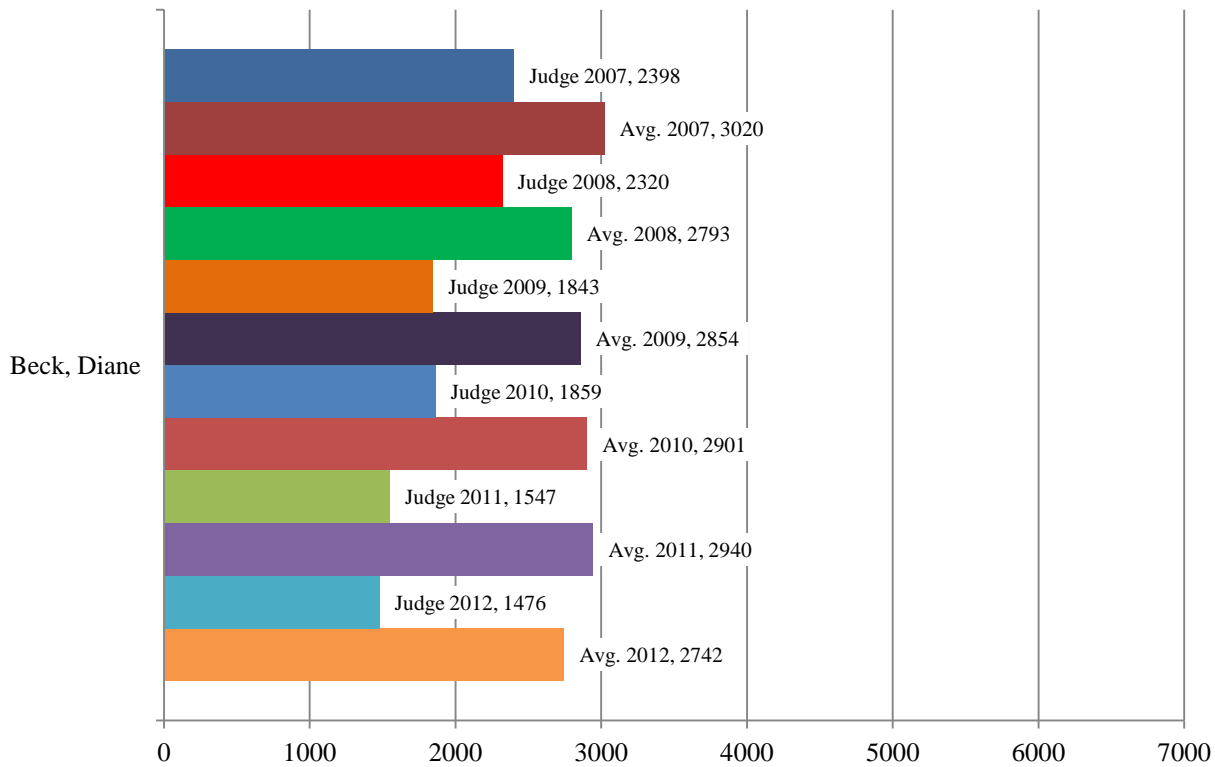
The following depicts the average number of days between filing of a settlement motion and entry of a settlement order by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



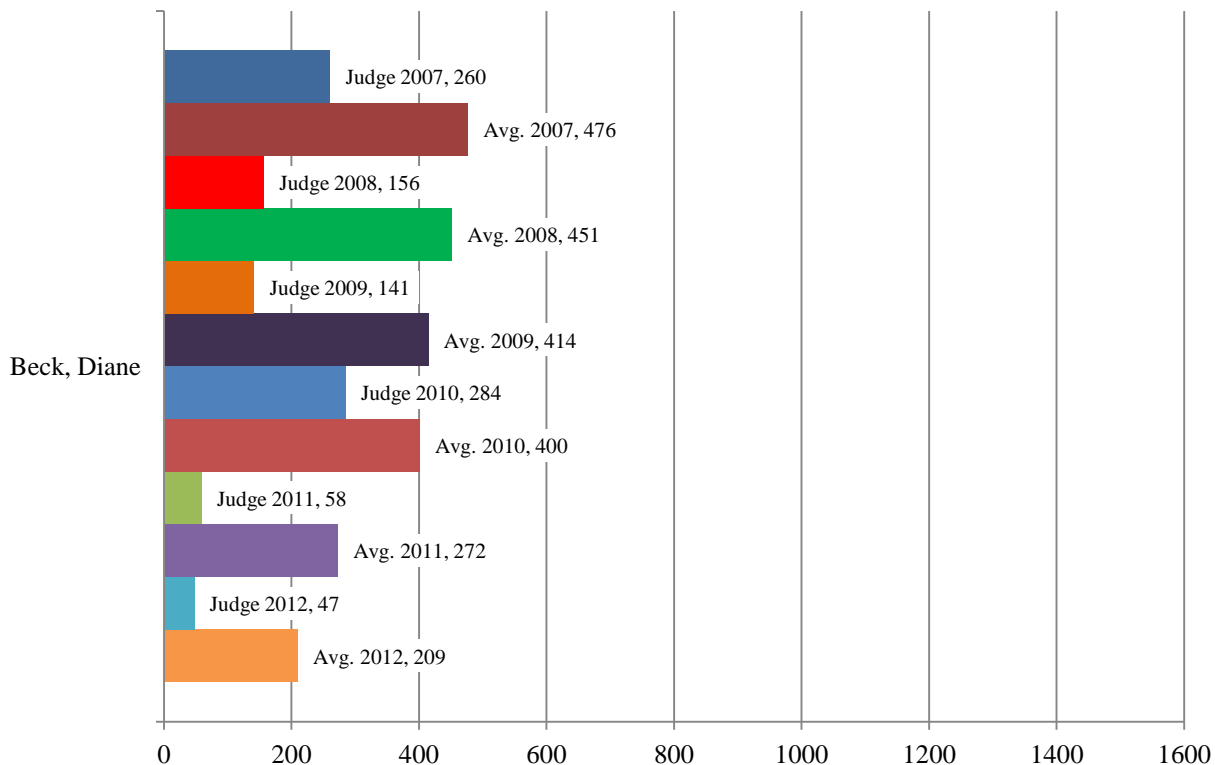
The following depicts the volume of stipulation orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



The following depicts the volume of “other” (meaning not settlement or stipulation) orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



The following depicts the volume of “other” (meaning not trials) hearings recorded as “held” by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



Appendix “14” District STP (JCC Remsnyder, JCC Rosen):

District STP includes Pasco and Pinellas counties.

District St. Petersburg underwent significant change in 2012. The District began fiscal 2012 staffed by two Judge/mediator teams (divisions). In October, 2011, Governor Rick Scott declined to reappoint Judge Paul Terlizzese in District Melbourne (discussed more fully in the Melbourne Appendix). The vacancy created in Melbourne was filled by Judge Remsnyder’s transfer there in the spring of 2012. Mediator Rob Arthur began splitting his time between District STP and District Lakeland (LKL), late in fiscal 2012. District STP therefore ended 2012 a one-judge office with one full-time STP mediator, Rita Young, and one mediator splitting his time in STP and LKL. In short, 2011-12 was a year of significant change for this District.

Despite Judge Remsnyder’s relocation/transfer to District MEL, the statistics for District STP reflect her efforts, to the extent possible. Some figures for 2011-12 in the graphs that follow were extrapolated. This was necessary because some metrics are interpreted by the OJCC database by reference to the Judge assigned on the date of the “harvesting” of that data from the database. Other metrics are more dependable in that the database reflects the performance of tasks when performed. Notably, the “trial volume,” “time to trial” and “time to order” metrics are all accurately Judge Remsnyder’s. However, some of those trials occurred after her transfer to District MEL. These same metrics, therefore, in the District MEL section of this report are attributable to Judge Terlizzese during his tenure there in 2011-12.

District STP experienced increases in both PFB and “new Case” volumes in 2010-11, and that trend continued in 2011-12. The PFB volumes in 2011-12 are significantly higher than elsewhere in the state. It is this significant PFB and new case volume that justifies the maintenance of two mediators in District STP, even as it transitions to a one-Judge District. It is variations on the staffing and alignment of responsibilities, such as these, that evidence the flexibility of this agency. Such diversity is sometimes noted by the Legislature in their analysis of force strength, leading to questions of why different positions may be seen in one division compared to another District or division. The existence of a staff position in one District, unique to that District, should not be interpreted as a surplus, nor suggest any need for force reduction.

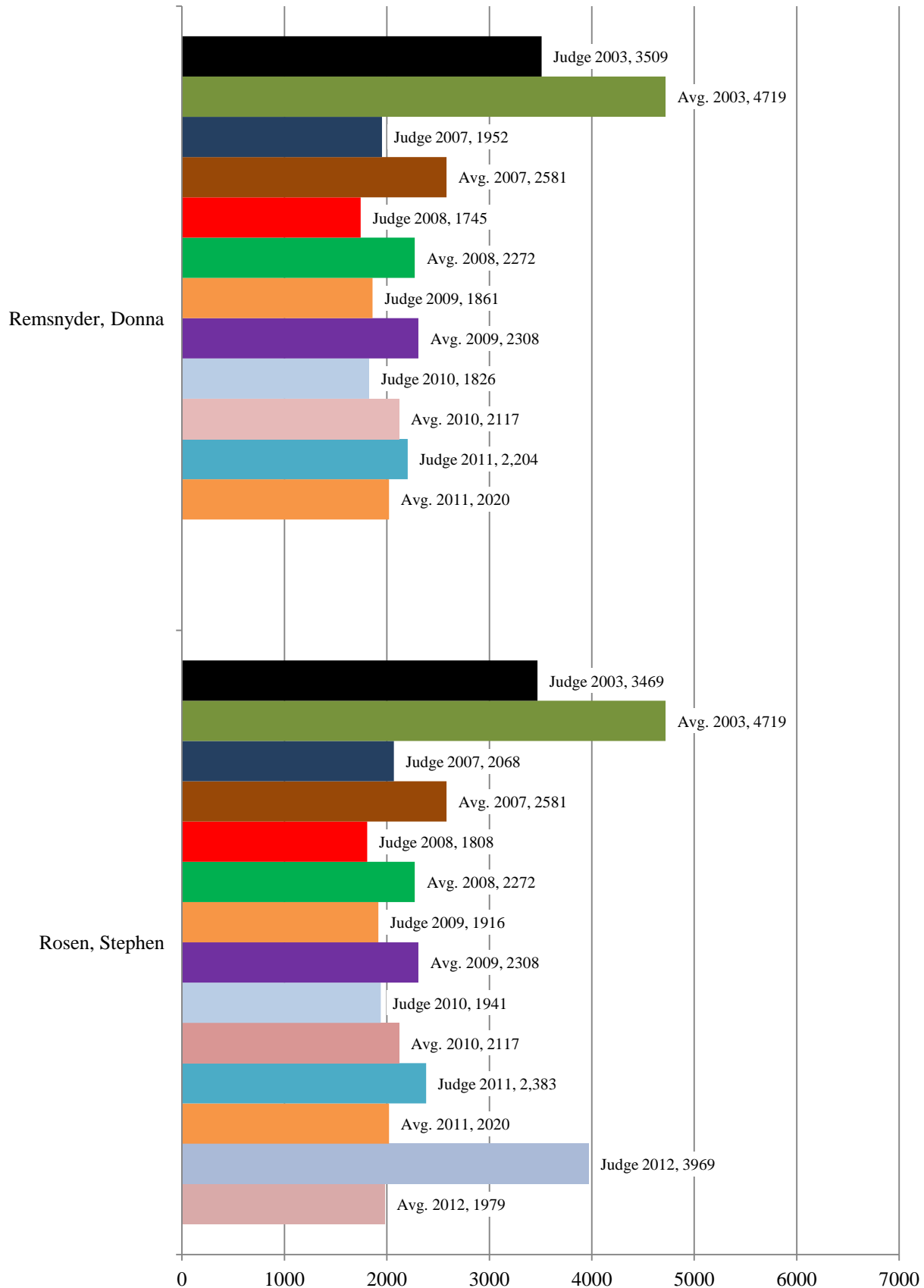
Both Judge Rosen and Judge Remsnyder participated in “out-of-district” judge assignments in 2011-12. As the transition to a one-Judge format progressed in District STP, assignment of new MIA cases to Judge Rosen ceased. He has maintained the assignment of previous MIA claims. He also continues to step in for trials and hearings on MIA cases, when necessitated by overbooking by MIA judges. The OJCC remains conscious that last-minute substitutions of Judges are troublesome for attorneys and parties, and therefore this practice is avoided to the extent possible, except when unavoidable due to conflicting schedules. Only in that situation, or situations involving illness of the assigned Judge, is last-minute substitution appropriate or condoned by the OJCC leadership.

Judge Remsnyder has been Chair of the Selection Committee for the Friends of 440 Tampa Bay Division since its inception. Last year she received the Richard Sadow Award for her work with the Friends of 440.

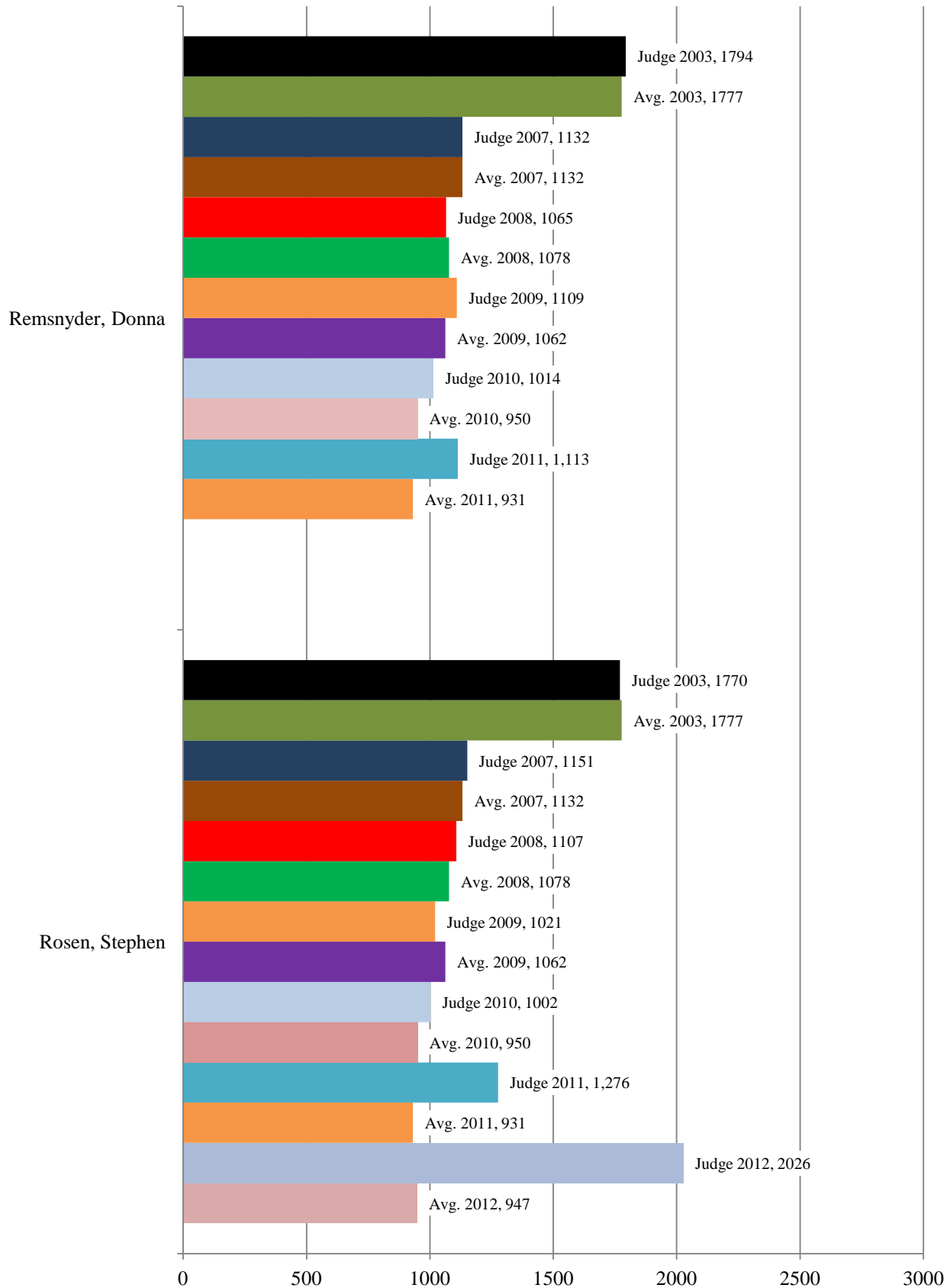


The Florida Bar President, Gwen Young, with Judge Rosen (SPT) at the 2012 Judiciary College.

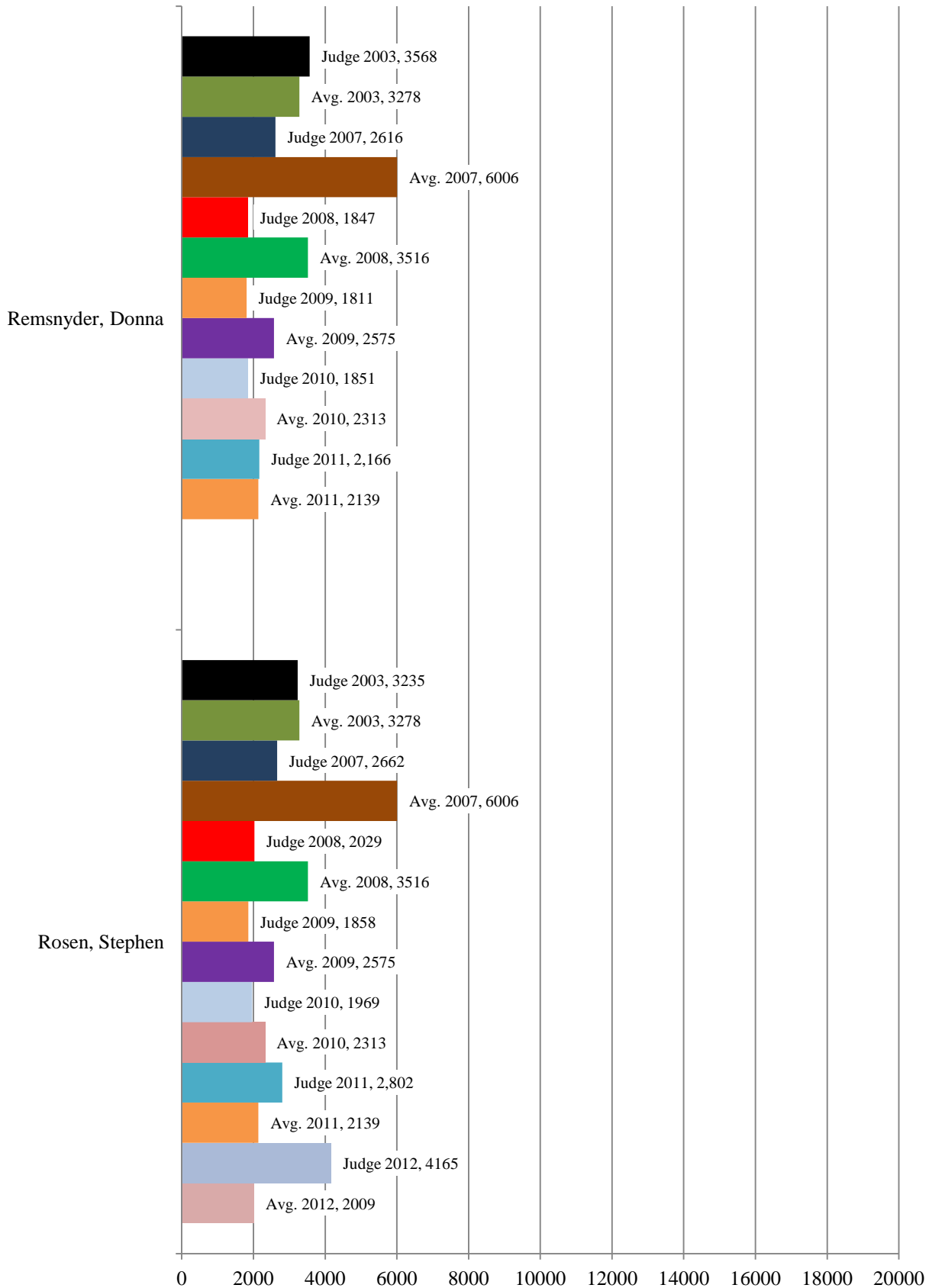
The following depicts the volume of PFBs filed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



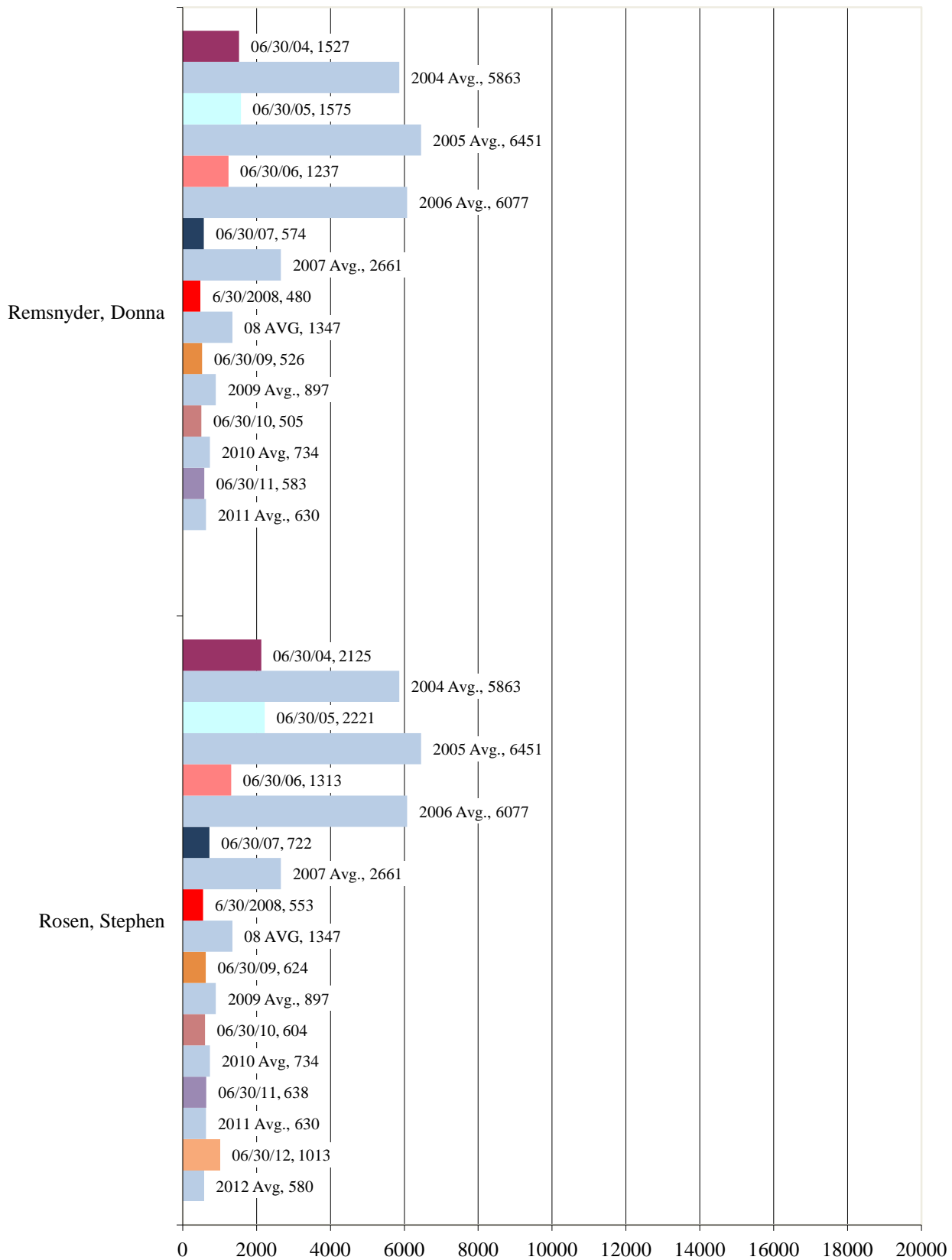
The following depicts the volume of new cases filed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



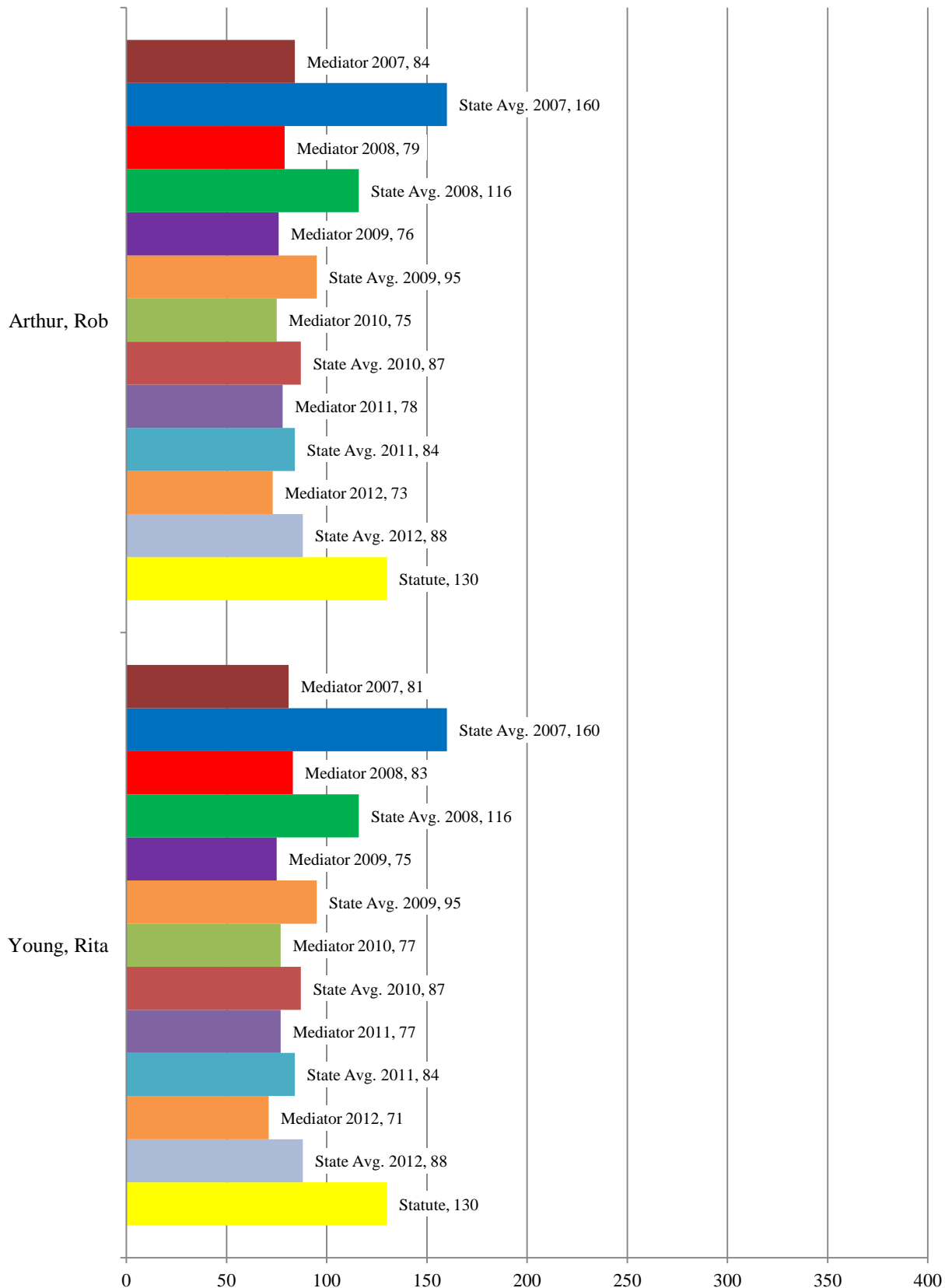
The following depicts the volume of PFBs closed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



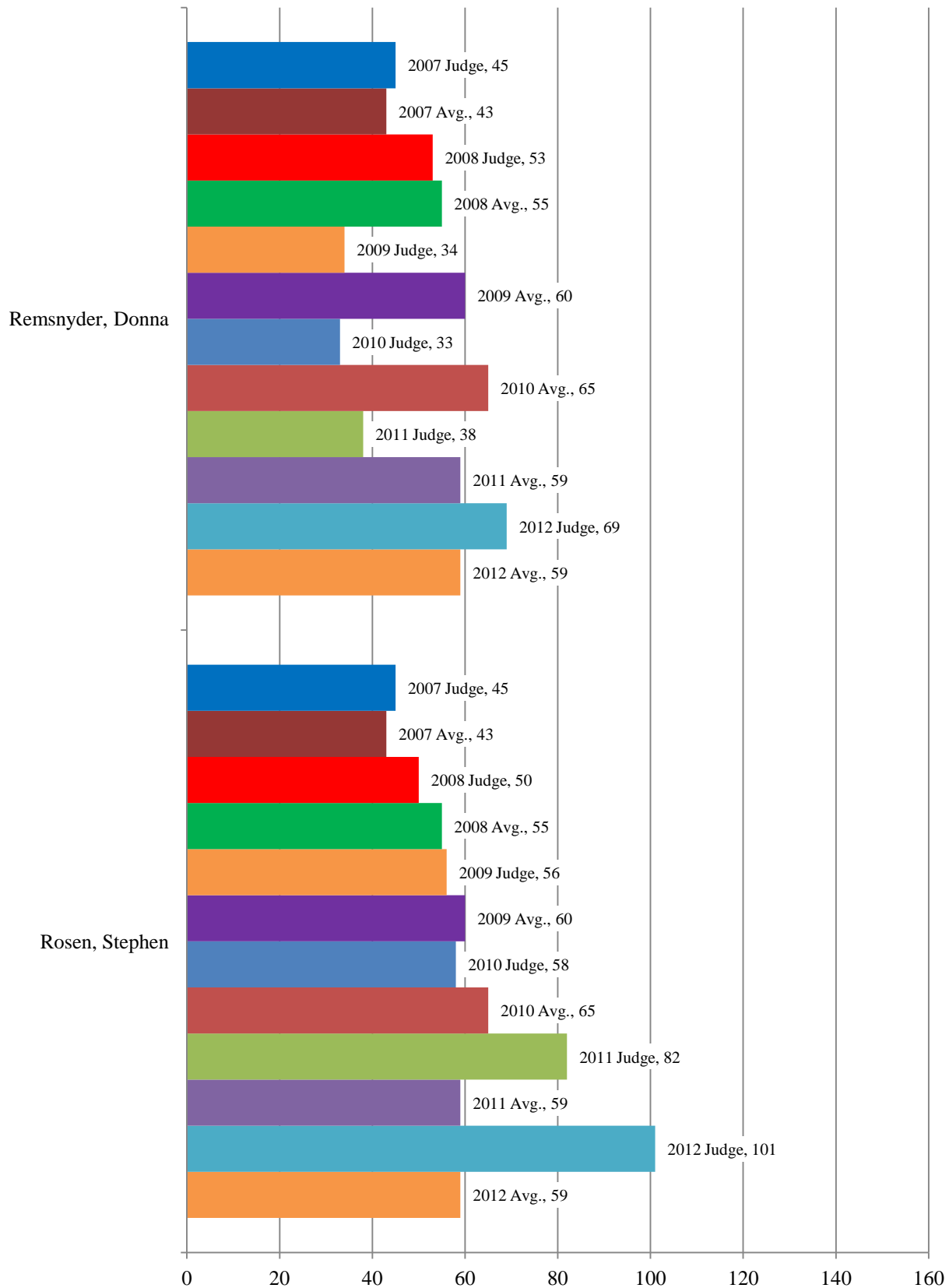
The following depicts the inventory of pending PFBs in this District and the statewide average between 2002-03 and 2010-11. The identification and values for each year are in each bar label.



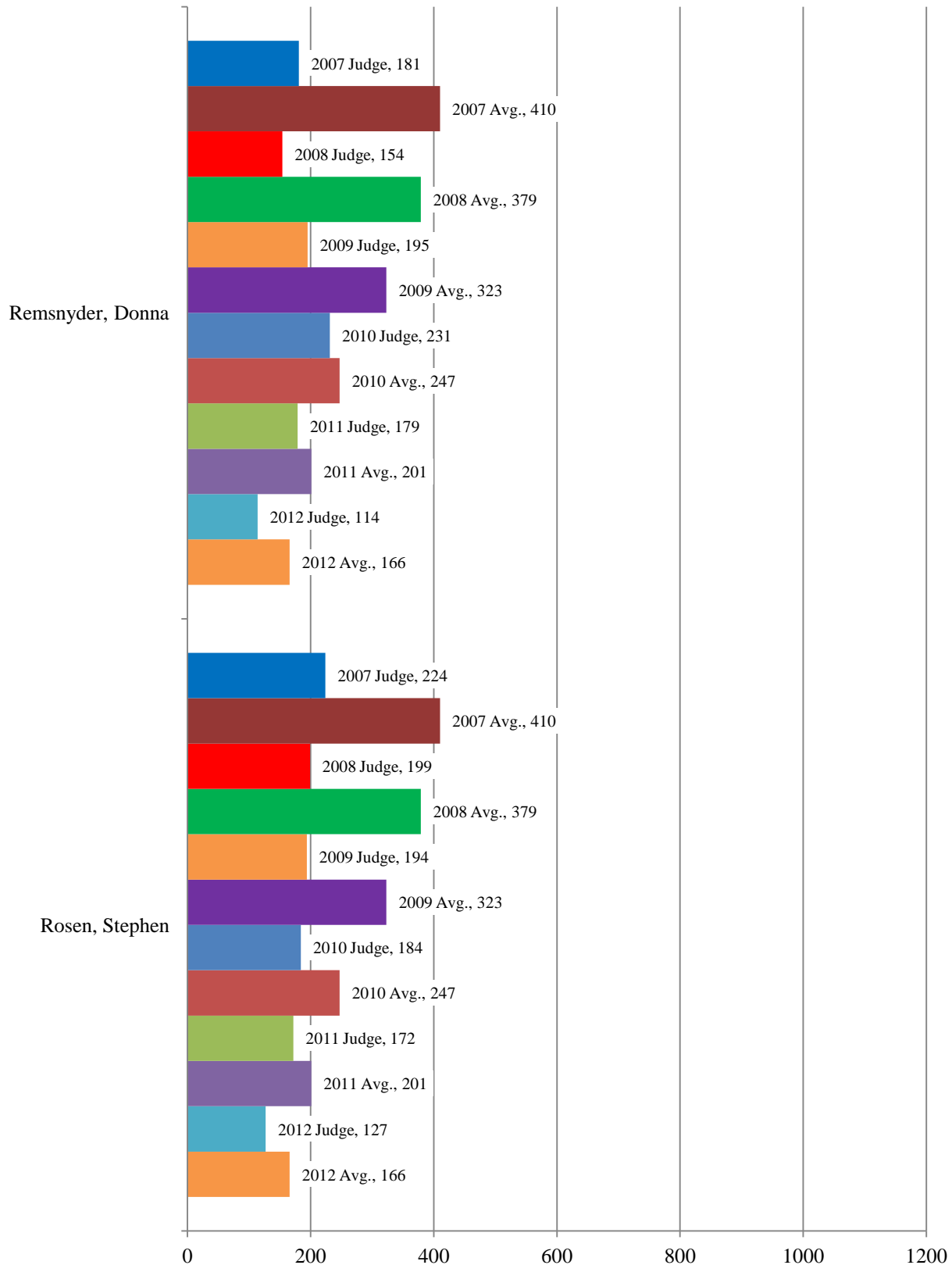
The following depicts the average days between PFB filing, and the first mediation held thereon, for each mediator in the District between 2002-03 and 2010-11. The identification and values for each year are in each bar label. The yellow bar represents the statutory 130 days.



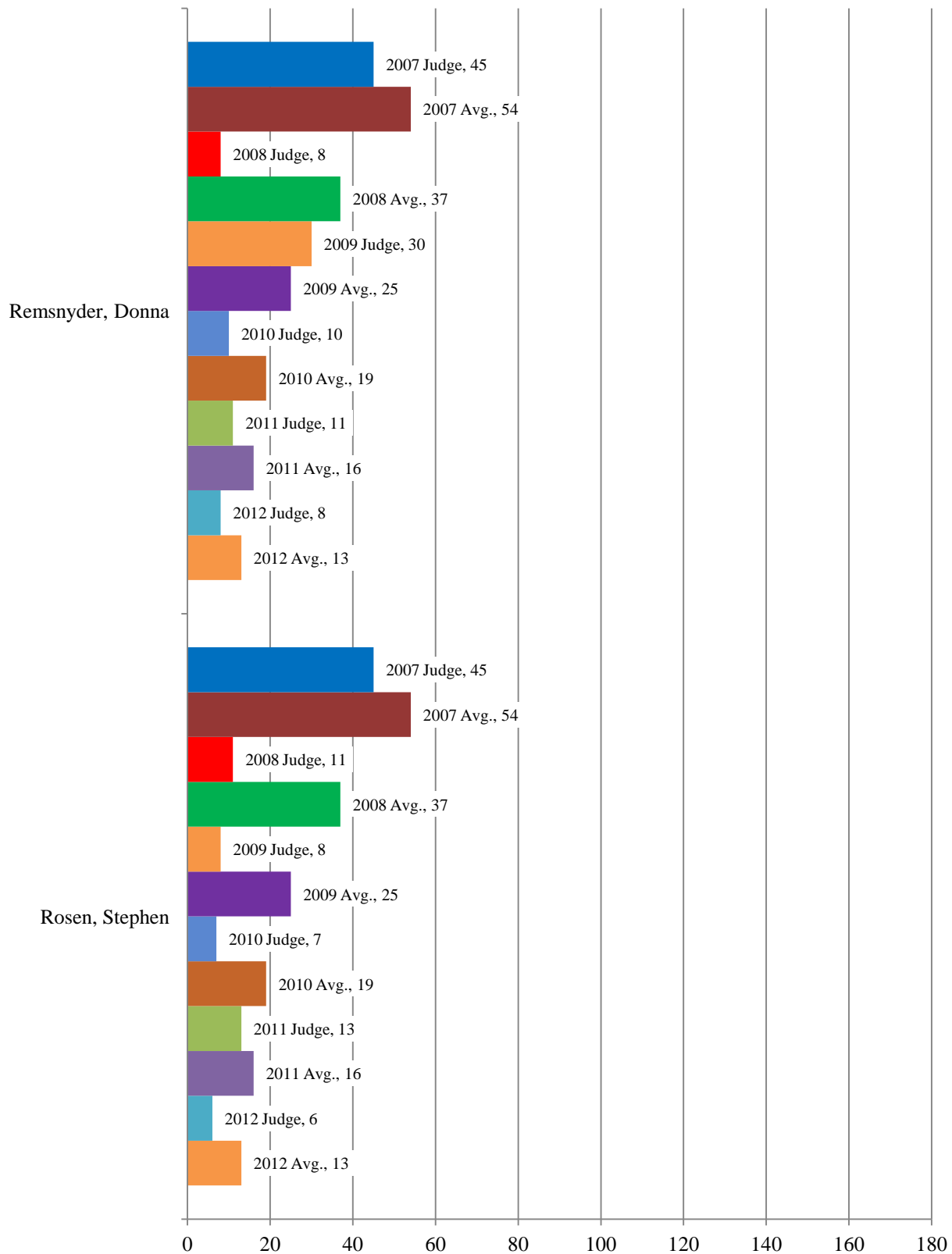
The following graph depicts the total volume of trial orders uploaded in this District and statewide averages between 2006-07 and 2010-11. The identification and values for each year are in each bar label.



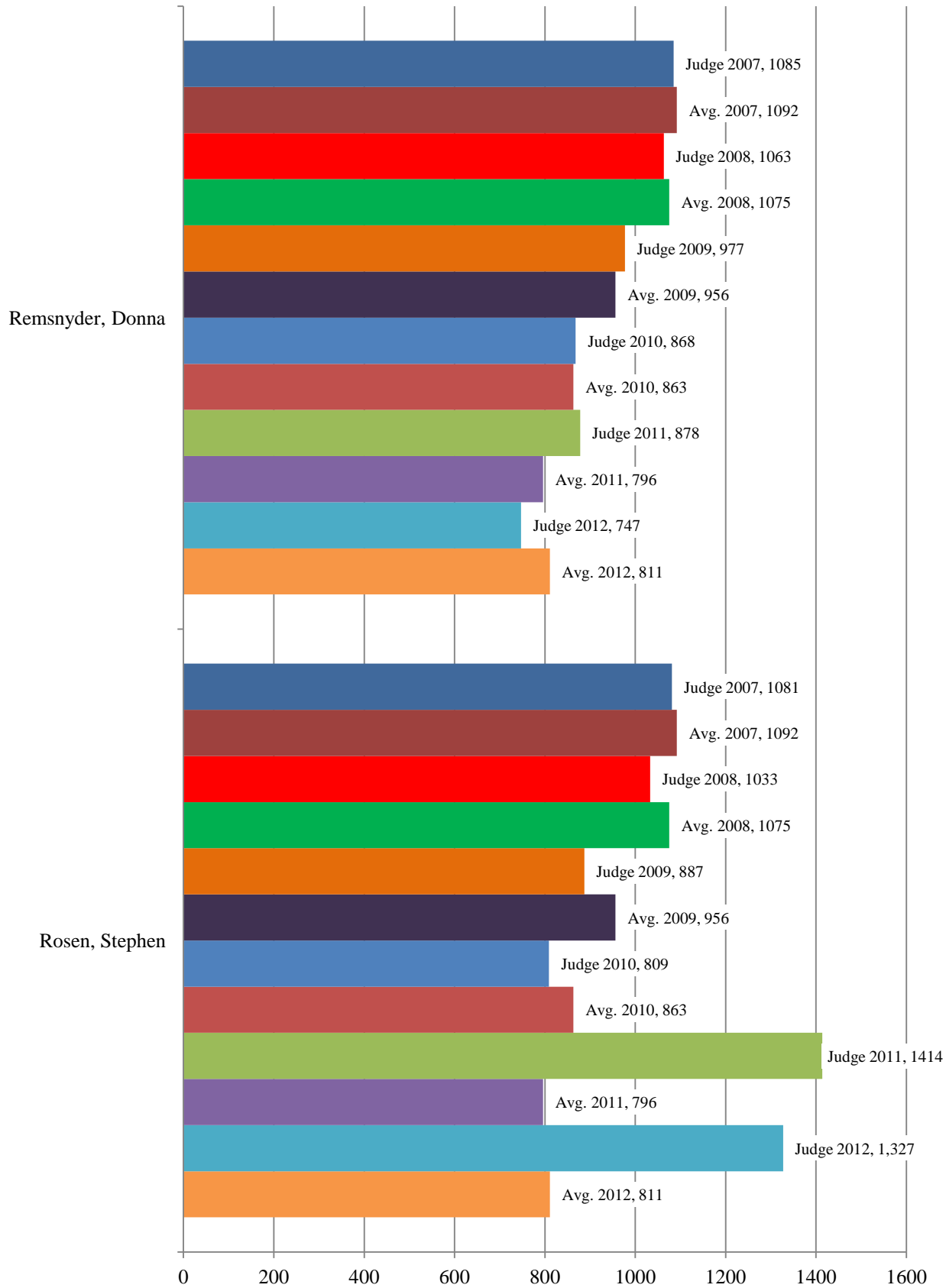
The following depicts the average days between PFB filing and trial commencing for each Judge and the statewide average between 2006-07 and 2010-11. For these calculations, only the first day of trial is considered, and days after the first trial day are included in the days between trial and final order. The identification for each year and the values are in each bar label.



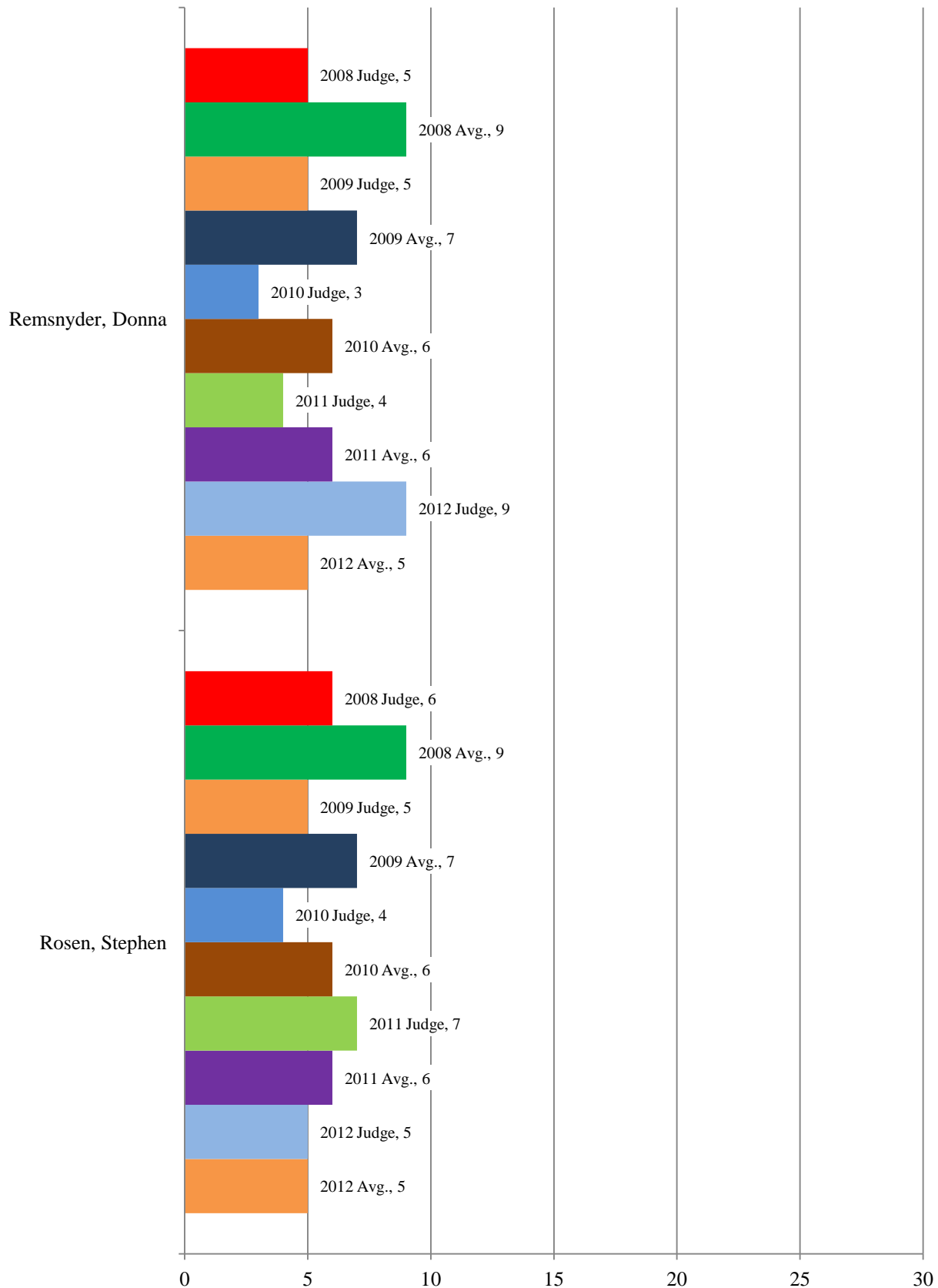
The following depicts the average days between trial commencing and entry of the trial order for each Judge and the statewide average between 2006-07 and 2010-11. All days between the first day of trial and last day of trial are included in the calculation of days between trial and final order. The identification for each year and the values are in each bar label.



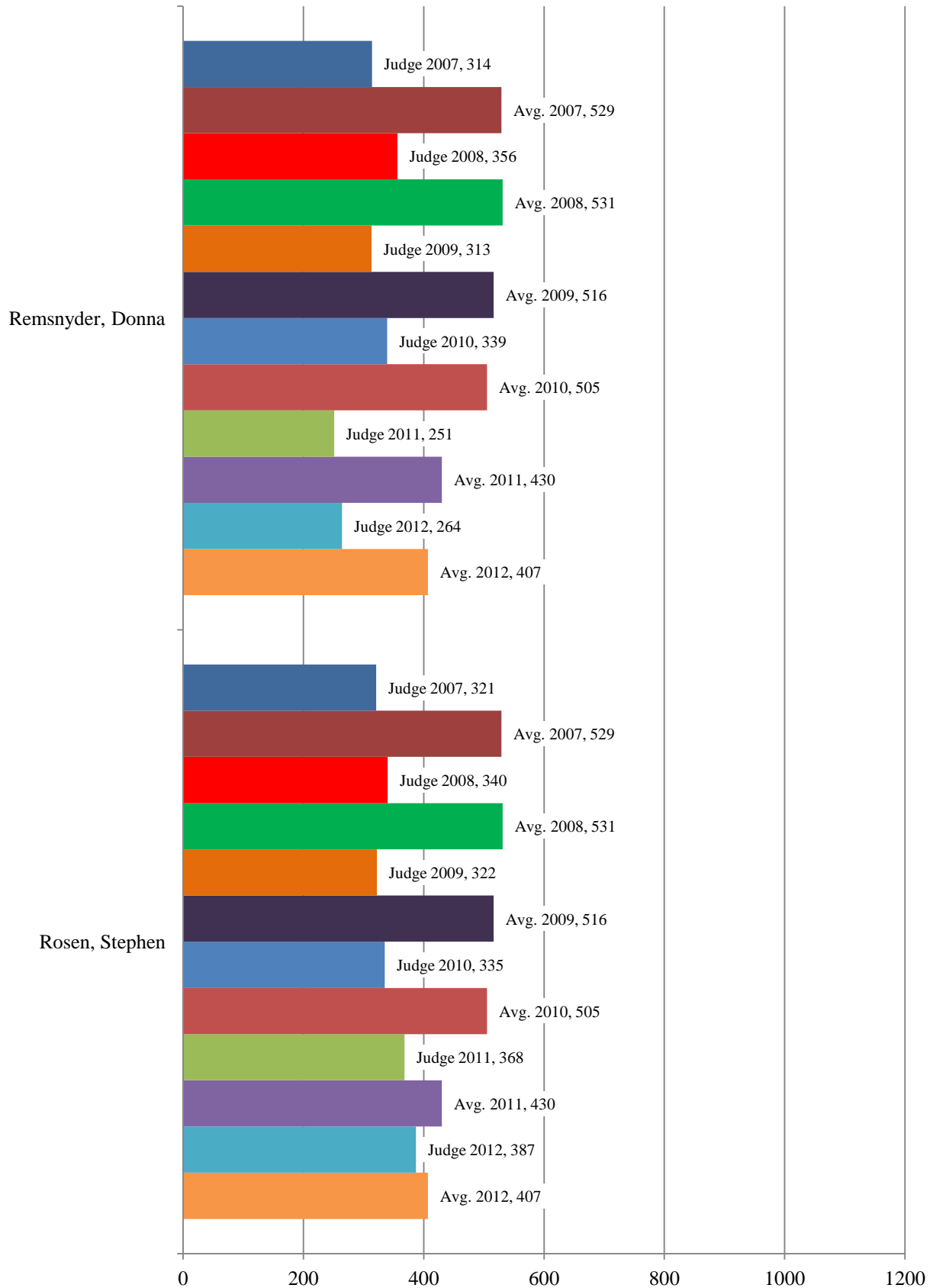
The following depicts the volume of settlement orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



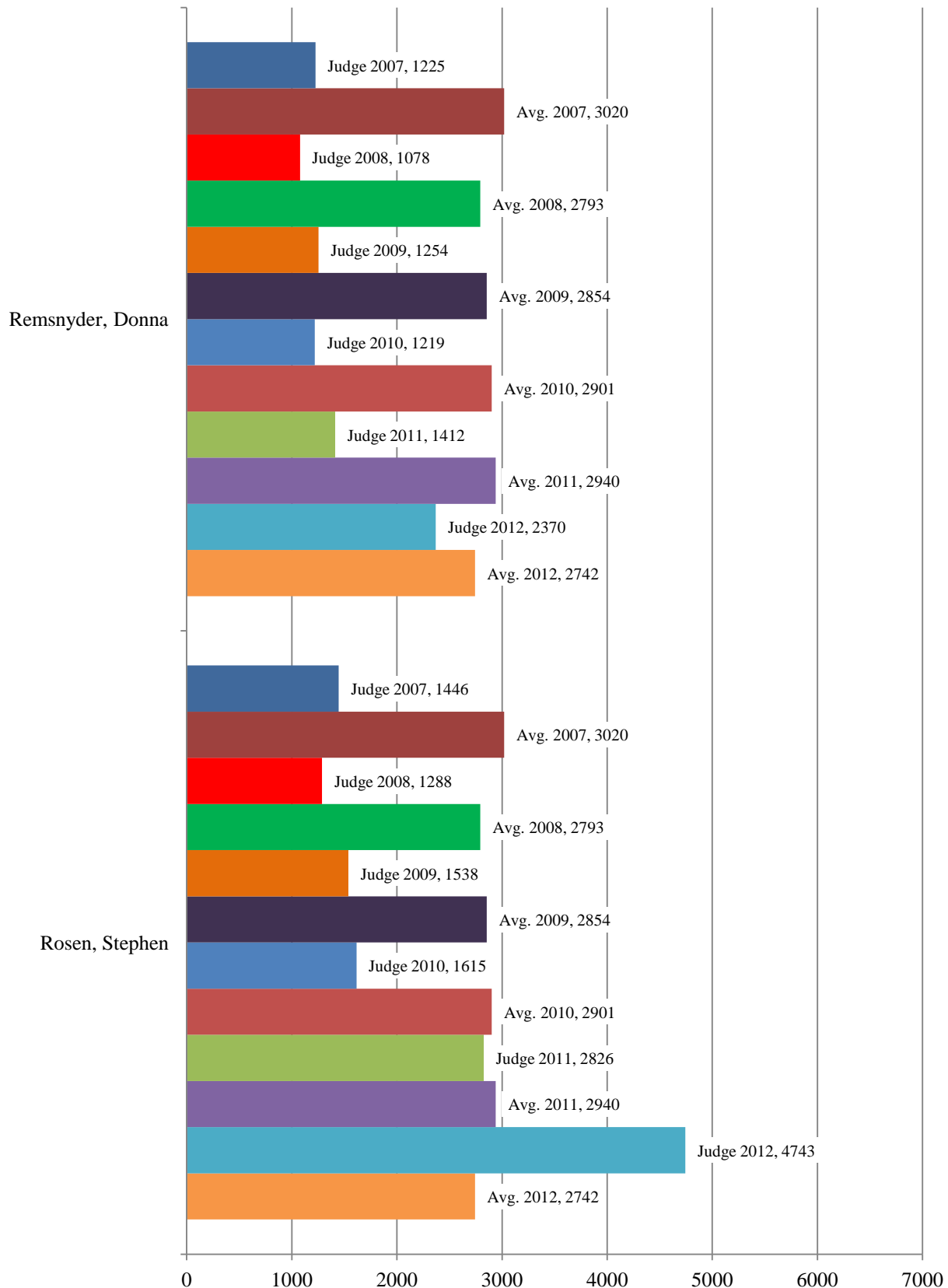
The following depicts the average number of days between filing of a settlement motion and entry of a settlement order by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



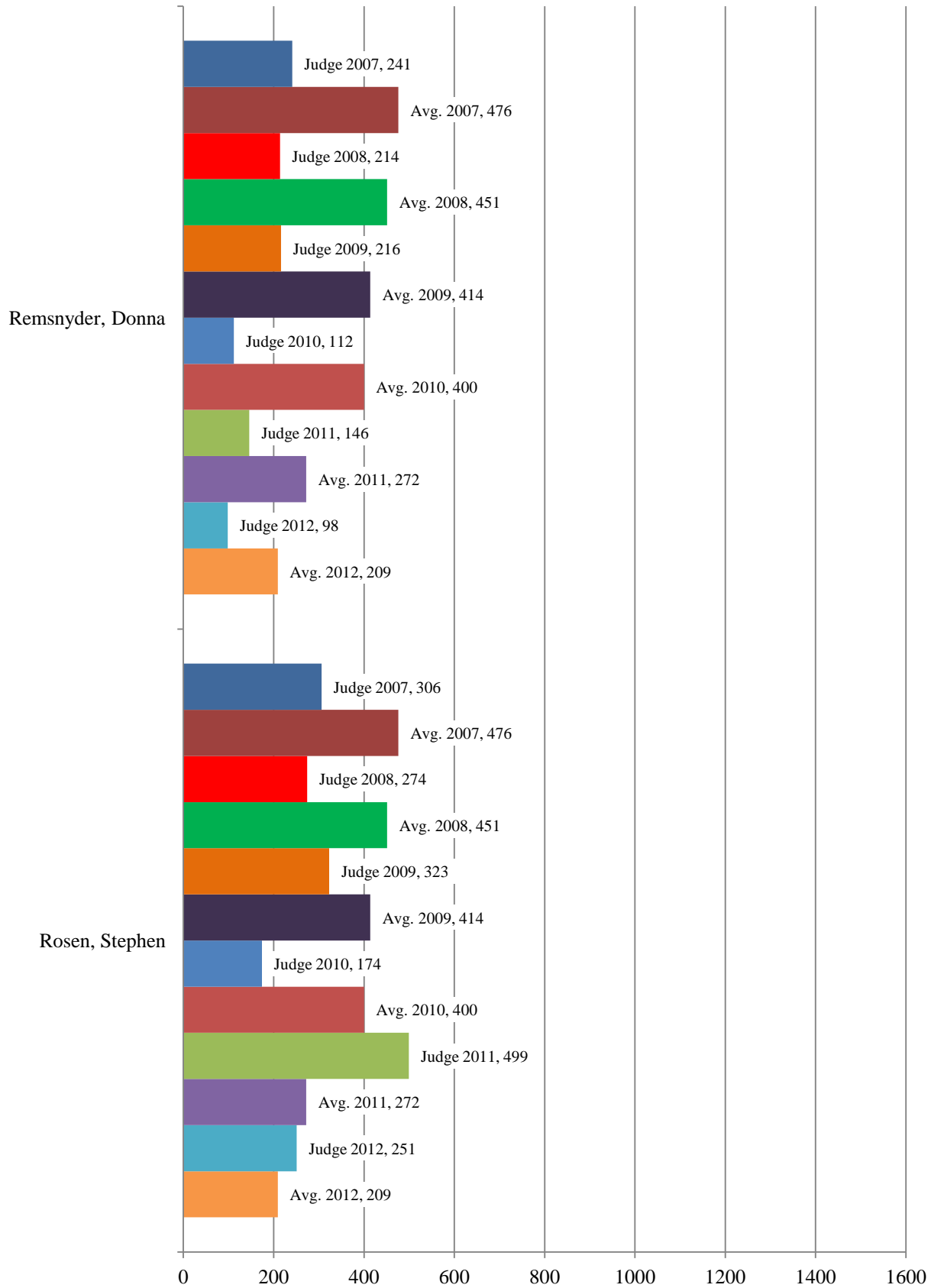
The following depicts the volume of stipulation orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



The following depicts the volume of “other” (meaning not settlement or stipulation) orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



The following depicts the volume of “other” (meaning not trials) hearings recorded as “held” by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



Appendix “15” District TLH (JCC Lazzara):

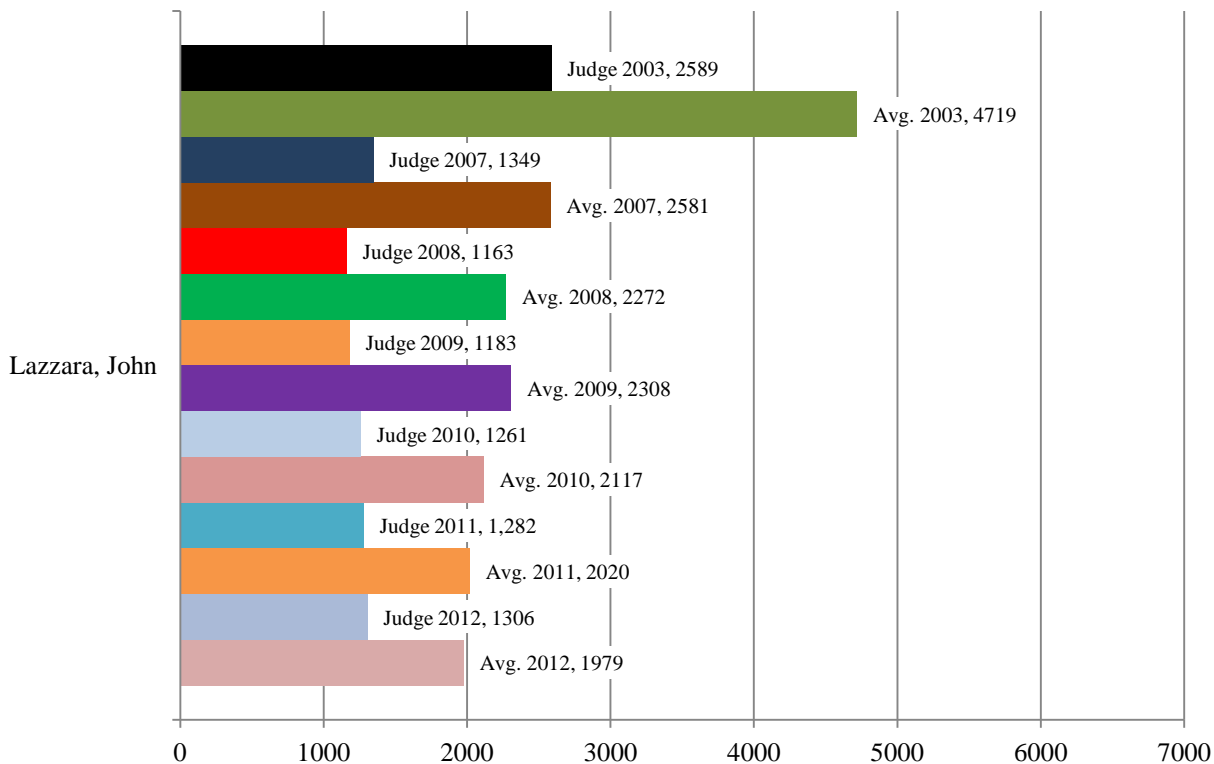
District TLH is one of the largest geographic Districts, and includes the following counties: Franklin, Gadsden, Hamilton, Jefferson, Lafayette, Leon, Madison, Suwannee, Taylor and Wakulla. Although some of these counties have low population density, there is an exceptional level of effort required in this District due to the statutory obligation for the hearings to occur in the county in which the accident occurred. Although some litigants agree to travel to the District office in Leon County, Judge Lazzara still travels for hearings in other counties on a regular basis.

The volume of PFB and “new case” filings in TLH remain below the statewide average in 2011-12. This is consistent with these volumes in the last five years. However, PFB filing in this District, while below the statewide average in 2011-12, demonstrated consistency in volume, which must be compared to the statewide trend to decreasing PFB filings. The TLH PFB closure volumes are very close to the PFB filing volumes, evidencing a District in equilibrium. This equilibrium has likewise been consistent in recent years.

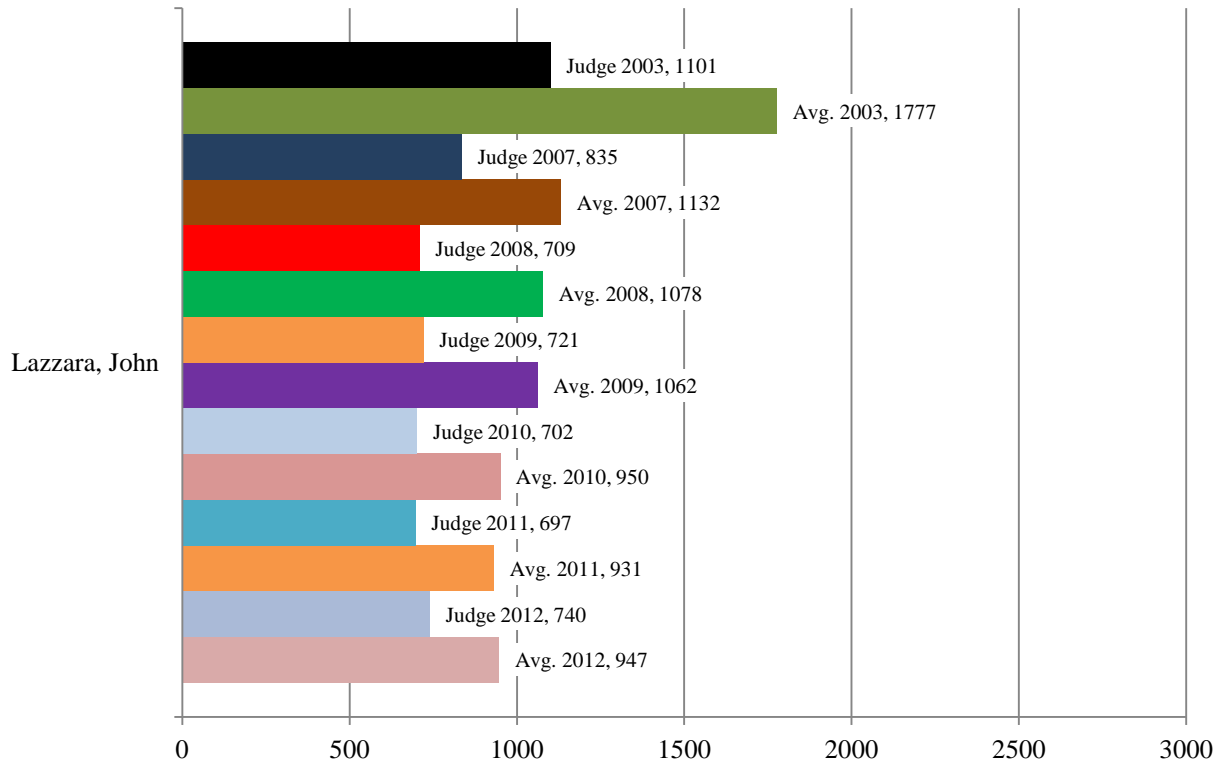
In District TLH, the trial volume is below the state average and has been so in each of the last six fiscal years. The average days from PFB to mediation, PFB to trial and trial to order are all within the statutory parameters in District TLH. Judge Lazzara has actively participated in the out-of-District program, routinely accepting assignments in Ft. Lauderdale. He has also been covering the vast majority of out of district disqualification and recusal reassignments from JAX since the appointment of two Jacksonville attorneys to the bench at the end of calendar 2010.

Judge Lazzara serves as Immediate Past President of the National Association of Workers’ Compensation Judiciary (NAWCJ), and is a member of the OJCC/Florida Bar survey committee. He is a member of the Dispute Resolution Section of The Florida Bar. He is Treasurer and on the Board of Directors, Literacy Volunteers of Leon County, and Vice-President of the Epilepsy Association of the Big Bend. In 2011-12 he moderated at the OJCC Workers’ Compensation program at the 1st DCA, Tallahassee.

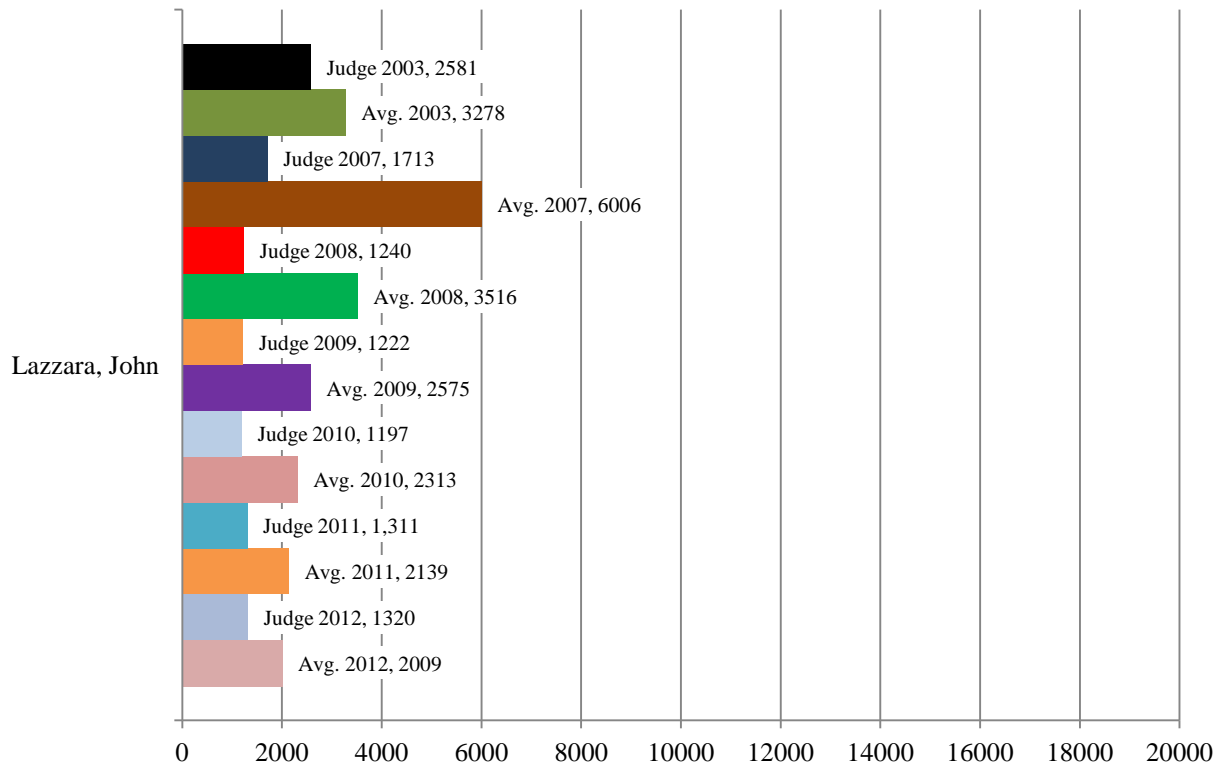
The following depicts the volume of PFBs filed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



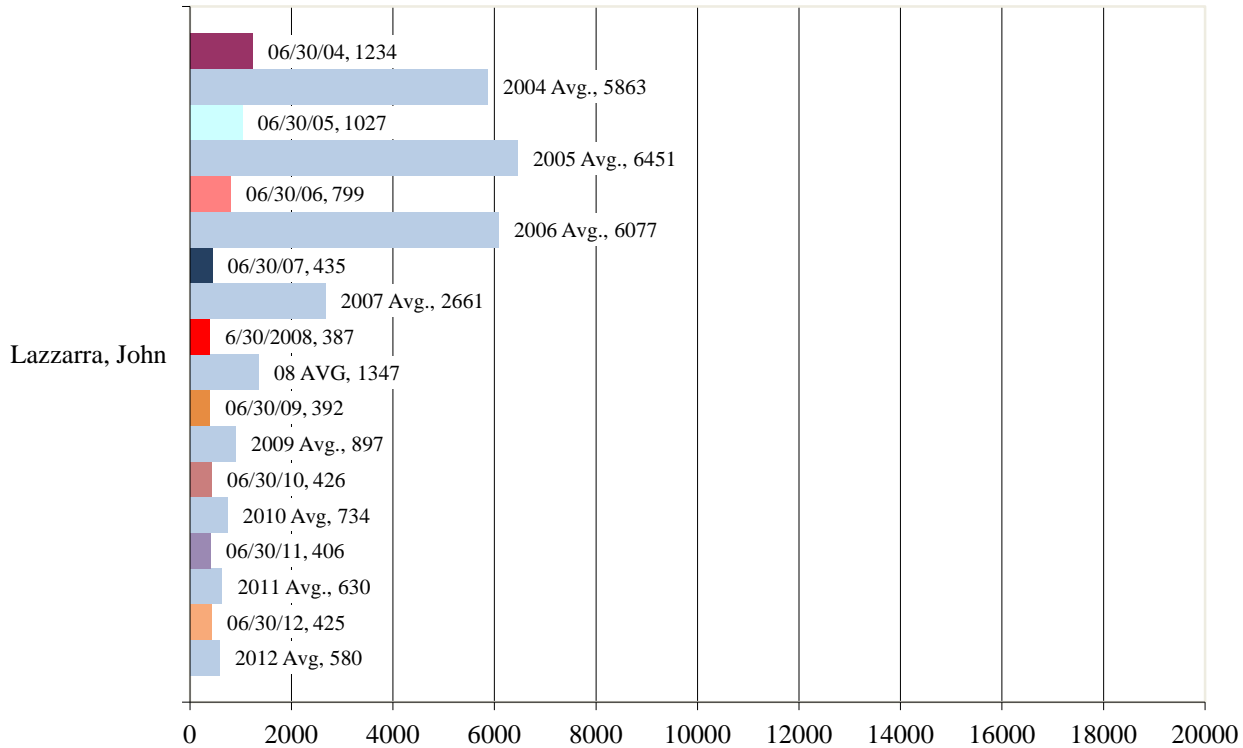
The following depicts the volume of new cases filed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



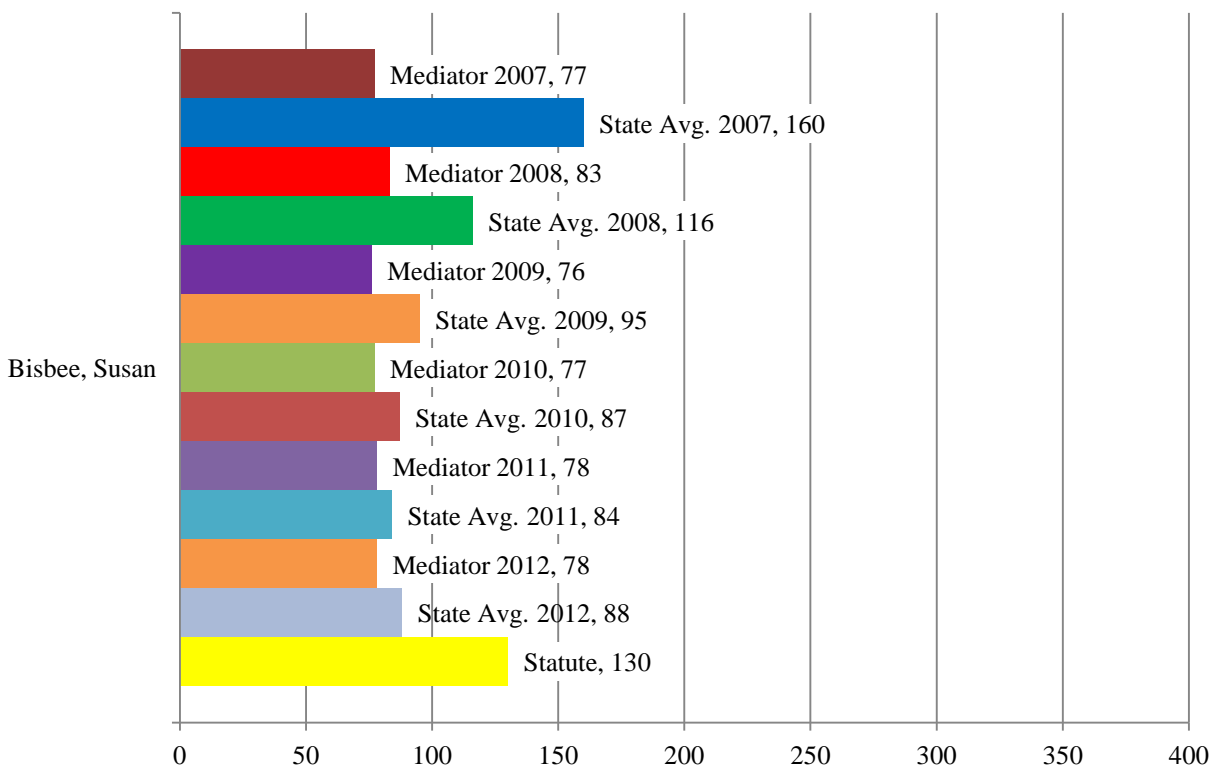
The following depicts the volume of PFBs closed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



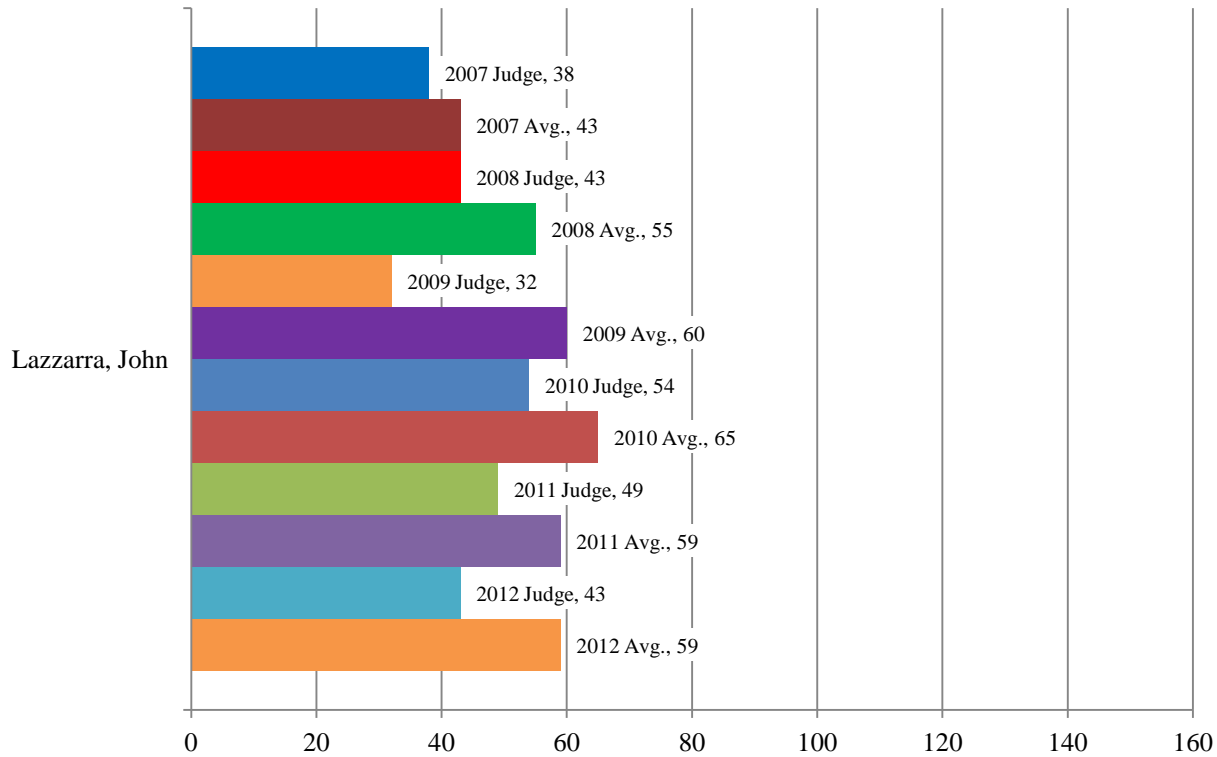
The following depicts the inventory of pending PFBs in this District and the statewide average between 2002-03 and 2010-11. The identification and values for each year are in each bar label.



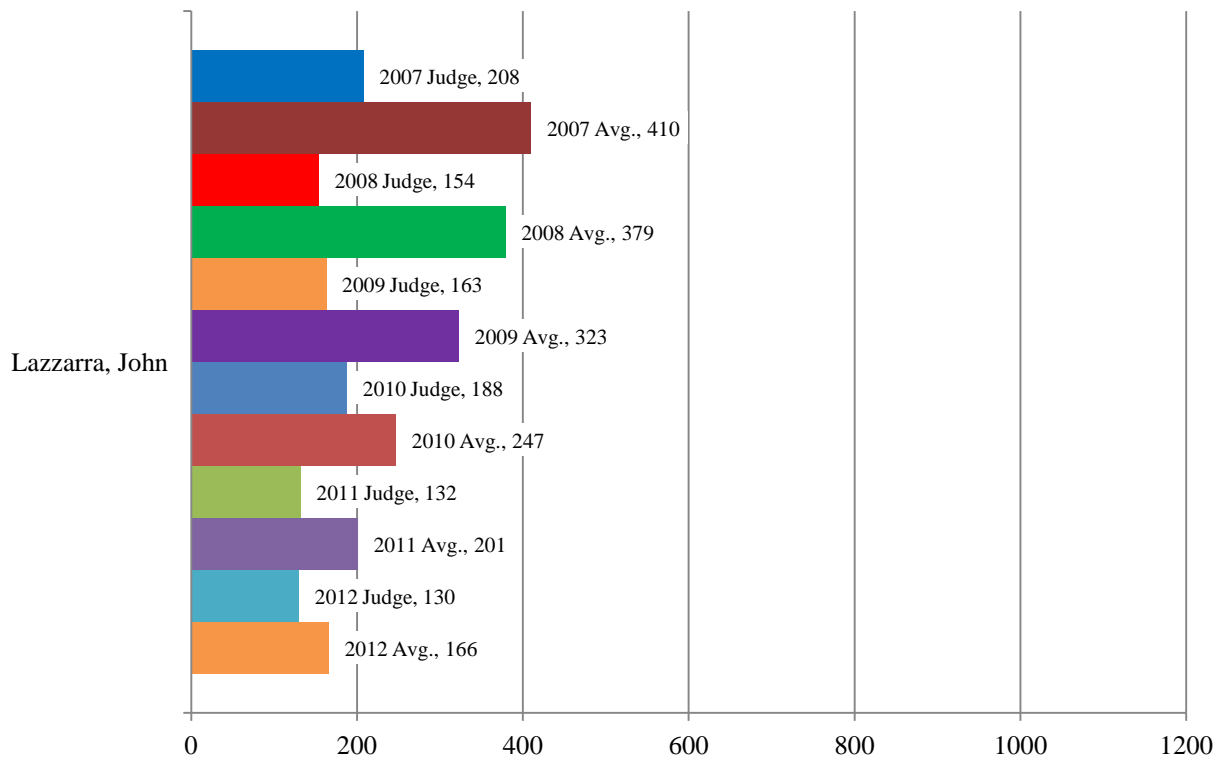
The following depicts the average days between PFB filing, and the first mediation held thereon, for each mediator in the District between 2002-03 and 2010-11. The identification and values for each year are in each bar label. The yellow bar represents the statutory 130 days.



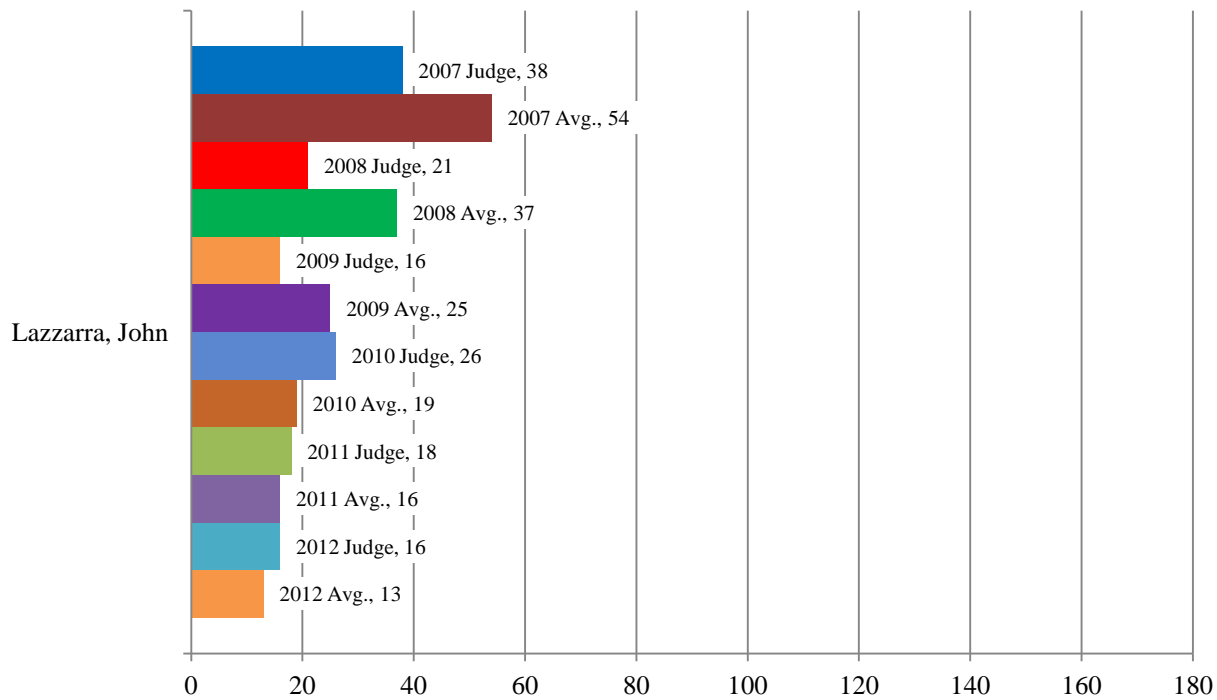
The following graph depicts the total volume of trial orders uploaded in this District and statewide averages between 2006-07 and 2010-11. The identification and values for each year are in each bar label.



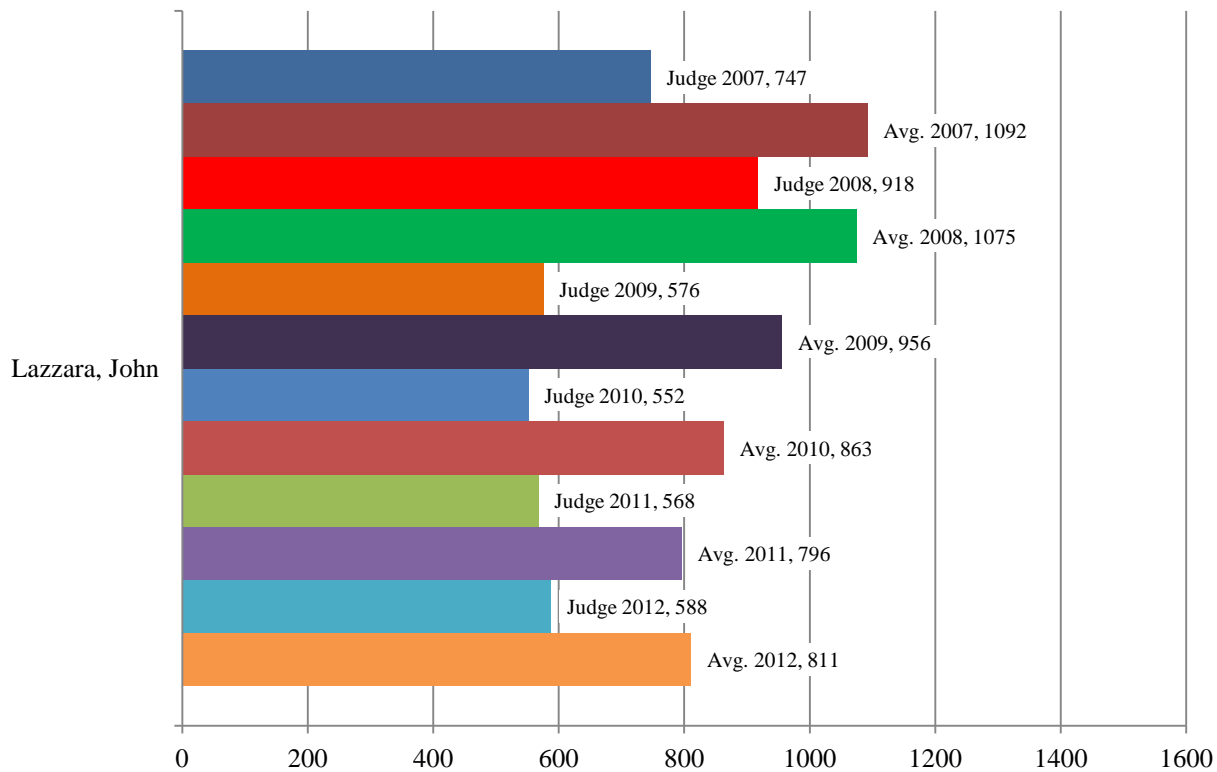
The following depicts the average days between PFB filing and trial commencing for each Judge and the statewide average between 2006-07 and 2010-11. For these calculations, only the first day of trial is considered, and days after the first trial day are included in the days between trial and final order. The identification for each year and the values are in each bar label.



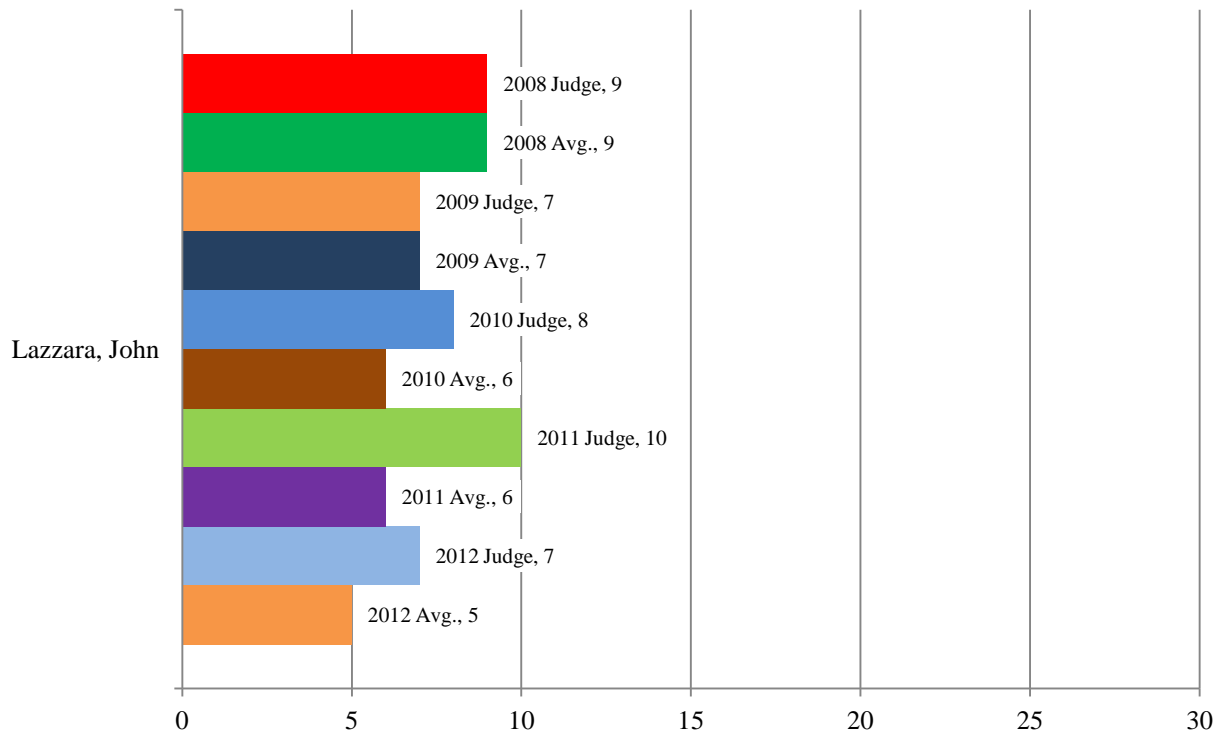
The following depicts the average days between trial commencing and entry of the trial order for each Judge and the statewide average between 2006-07 and 2010-11. All days between the first day of trial and last day of trial are included in the calculation of days between trial and final order. The identification for each year and the values are in each bar label.



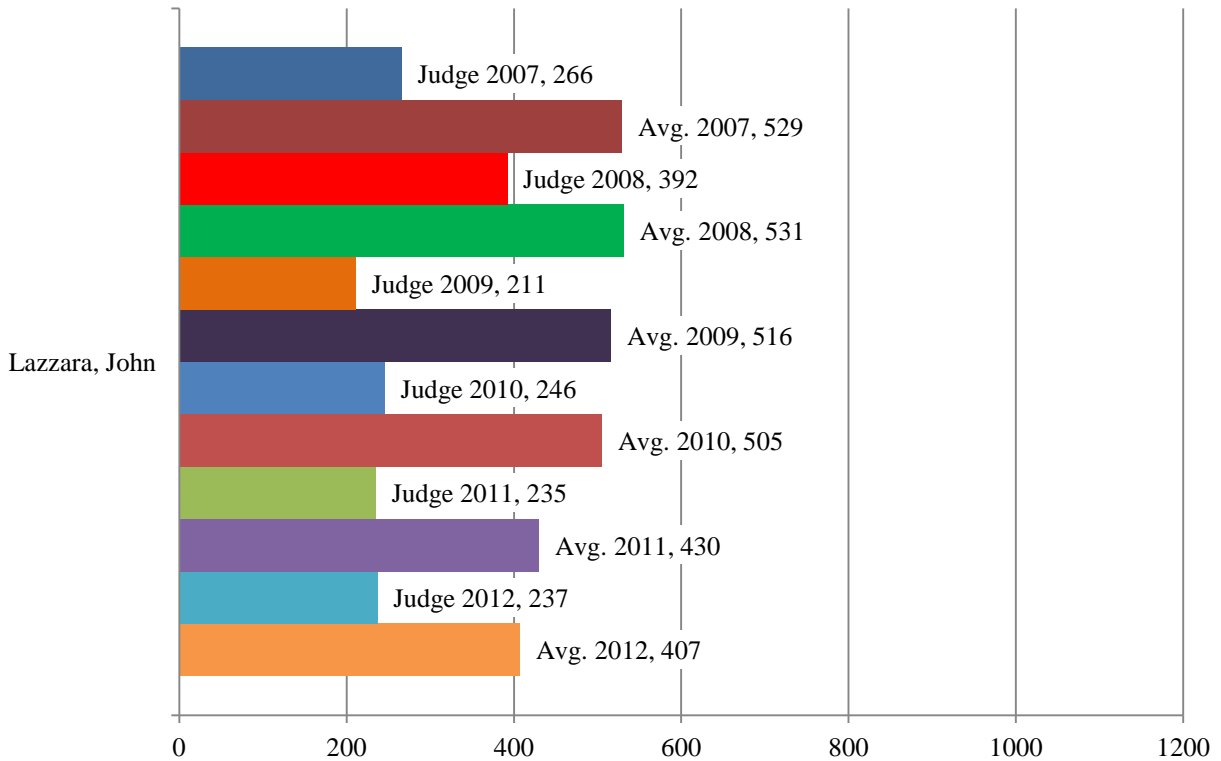
The following depicts the volume of settlement orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



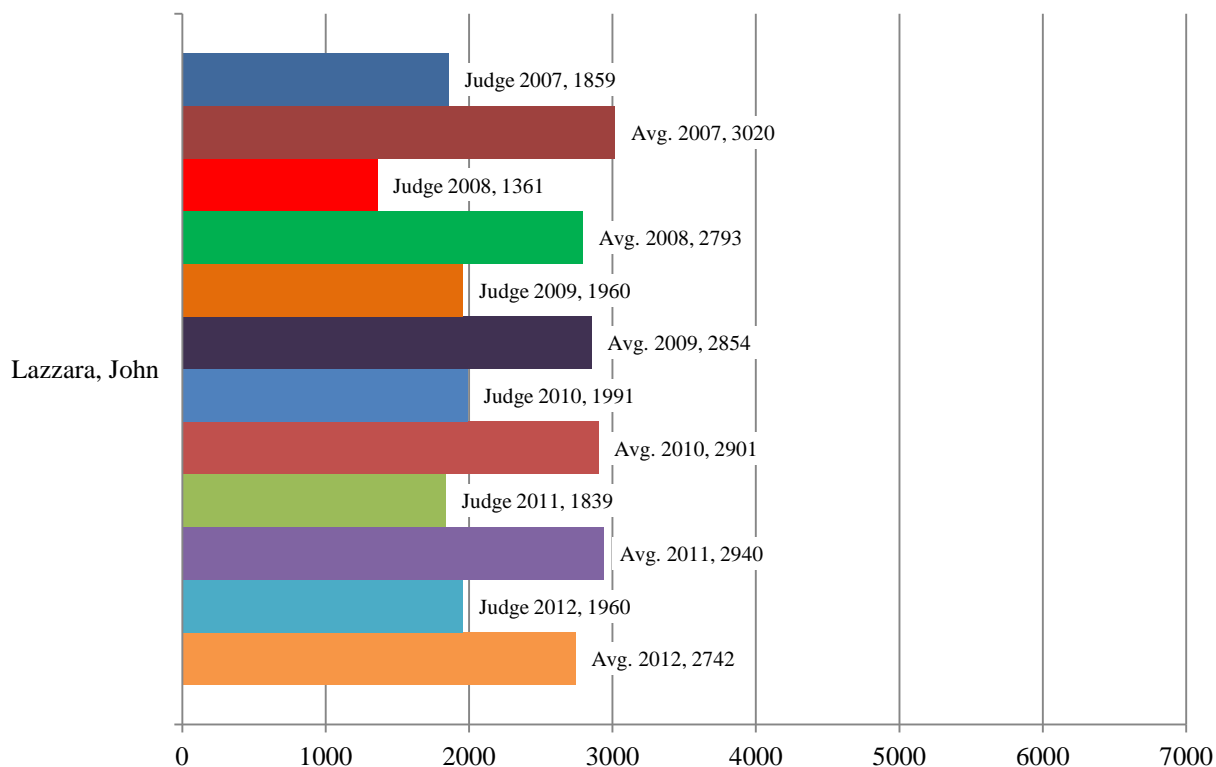
The following depicts the average number of days between filing of a settlement motion and entry of a settlement order by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



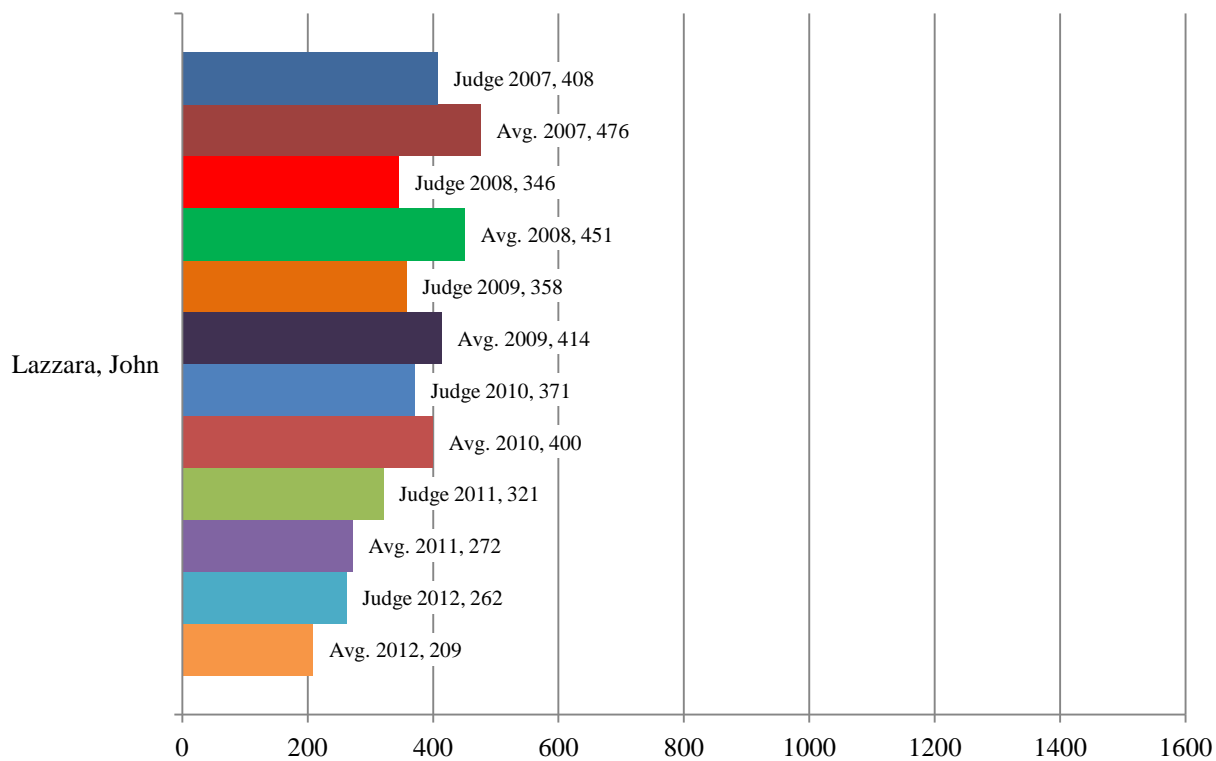
The following depicts the volume of stipulation orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



The following depicts the volume of “other” (meaning not settlement or stipulation) orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



The following depicts the volume of “other” (meaning not trials) hearings recorded as “held” by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



Appendix “16” District TPA (JCC Jenkins, JCC Lorenzen, JCC Murphy):

District TPA includes Citrus, Hernando, Hillsborough, and Sumter Counties.

The PFB filing rates, “new case” and PFB closure volumes remain below average in most TPA divisions again for 2011-12. With each of the TPA Judges accepting “out-of-District” case assignments in 2009-10, the “new case” filings rebounded somewhat in TPA. Of the TPA Judges, only Judge Jenkins’ division demonstrated “new case” volume greater than the statewide average. Judge Jenkins participates in the “out-of-district” Judge program in District MIA and Judges Lorenzen and Murphy in District LKL. At the end of 2011-12, as at the end of 2010-11, only Judges Murphy and Lorenzen remain involved in LKL out-of District cases, as the other volunteer Judges’ efforts have all been shifted to District MIA.

The trial volumes in TPA moderated in 2011-12, with all three Judges holding less than the statewide average of trials. Judge Jenkins’ trial volume of 24 is the lowest volume in the state for 2011-12, averaging only two trials per month. Despite this low trial volume, the average days from PFB to trial in Judge Jenkins’ division was the highest in District TPA at 253 days. Other than this exception, the “time to trial” and “time to order” figures for District TPA are within the 210 day and 30 day parameters, respectively. All three of the TPA divisions averaged within the 130-day “time to mediation” parameter in 2011-12.

Judge Lorenzen served as President of the National Association of Workers’ Compensation Judiciary in 2011-12. She has served as Administrative Judge in District TPA for the last three years. Judge Lorenzen has participated in the “out-of-district judge” program, regularly hearing cases in neighboring District Lakeland (LKL).

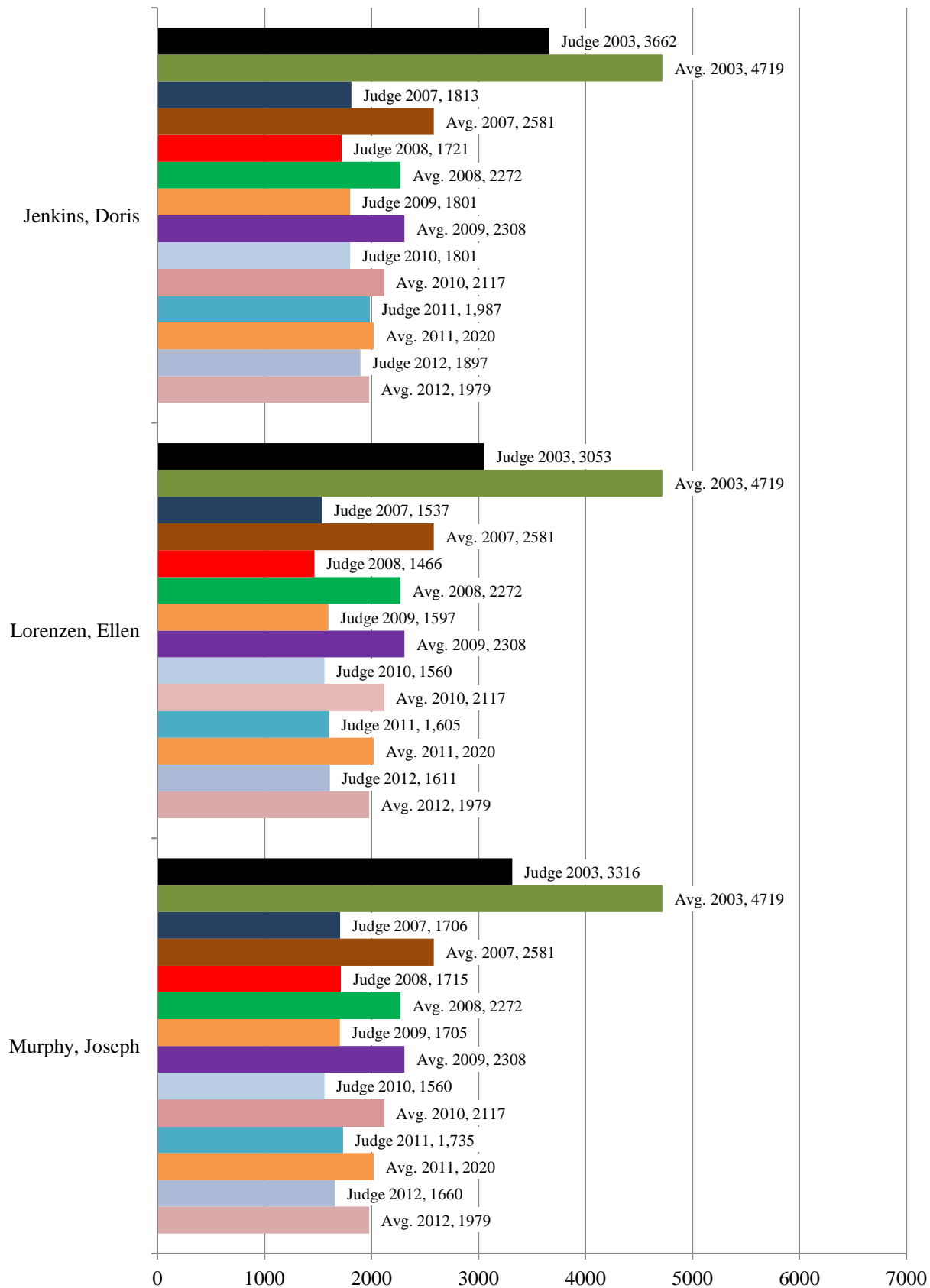
In 2009-10 Judge Murphy was appointed Director Emeritus, Florida Lawyers Assistance, Inc., and he maintained that leadership in 2011-12. In 2011-12, Judge Murphy announced his retirement, effective in 2012-13. Judge Murphy has been a JCC since 1993. His entire tenure has been in District TPA, although he has heard cases in multiple other districts, notably participating in the “visiting judge” and “out-of-district judge” programs in support of District LKL, for the last five years. He is a Detroit College and Michigan State University graduate. Judge Murphy is a leader, whose voice and opinion has been both sought, and followed, over years of change for the OJCC. As one of only a few Board Certified attorneys to serve as a JCC, he has brought an exceptional intellect to the OJCC. The contributions which Judge Murphy has made to the OJCC, the workers’ compensation community in Florida, and as a mentor to other attorneys would require more space than is available. Judge Murphy will be sorely missed by this agency.

The Judges of Compensation Claims are bound by the Code of Judicial Conduct, pursuant to Fla. Stat. §440.442. Pursuant to this section and the investigation/reporting provisions in Fla. Stat. §440.45, complaints against Judges of Compensation Claims are processed. In 2011-12 Judge Jenkins was found to have violated the Code of Judicial Conduct. Governor Rick Scott issued Executive Order 12-183, which is appended to this Annual Report.

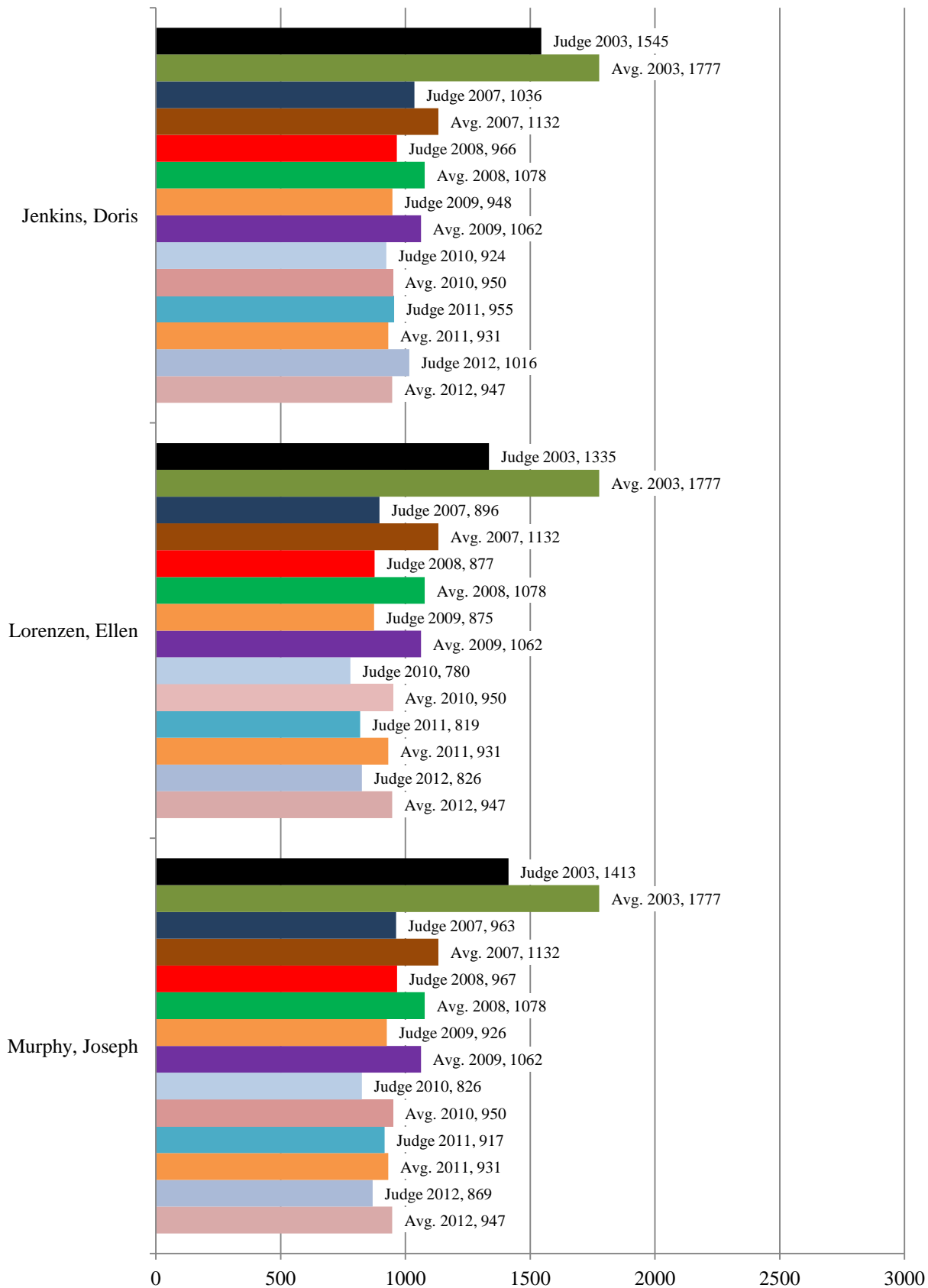


Judge Murphy was recognized for his years of service to the OJCC at the 2012 National Association of Workers’ Compensation Judiciary Judicial College in Orlando

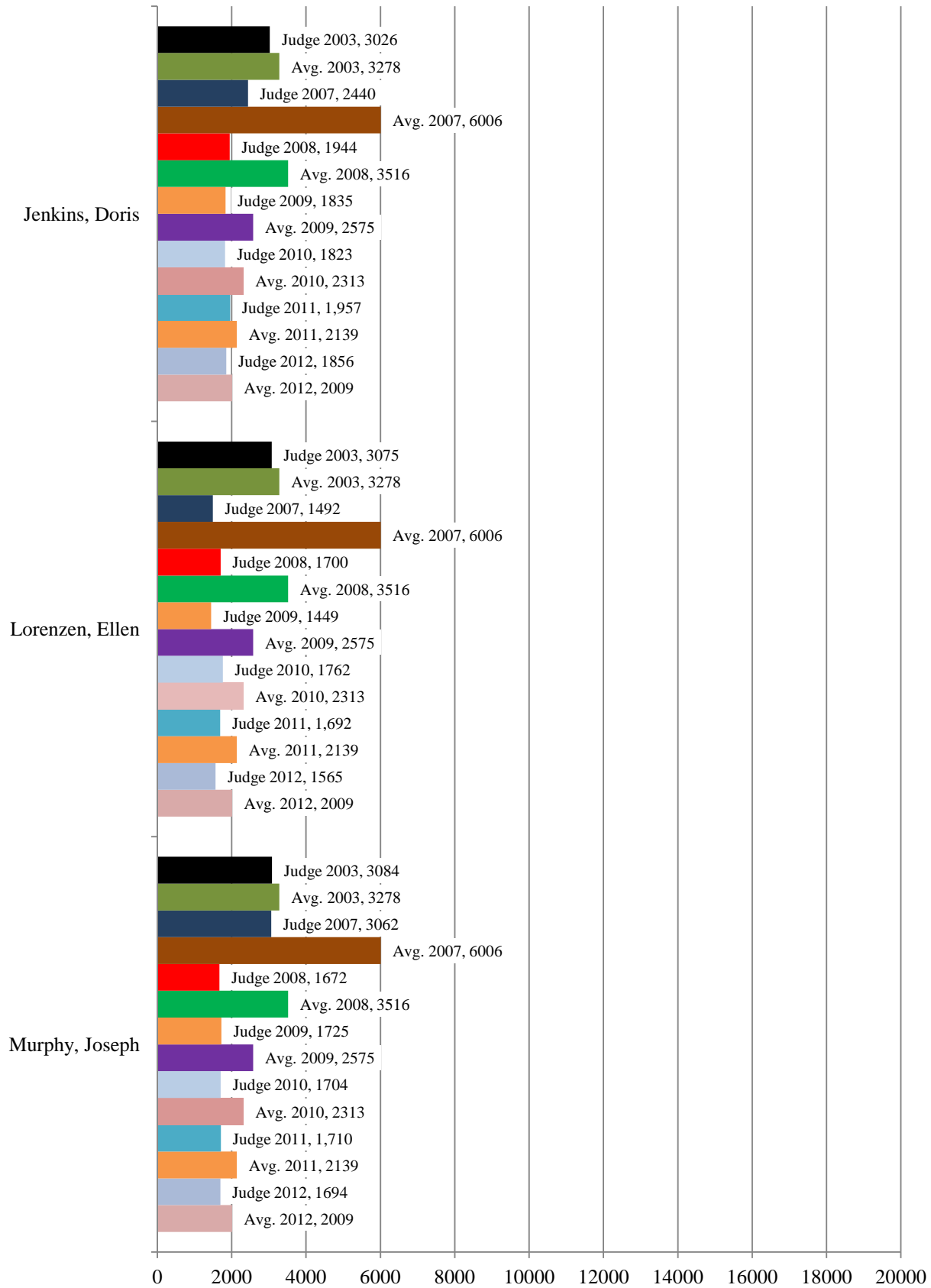
The following depicts the volume of PFBs filed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



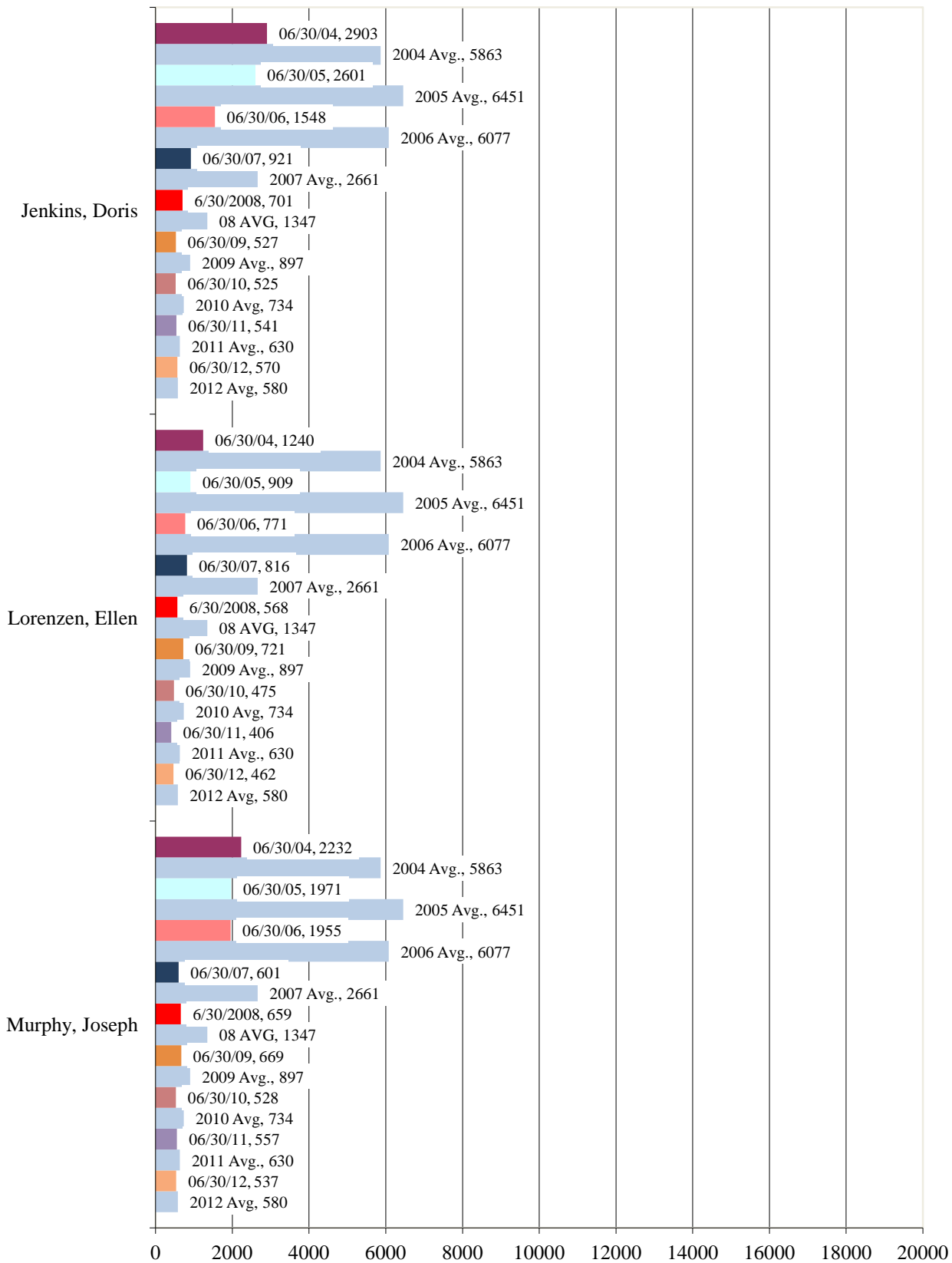
The following depicts the volume of new cases filed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



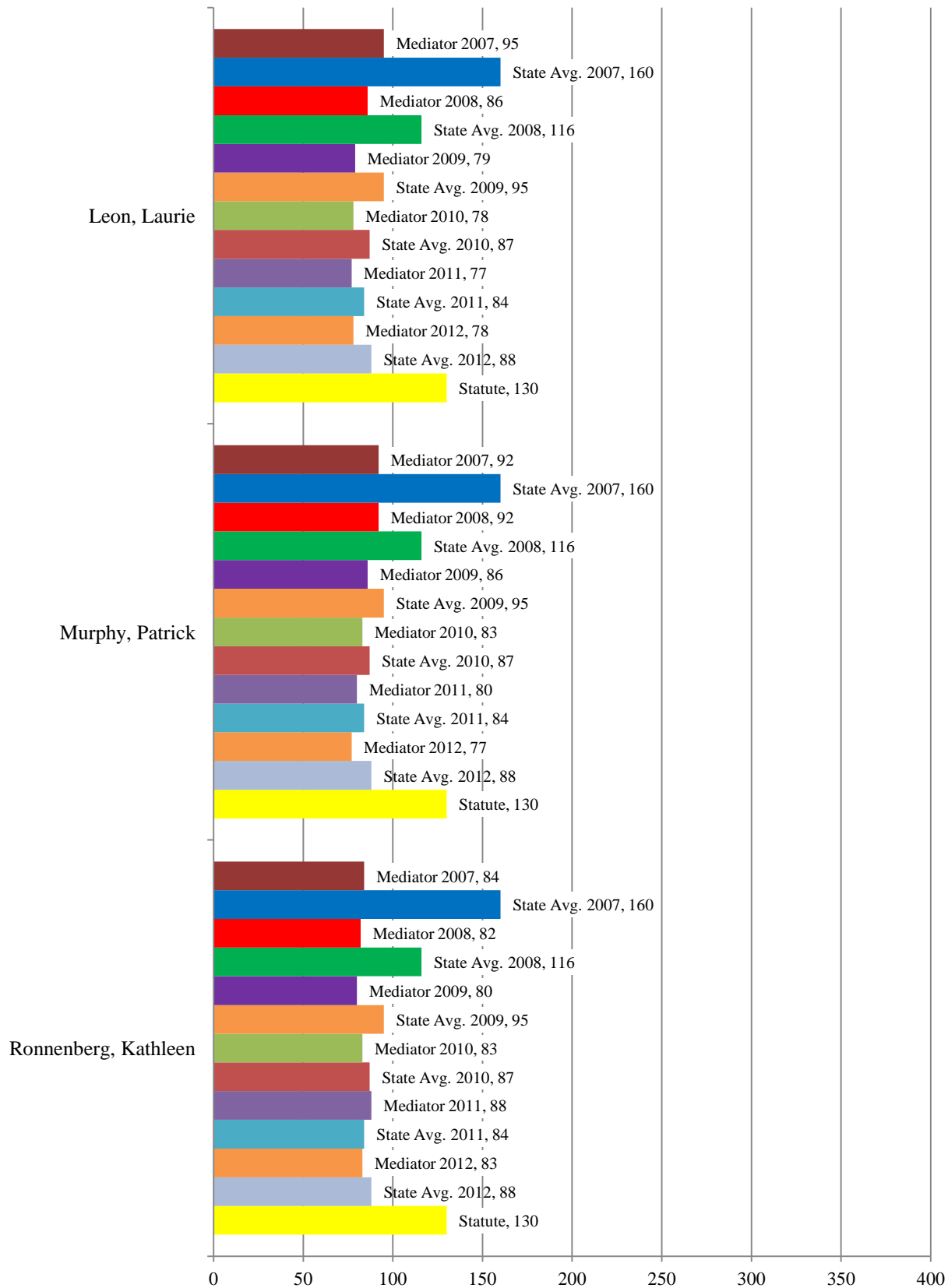
The following depicts the volume of PFBs closed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



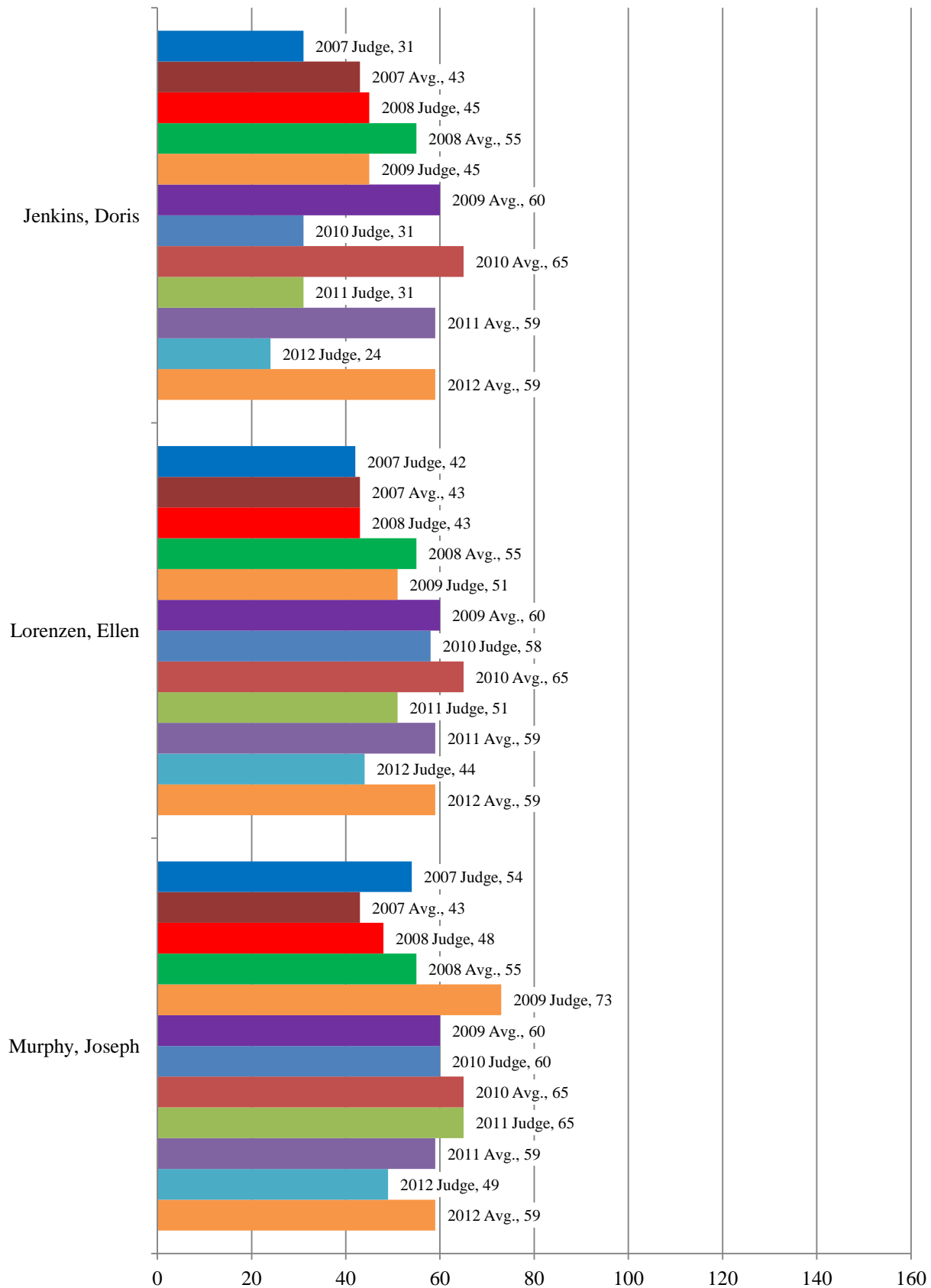
The following depicts the inventory of pending PFBs in this District and the statewide average between 2002-03 and 2010-11. The identification and values for each year are in each bar label.



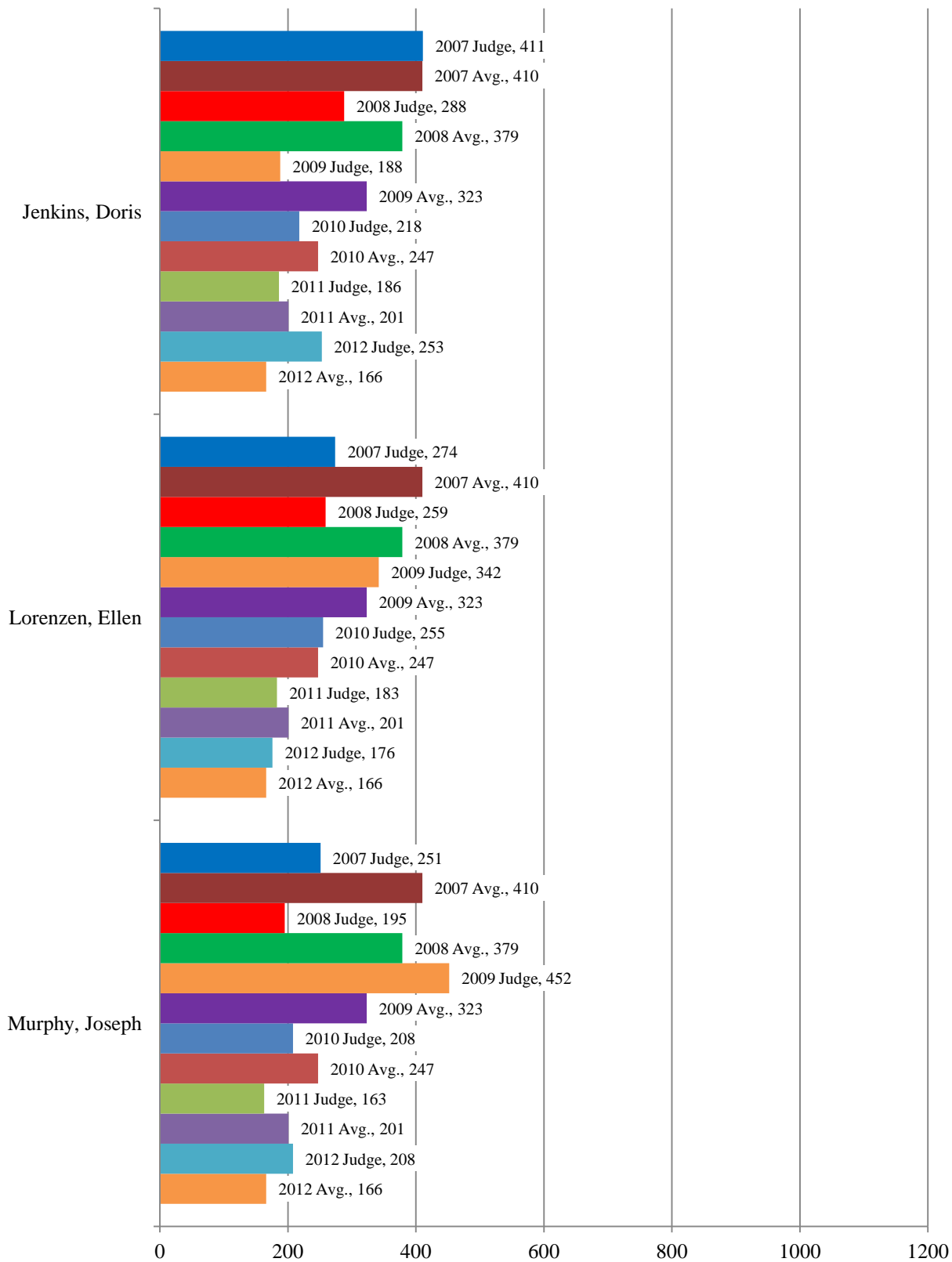
The following depicts the average days between PFB filing, and the first mediation held thereon, for each mediator in the District between 2002-03 and 2010-11. The identification and values for each year are in each bar label. The yellow bar represents the statutory 130 days.



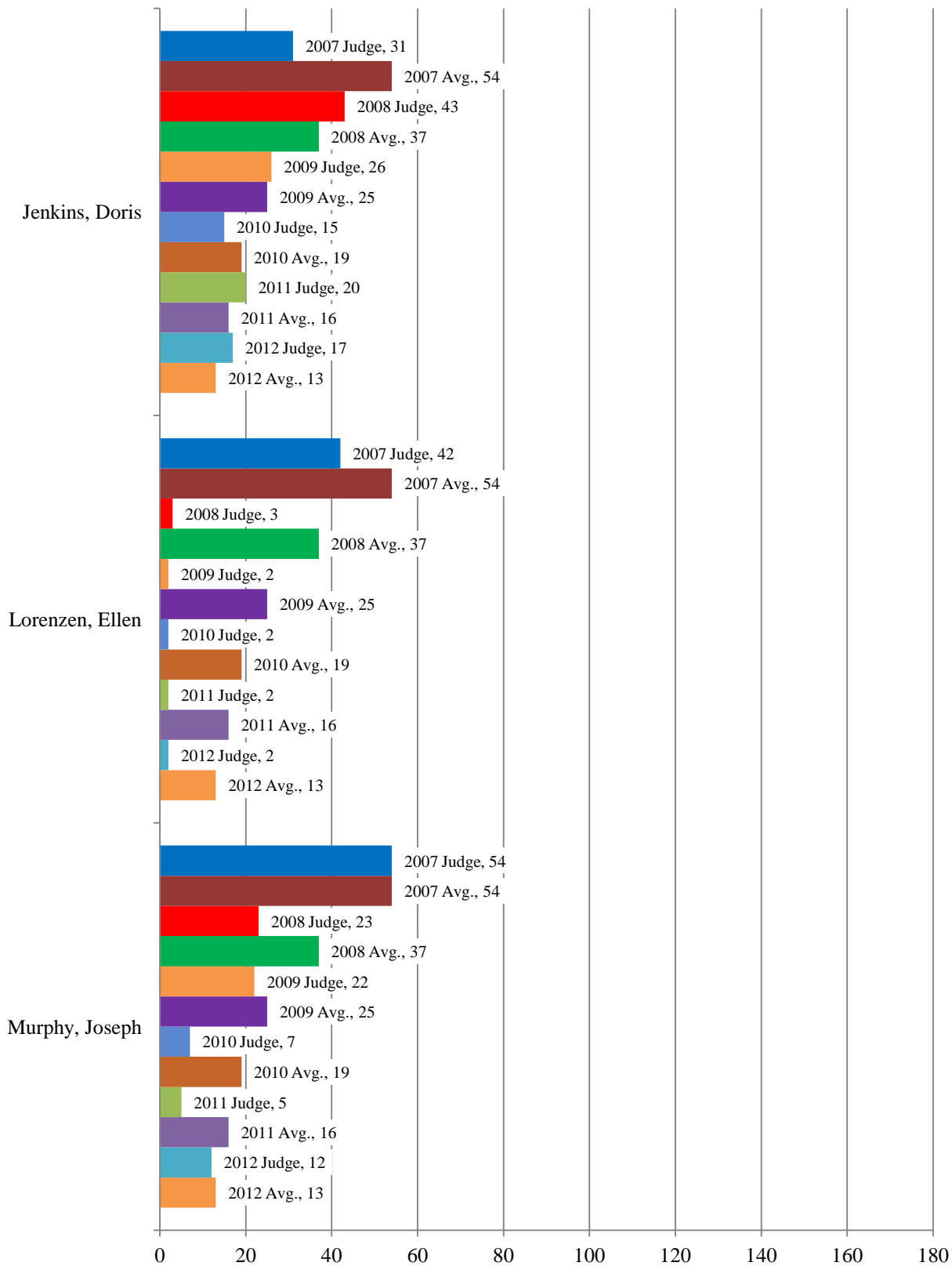
The following graph depicts the total volume of trial orders uploaded in this District and statewide averages between 2006-07 and 2010-11. The identification and values for each year are in each bar label.



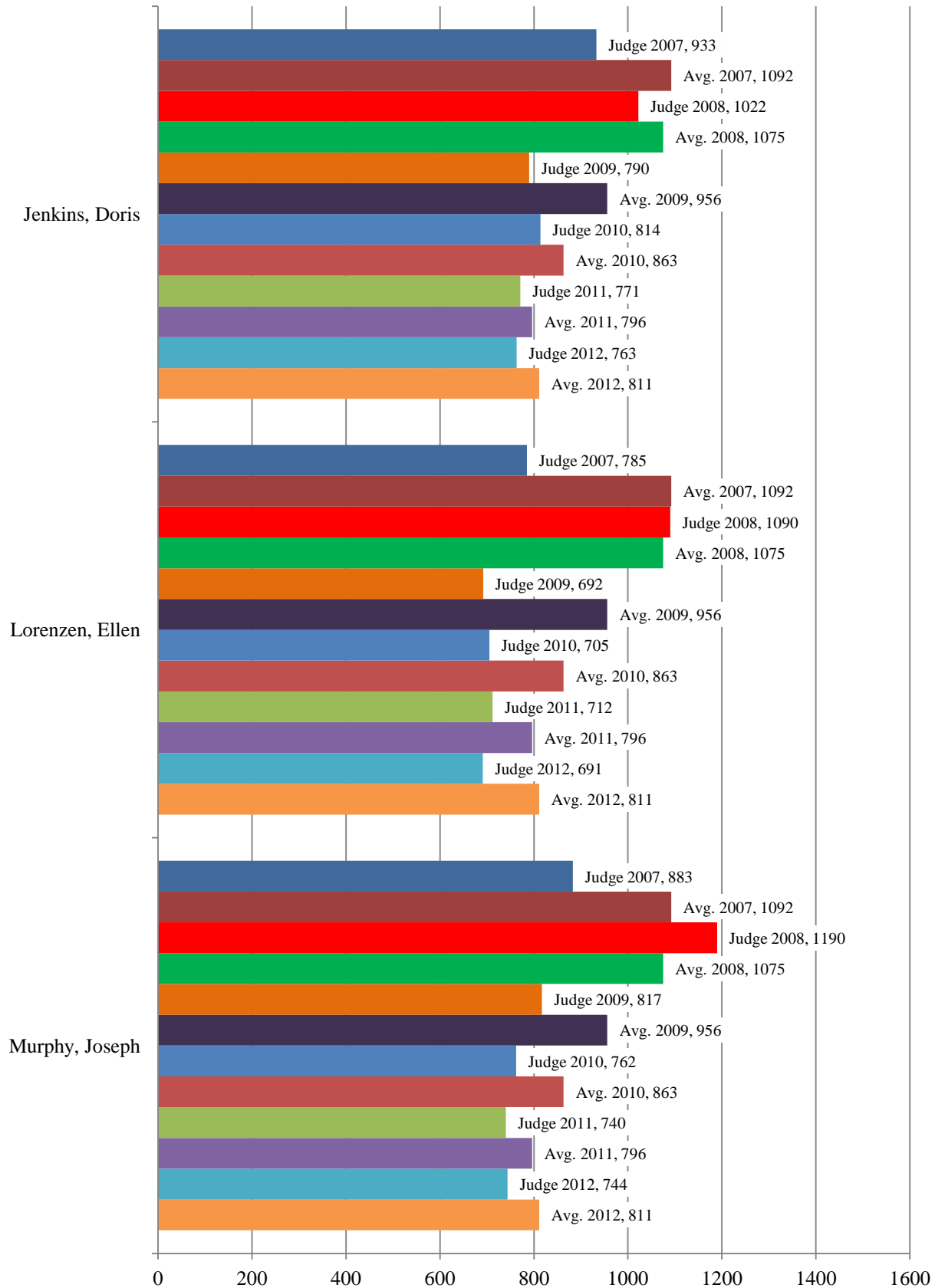
The following depicts the average days between PFB filing and trial commencing for each Judge and the statewide average between 2006-07 and 2010-11. For these calculations, only the first day of trial is considered, and days after the first trial day are included in the days between trial and final order. The identification for each year and the values are in each bar label.



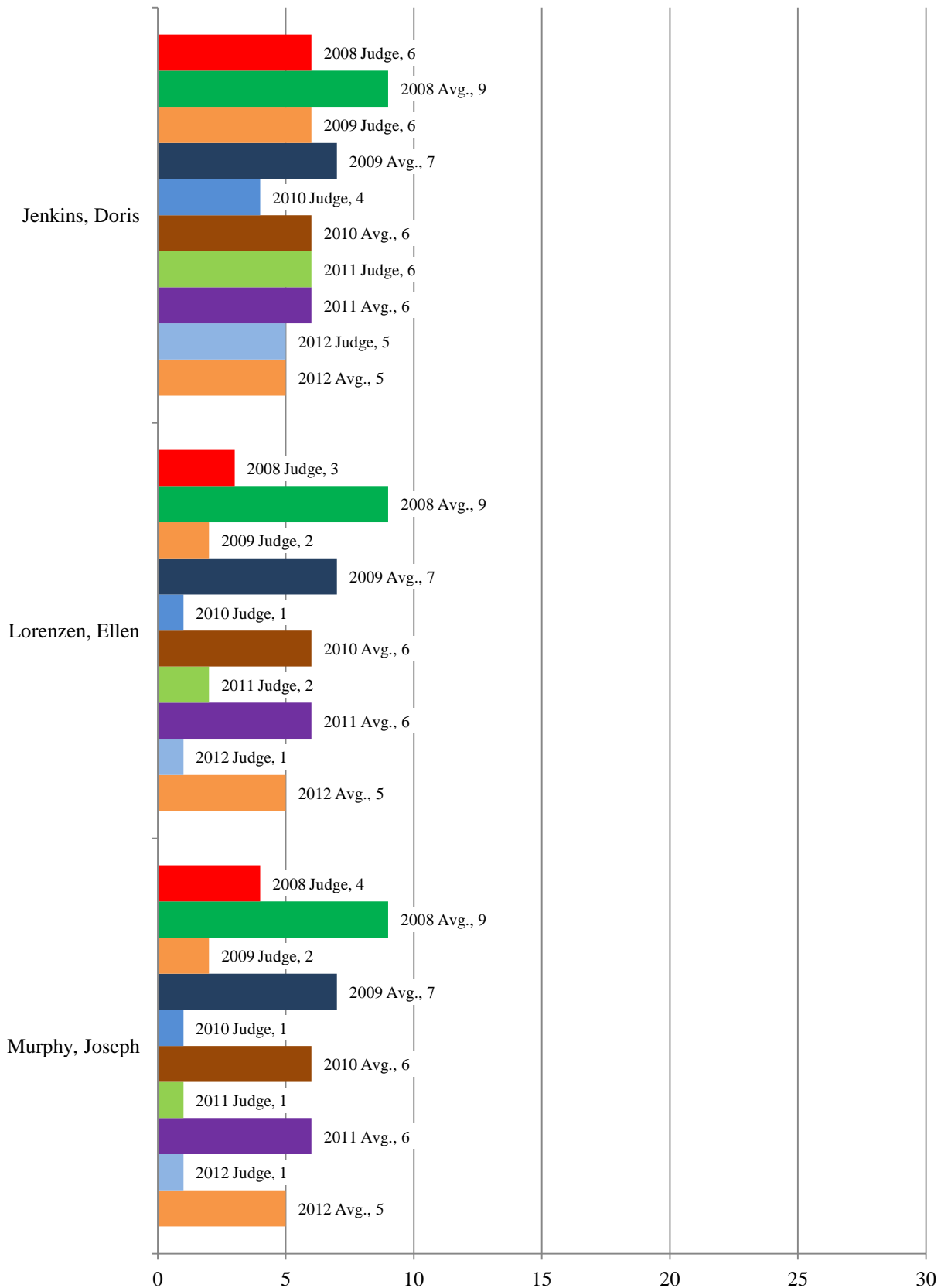
The following depicts the average days between trial commencing and entry of the trial order for each Judge and the statewide average between 2006-07 and 2010-11. All days between the first day of trial and last day of trial are included in the calculation of days between trial and final order. The identification for each year and the values are in each bar label.



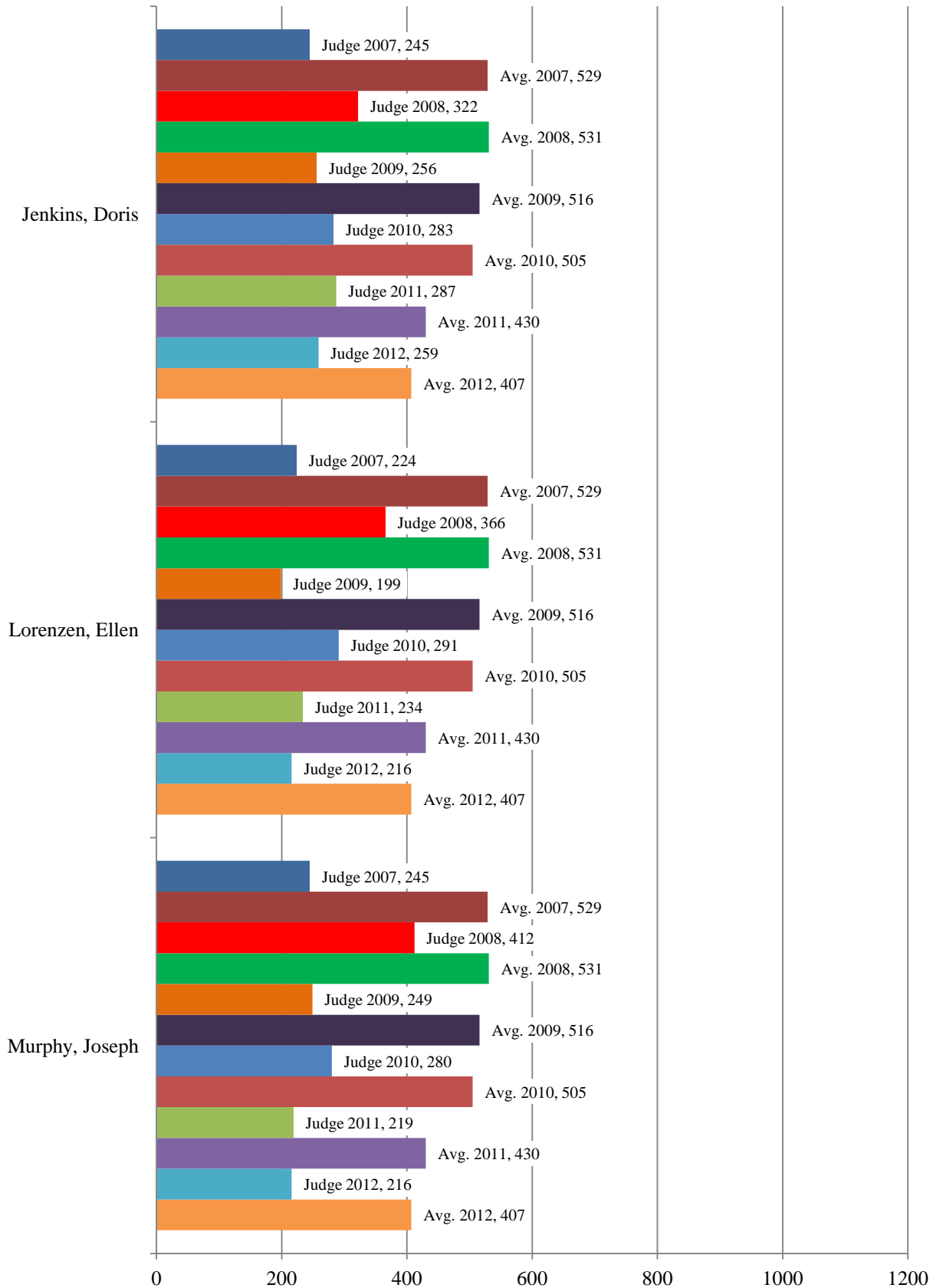
The following depicts the volume of settlement orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



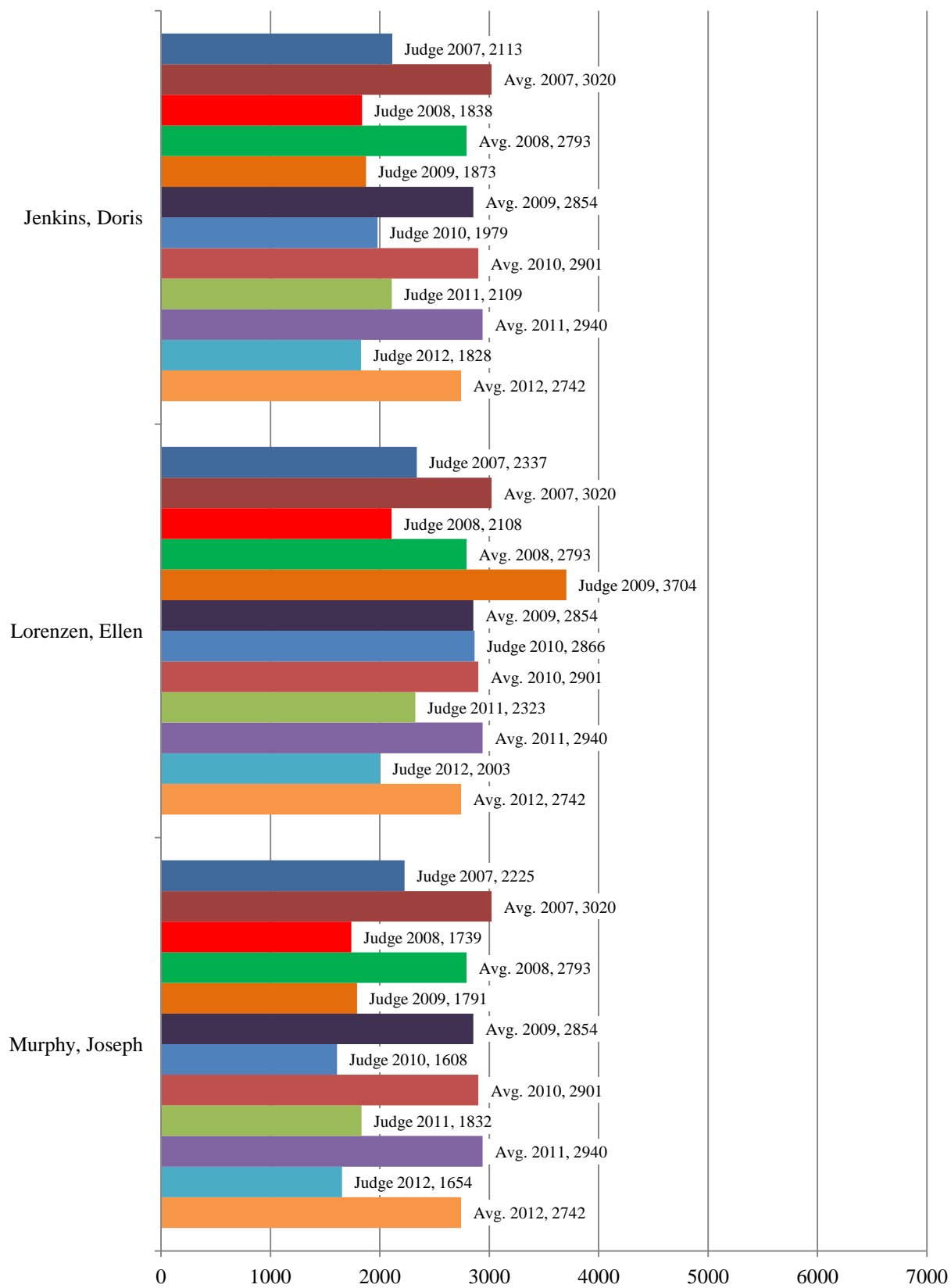
The following depicts the average number of days between filing of a settlement motion and entry of a settlement order by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



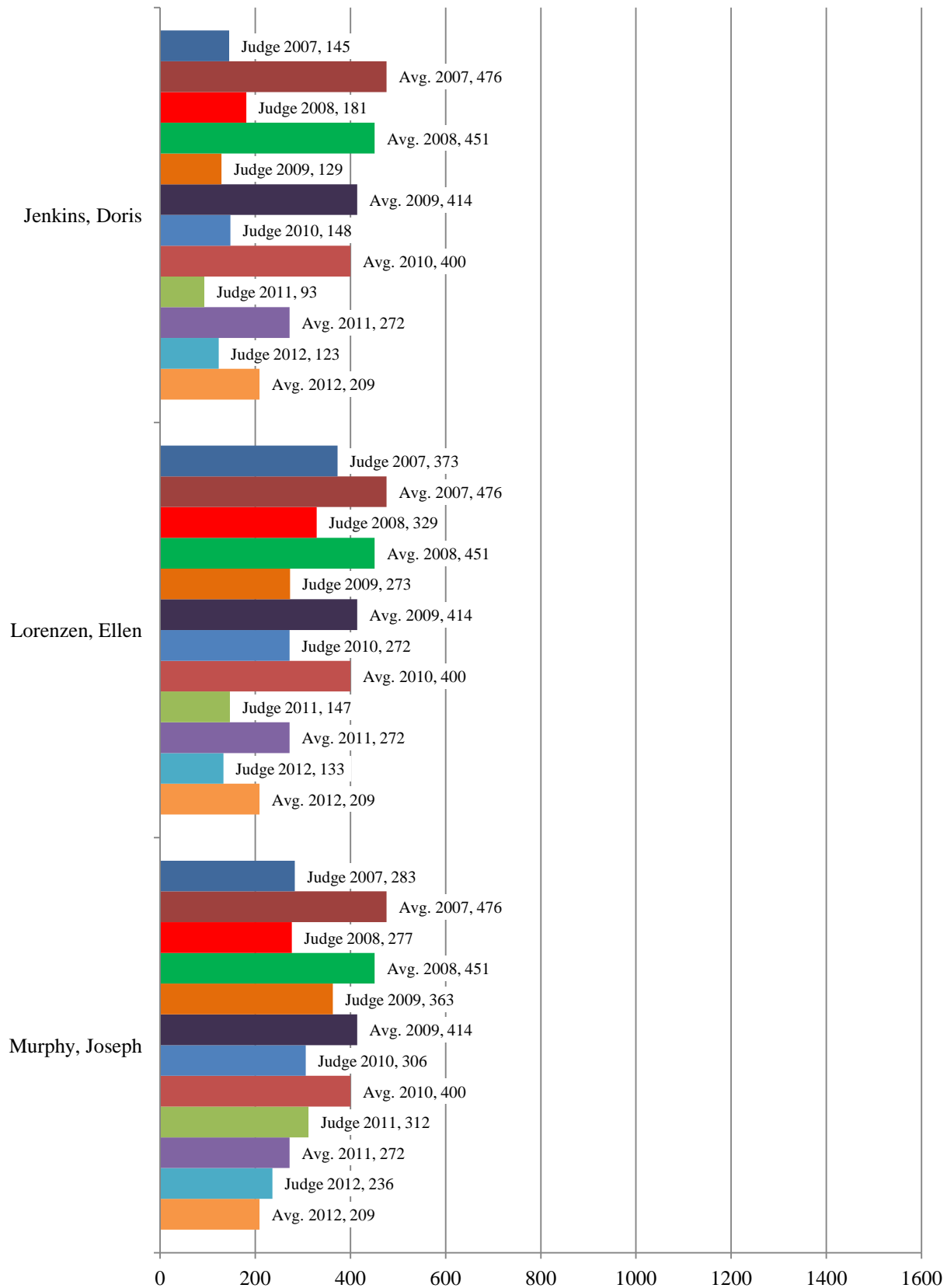
The following depicts the volume of stipulation orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



The following depicts the volume of “other” (meaning not settlement or stipulation) orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



The following depicts the volume of “other” (meaning not trials) hearings recorded as “held” by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



Appendix “17” District WPB (JCC Basquill, JCC D’Ambrosio, JCC Punancy):

District WPB includes Glades, Hendry and Palm Beach Counties.

The filing volumes for PFBs in District WPB were above average again in 2011-12, which has been reasonably consistent for the last six years. The “new case” volumes remained below average, however. This also has been reasonably consistent for the recent past. District WPB documented significant volumes of PFB closure in 2006-07, resulting in markedly reduced year-end PFB inventory that year. Since then, closure volume has continued to exceed filing volume generally. In 2011-12, the comparison of PFB filing volume for the year and PFB closure for the year reveals that District WPB has achieved an equilibrium point. This is a tribute to sound docket management and apparent significant effort, which has resulted in notable improvements, culminating with the 2011-12 figures, which are a tribute to the WPB team’s efforts.

Trial volumes for all three WPB Judges have recently been close to the statewide average. However, the 2011-12 statistics reveal that trial volumes in District WPB are well below the statewide average. All three WPB Judges averaged less than the 210 day statutory parameter in 2011-12. Judges Judge D’Ambrosio and Punancy averaged less than the thirty day parameter for entry of their trial orders. Judge Basquill missed that statutory parameter by one day, averaging thirty-one days in 2011-12. Review of the actual orders involved, reveals that several lengthy delays resulted from circumstances which were not within Judge Basquill’s control. Examples of circumstances that may be so characterized include carrier bankruptcy and expert medical advisors.

Judge D’Ambrosio participated in the Annual Bench Bar Conference. She is a member of the Palm Beach Bar Association Workers’ Compensation Committee, and is planning the 2013 Bench Bar Conference.

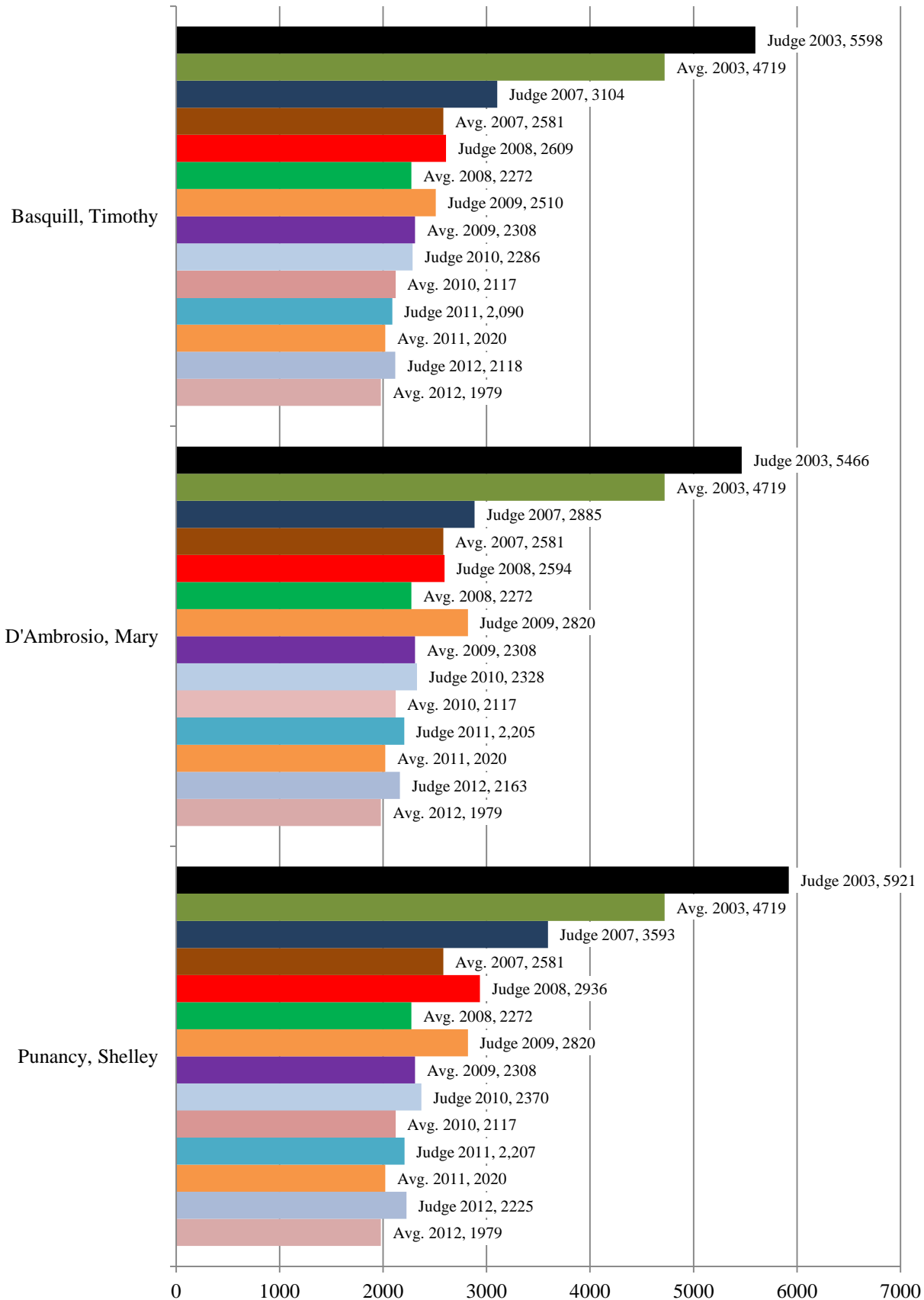
Judge Punancy participated in the WPB annual bench/bar conference. She evaluates applications for Friends of 440 scholarships. In 2010-11 she acted as a Moot Court Judge for trials conducted by students at local schools.

Mediator Langer is a member of the Board of the Florida Mediation Institute, and works with the Friends of 440 Scholarship organization.

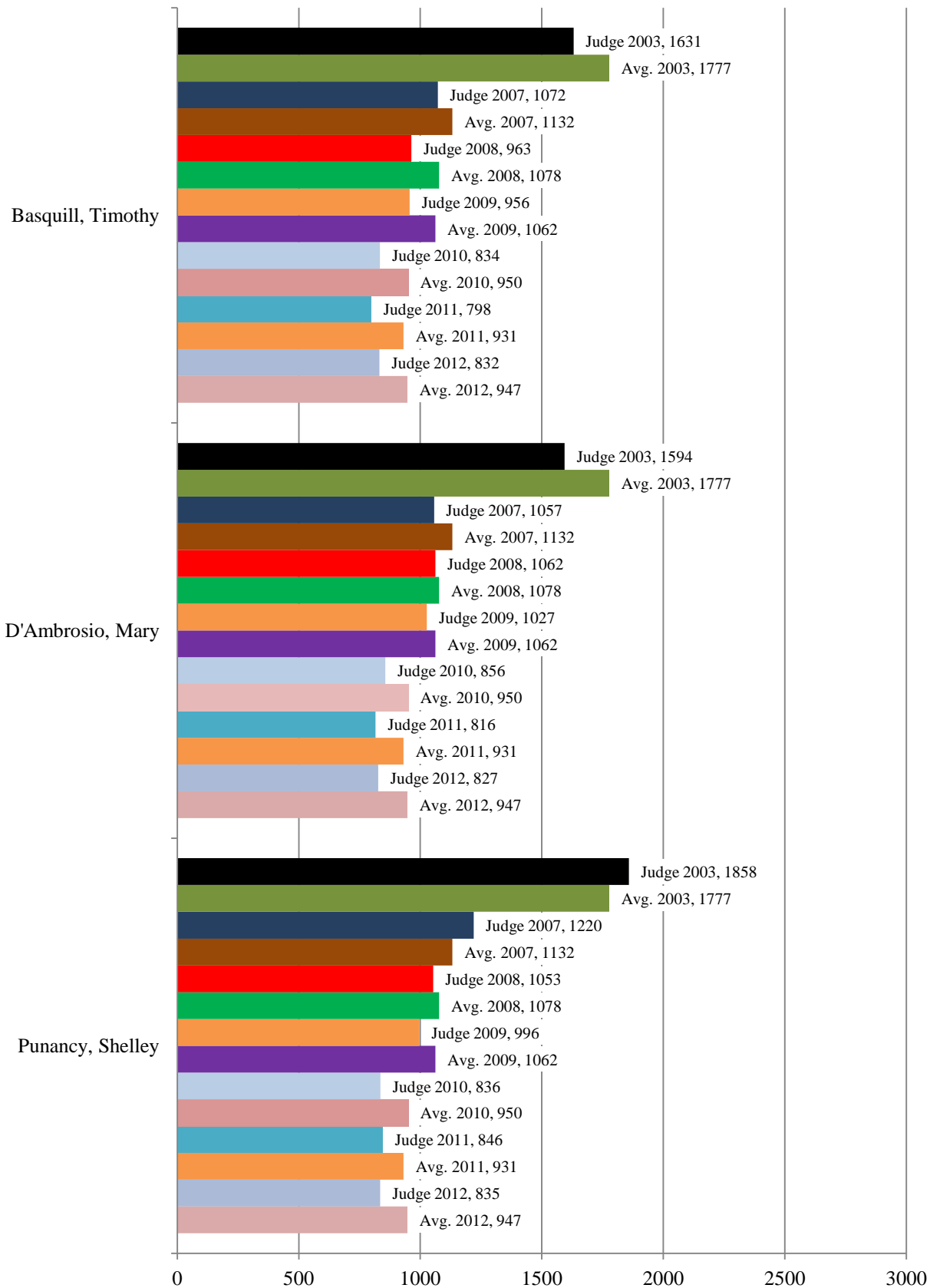


Judges Lazzara, Langham and Rosen (L to R) were inducted into the Workers’ Compensation Institute Hall of Fame in January 2012.

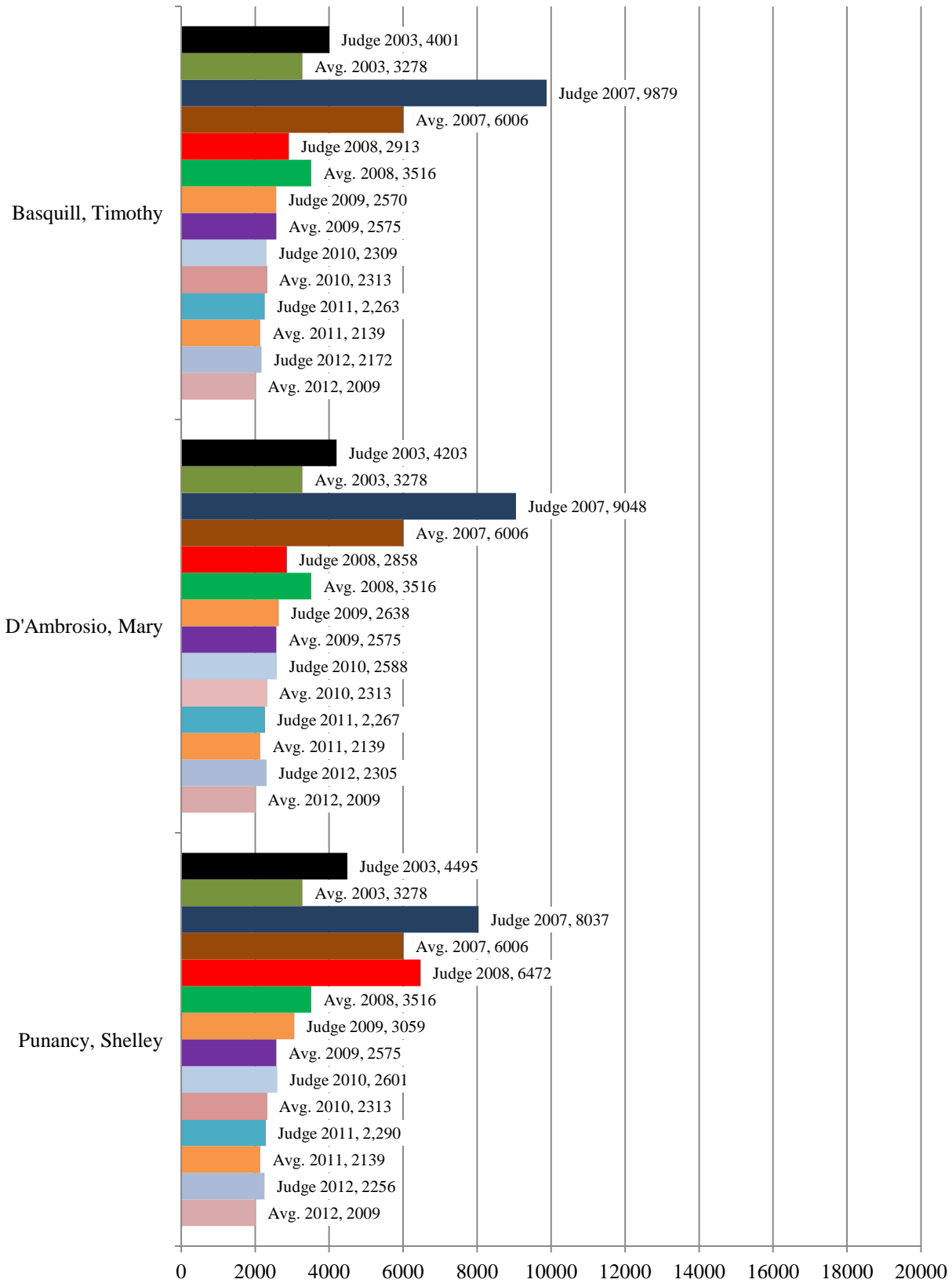
The following depicts the volume of PFBs filed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



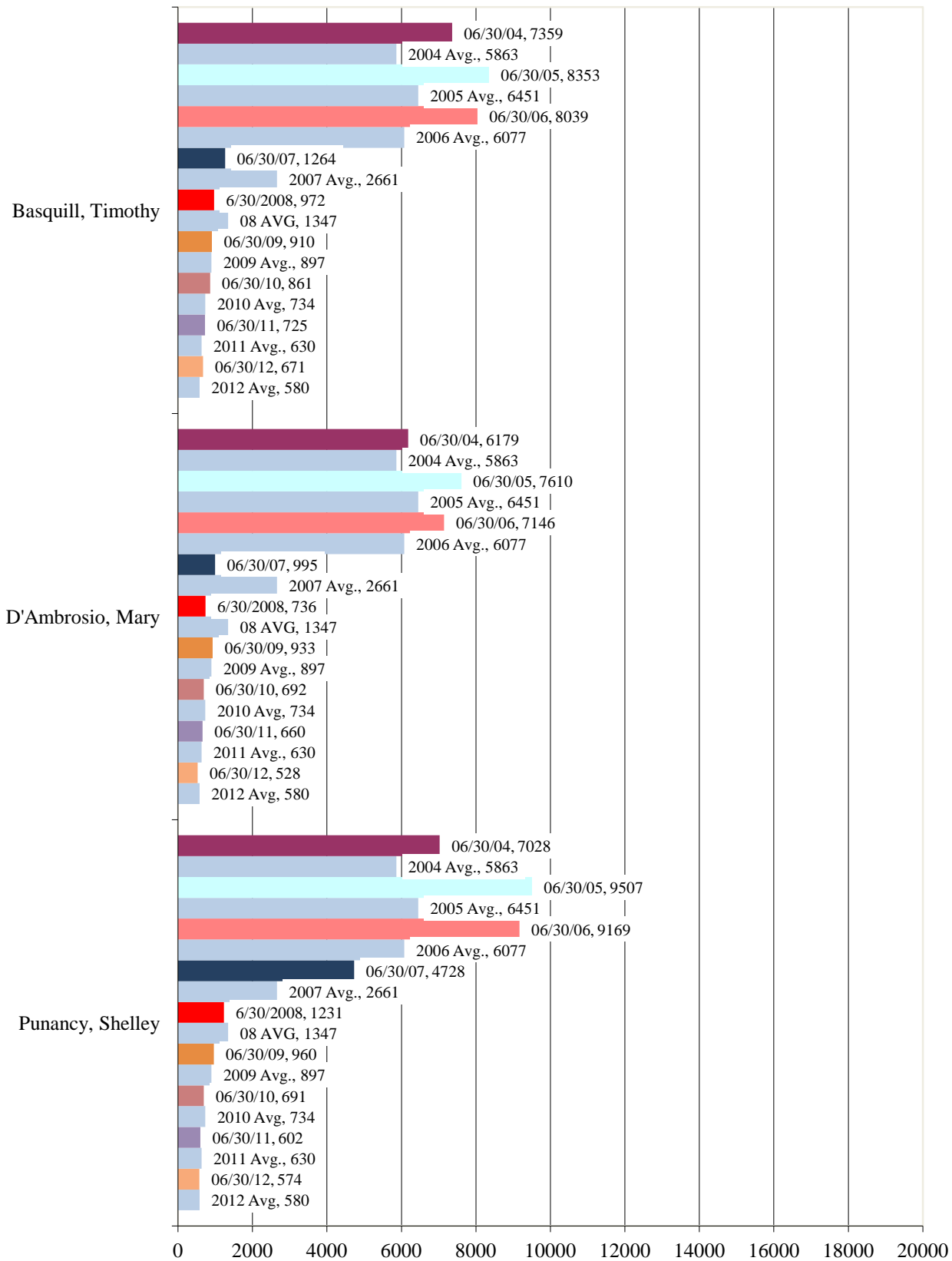
The following depicts the volume of new cases filed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



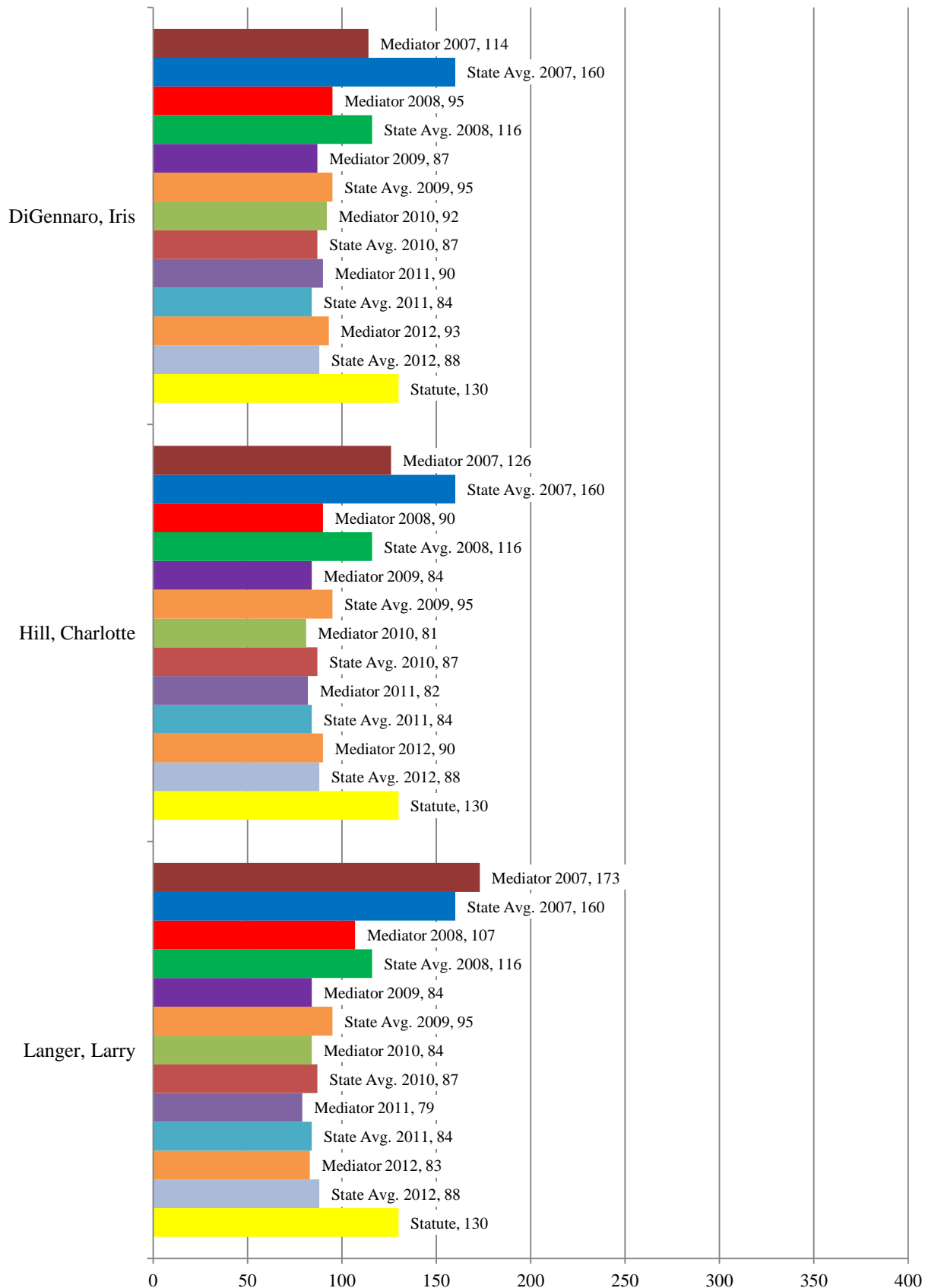
The following depicts the volume of PFBs closed in this District and the statewide average between 2002-03 and 2010-11. The identification for each year and the values are in each bar label.



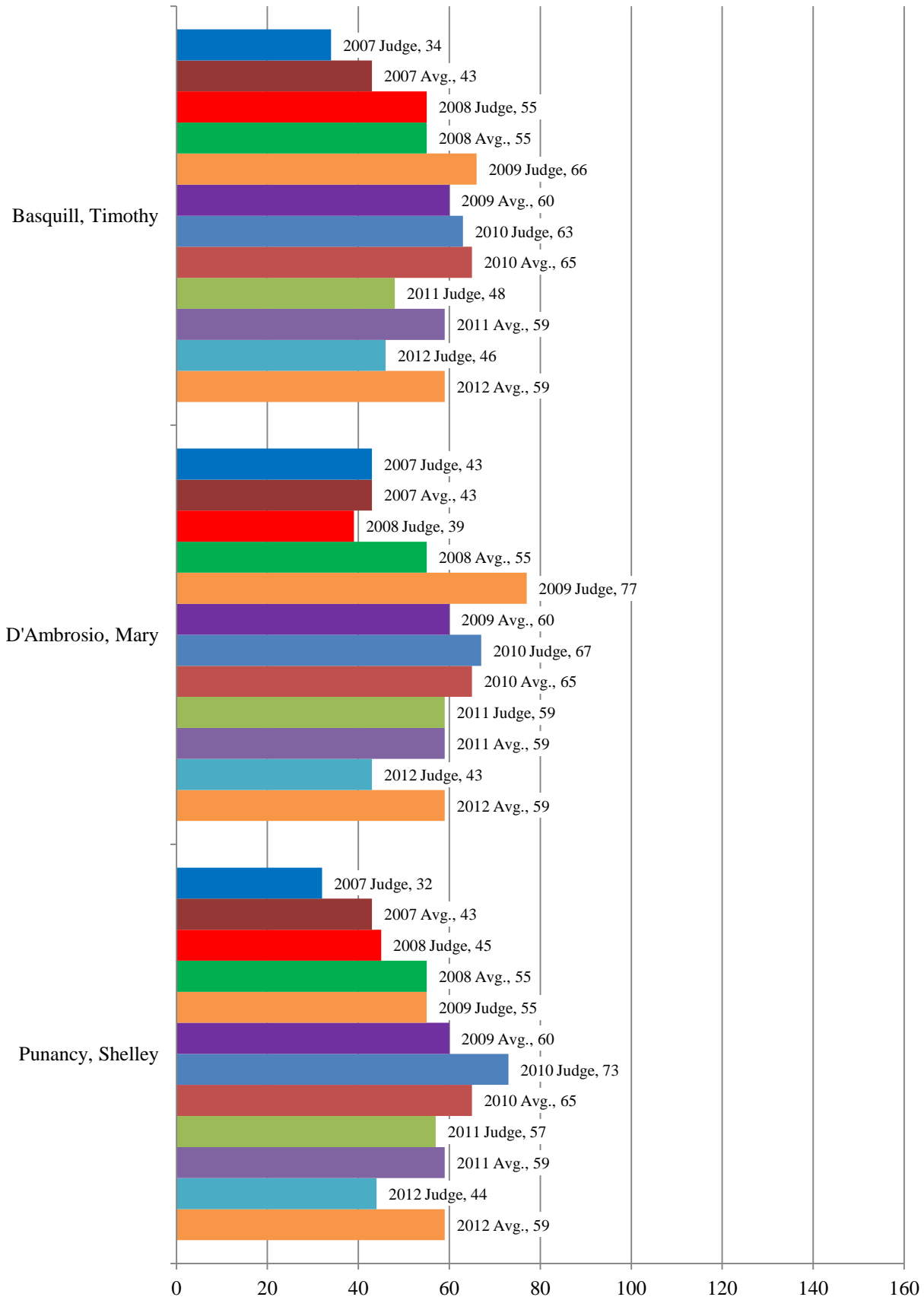
The following depicts the inventory of pending PFBs in this District and the statewide average between 2002-03 and 2010-11. The identification and values for each year are in each bar label.



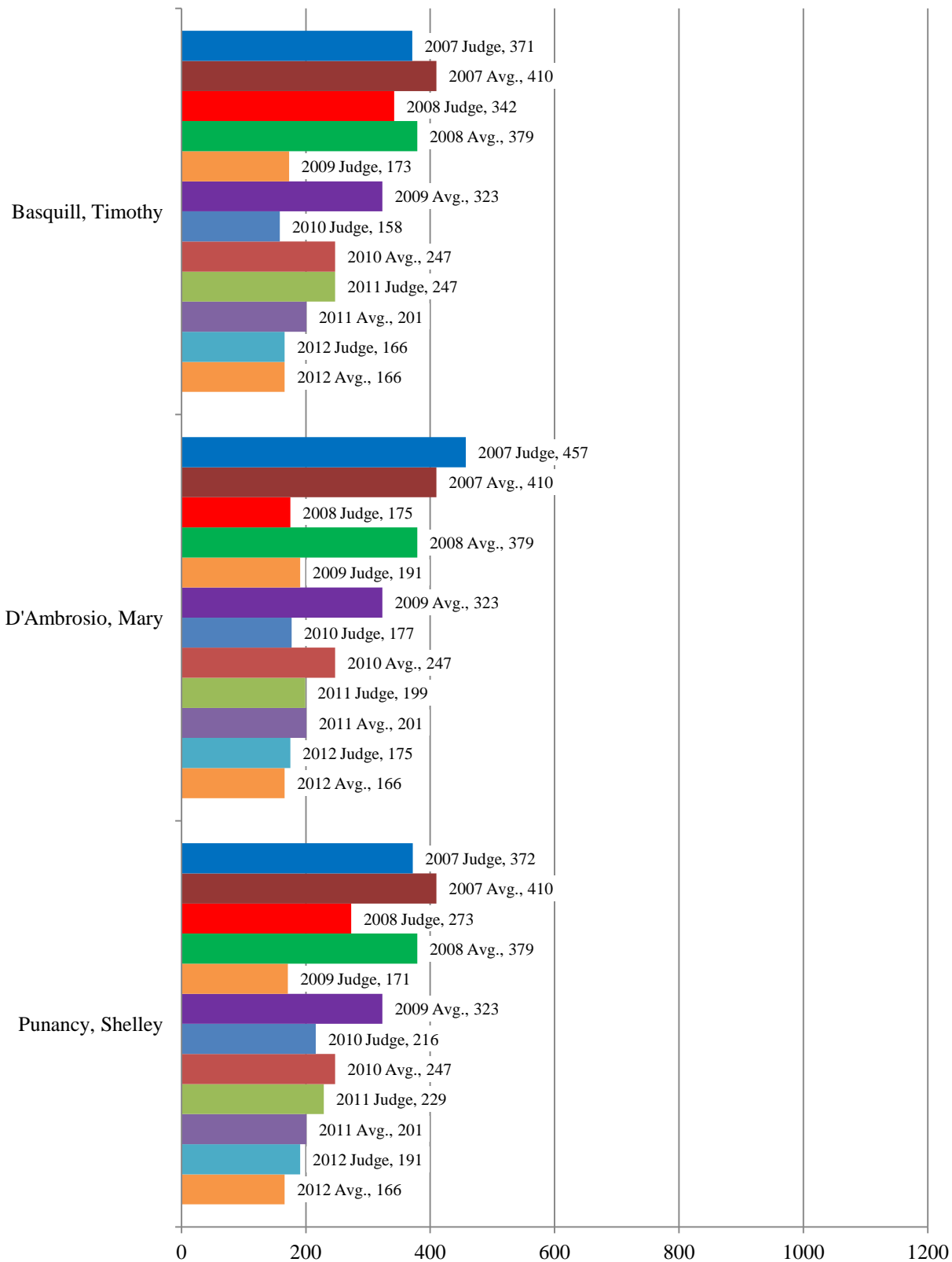
The following depicts the average days between PFB filing, and the first mediation held thereon, for each mediator in the District between 2002-03 and 2010-11. The identification and values for each year are in each bar label. The yellow bar represents the statutory 130 days.



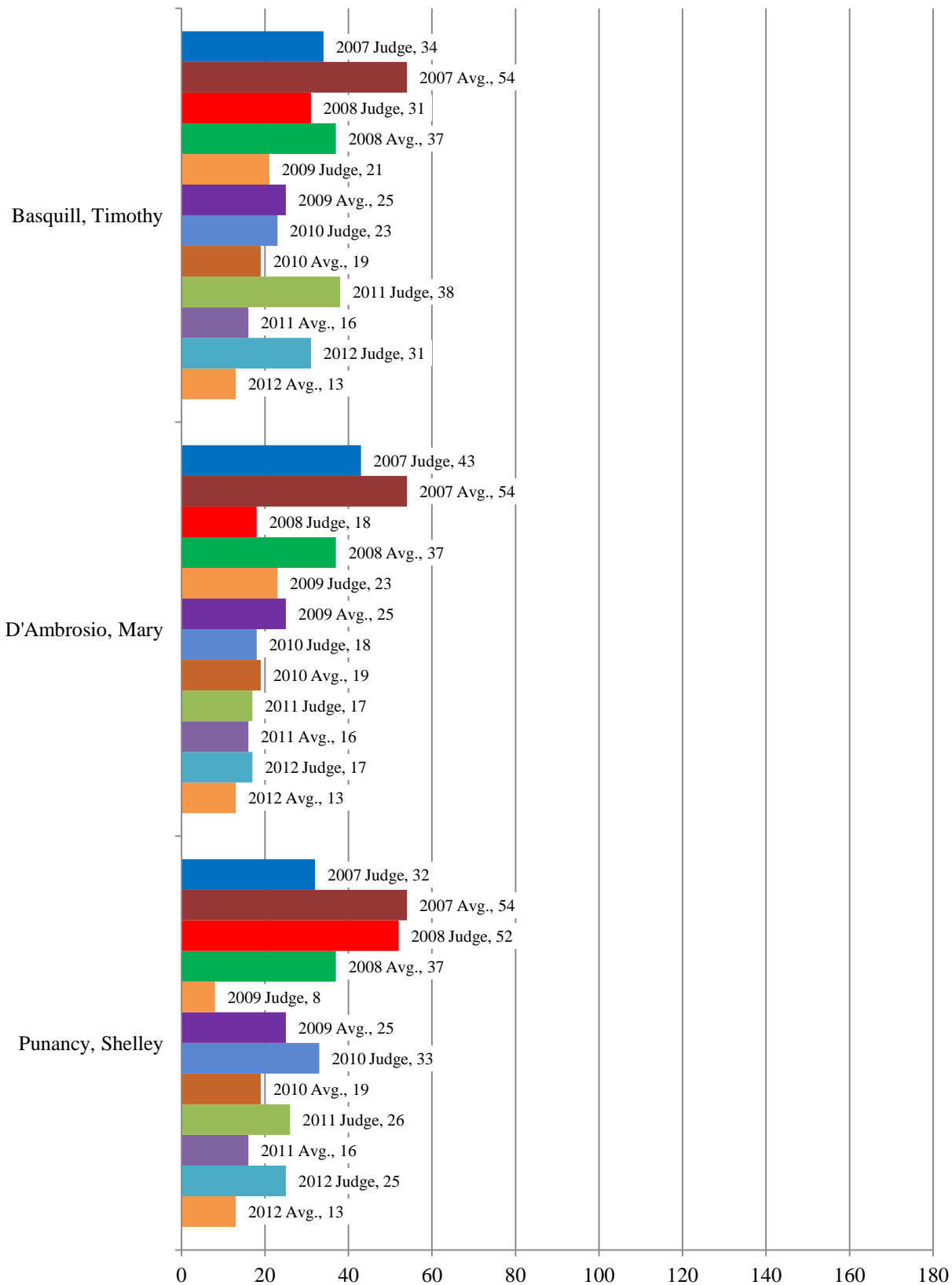
The following graph depicts the total volume of trial orders uploaded in this District and statewide averages between 2006-07 and 2010-11. The identification and values for each year are in each bar label.



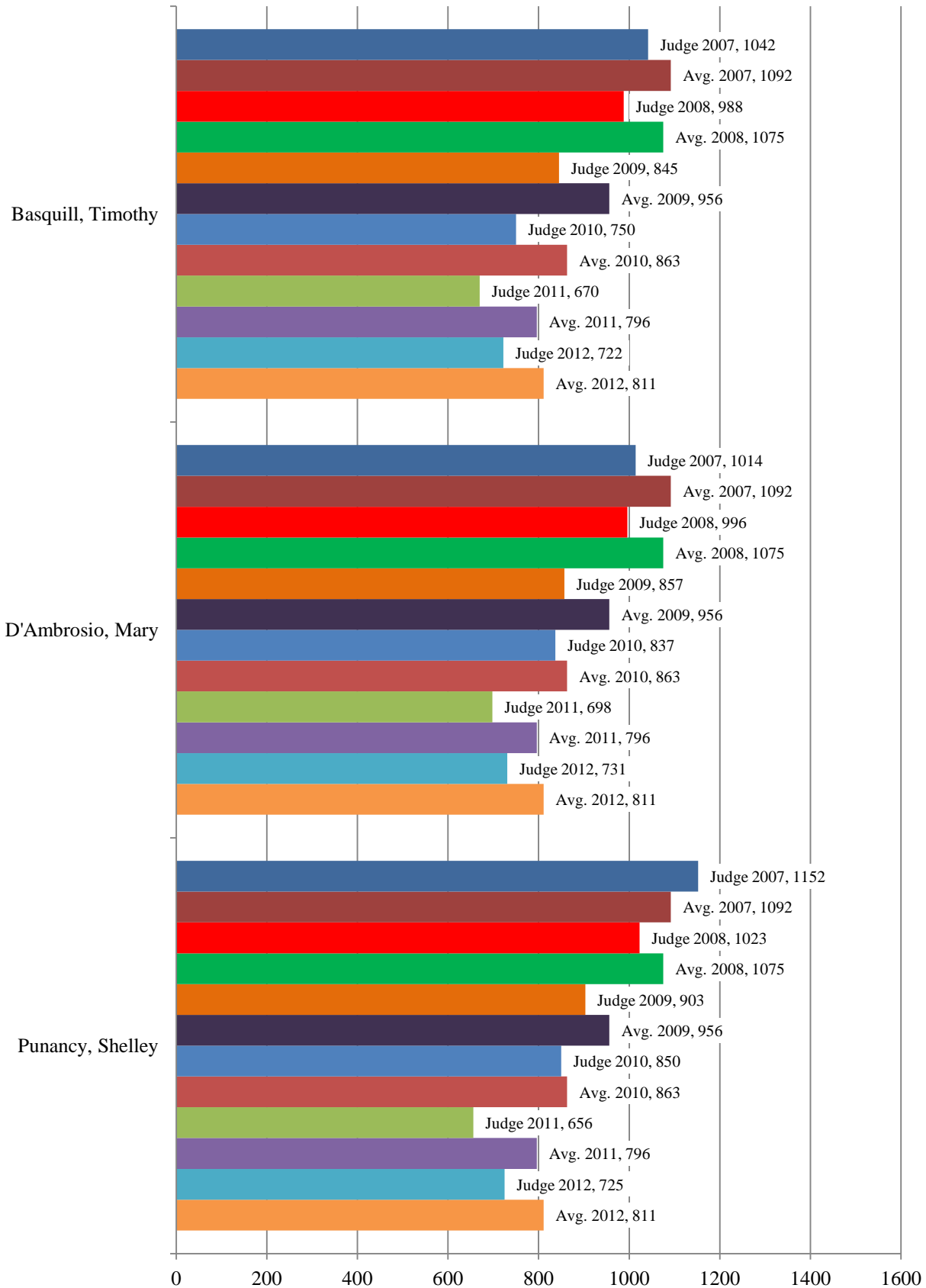
The following depicts the average days between PFB filing and trial commencing for each Judge and the statewide average between 2006-07 and 2010-11. For these calculations, only the first day of trial is considered, and days after the first trial day are included in the days between trial and final order. The identification for each year and the values are in each bar label.



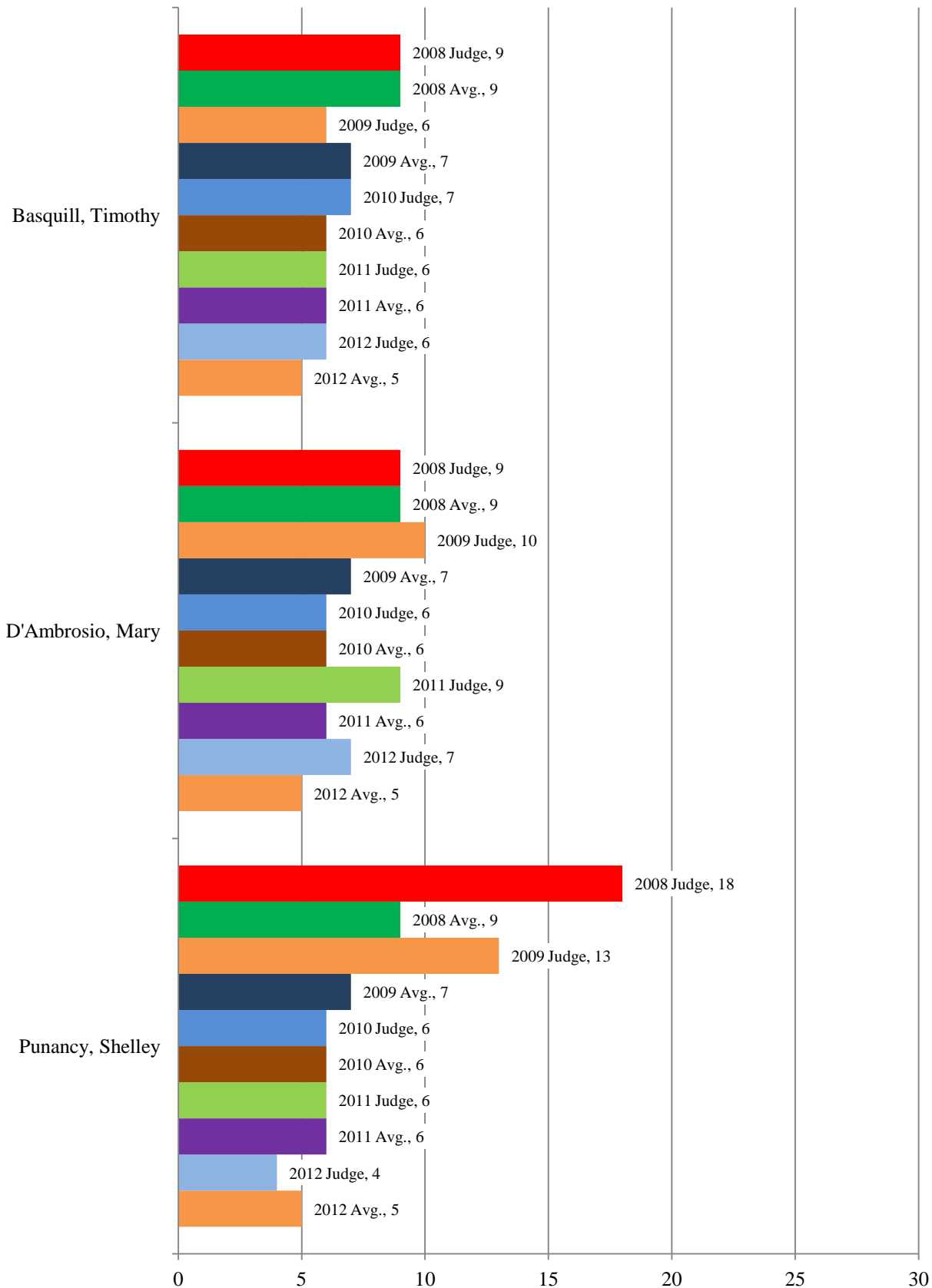
The following depicts the average days between trial commencing and entry of the trial order for each Judge and the statewide average between 2006-07 and 2010-11. All days between the first day of trial and last day of trial are included in the calculation of days between trial and final order. The identification for each year and the values are in each bar label.



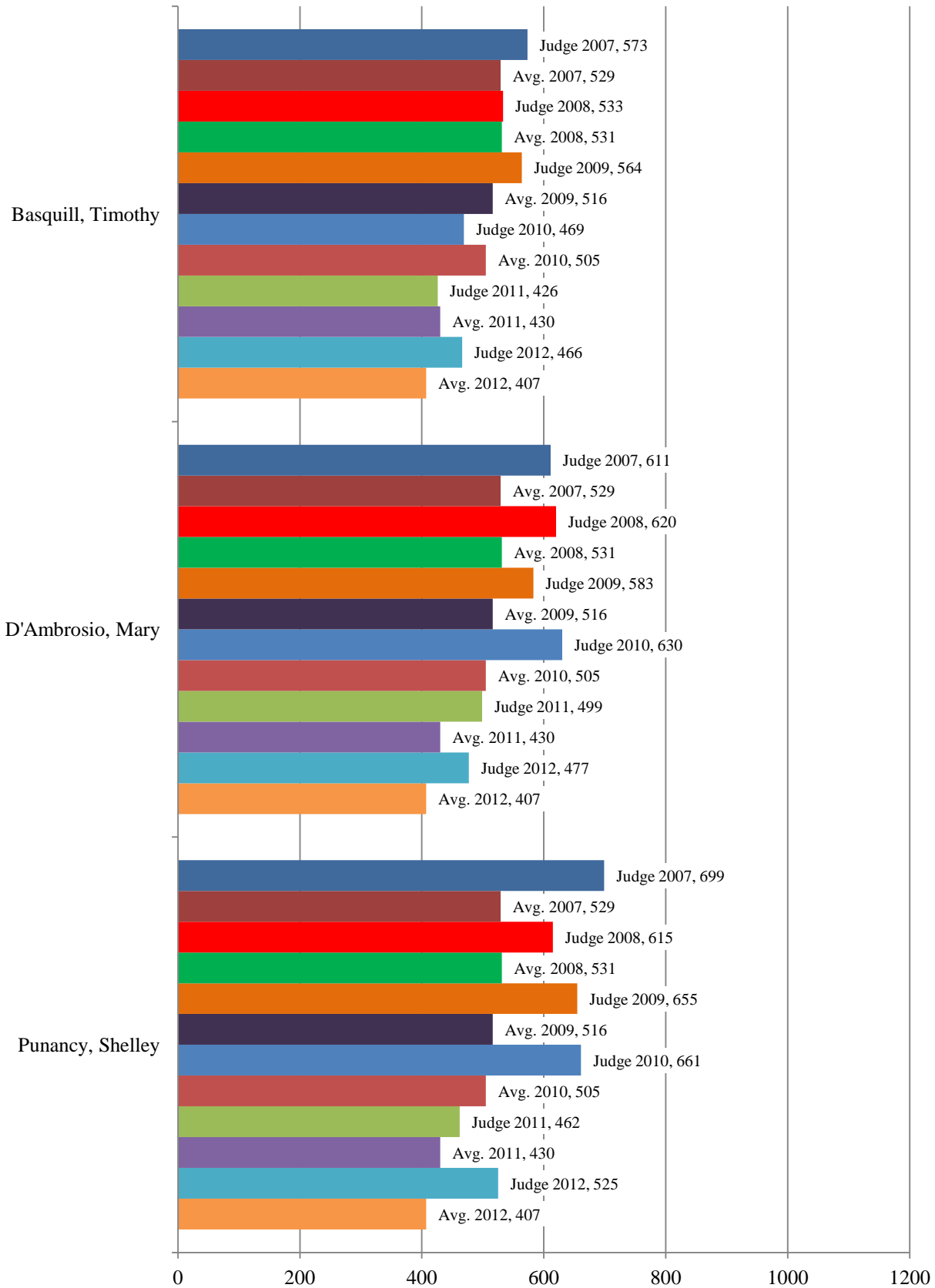
The following depicts the volume of settlement orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



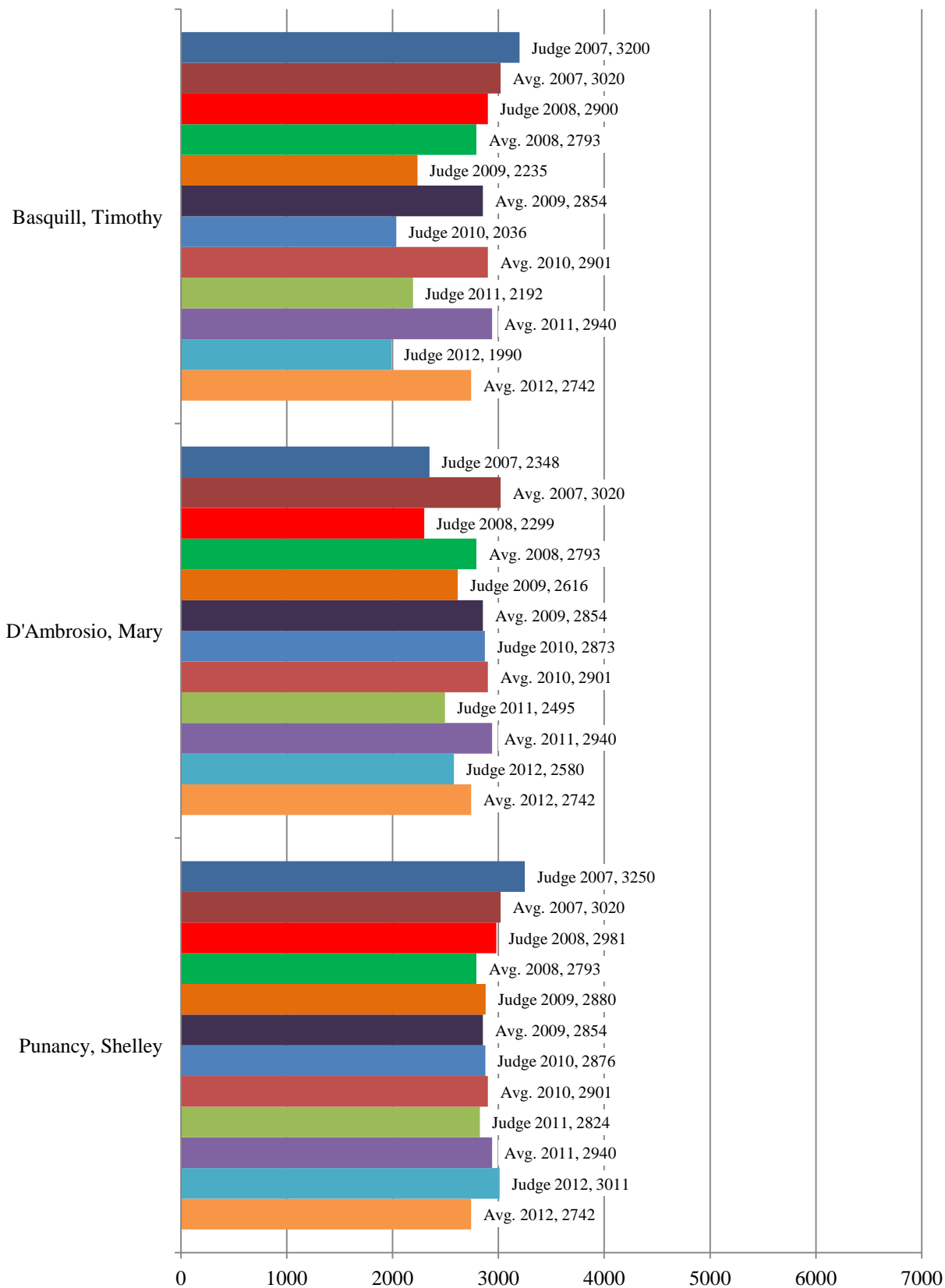
The following depicts the average number of days between filing of a settlement motion and entry of a settlement order by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



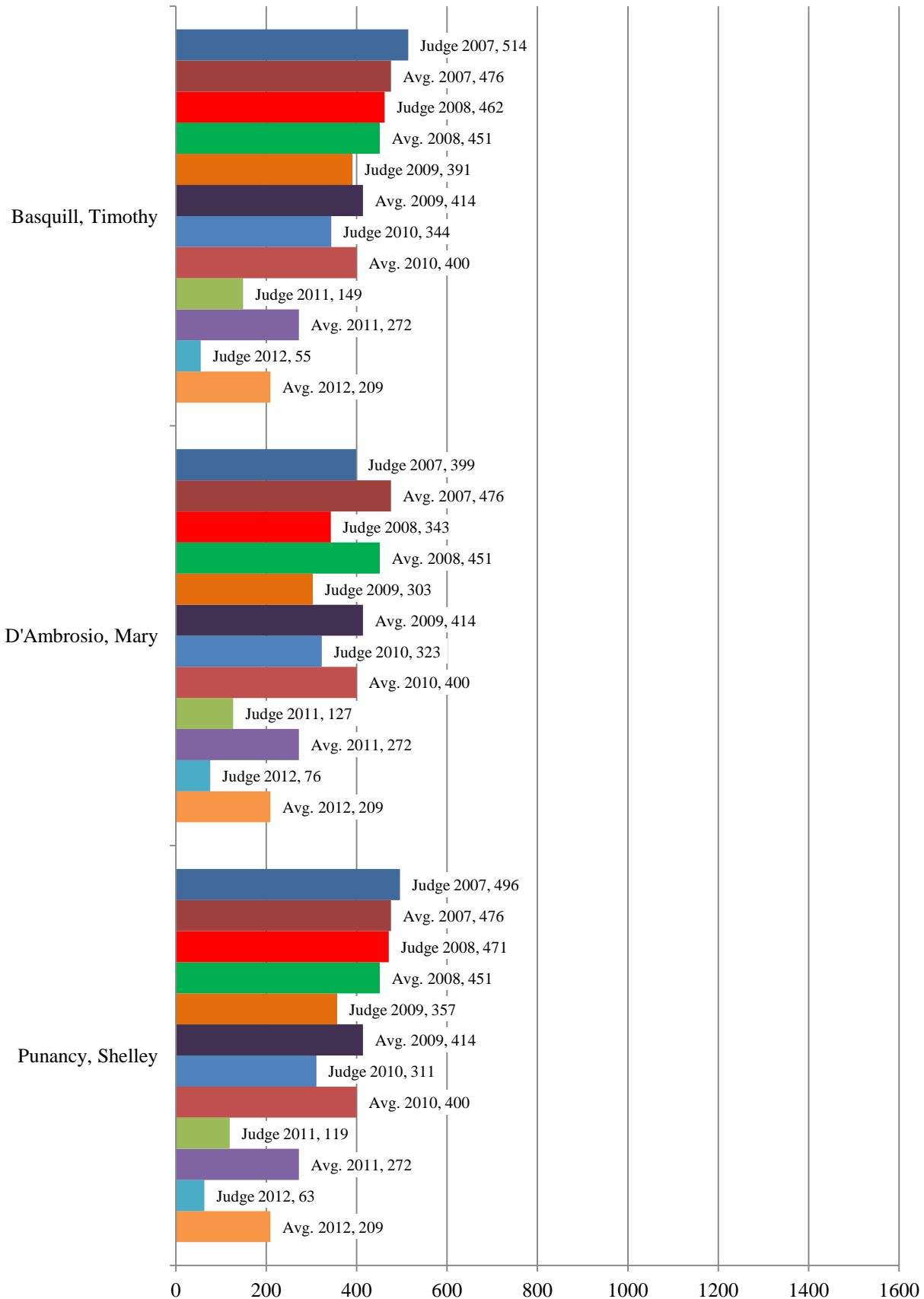
The following depicts the volume of stipulation orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



The following depicts the volume of “other” (meaning not settlement or stipulation) orders entered by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



The following depicts the volume of “other” (meaning not trials) hearings recorded as “held” by each Judge and the statewide average between 2006-07 and 2010-11. The identification for each year and the values are in each bar label.



Endnotes:

¹ Fla. Stat. § 440.45(5): “Not later than December 1 of each year, the Office of the Judges of Compensation Claims shall issue a written report to the Governor, the House of Representatives, the Senate, The Florida Bar, and the statewide nominating commission summarizing the amount, cost, and outcome of all litigation resolved in the previous fiscal year; summarizing the disposition of mediation conferences, the number of mediation conferences held, the number of continuances granted for mediations and final hearings, the number and outcome of litigated cases, the amount of attorney’s fees paid in each case according to order year and accident year, and the number of final orders not issued within 30 days after the final hearing or closure of the hearing record; and recommending changes or improvements to the dispute resolution elements of the Workers’ Compensation Law and regulations. If the Deputy Chief Judge finds that judges generally are unable to meet a particular statutory requirement for reasons beyond their control, the Deputy Chief Judge shall submit such findings and any recommendations to the Legislature.”

² There are occasions in which a Judge determines that it is not appropriate to hear a case. This may be because of a conflict of interest or some perception of conflict. Instances in which a party requests this, and the Judge agrees, are called “disqualification.” Instances in which a Judge removes themselves, without a parties’ request, are called “recusals.”

³ The Florida Statutes are available online at: <http://www.flsenate.gov/Statutes/>

⁴ This is defined by Fla. Stat. §440.50.

⁵ For example, it is common for a PFB to contain a claim for past medical care (payment for care by a medical provider or providers) and a claim for future medical care (authorization of a particular medical provider or specialty, i.e. orthopedic surgeon) and a claim for some form of lost-wage (“indemnity”) benefit, such as temporary total or temporary partial disability benefits. Many PFBs seek payment of attorney’s fees and costs, and penalties and interest are commonly claimed when any form of indemnity is sought.

⁶ The appropriate method to seek determination of attorney fee entitlement or amount is usually by motion. Therefore, a significant volume of each JCCs workload comprises these significant motions that require evidentiary hearings.

⁷ Lundy v. Four Seasons Ocean Grand Palm Beach, 932 So.2d 506 (Fla. 1st DCA 2006); Campbell v. Aramark, 933 So.2d 1255 (Fla. 1st DCA 2006); Wood v. Fla. Rock Indus., 929 So.2d 542 (Fla. 1st DCA 2006); Murray v. Mariners Health/ACE USA, 946 So.2d 38 (Fla. 1st DCA 2006).

⁸ The Florida Legislature reacted to the Murray decision in 2009, passing further amendment to Fla. Stat. § 440.34, with the apparent intention of legislatively overruling Murray. The effects of the Court’s action and the Legislature’s action are not identical, however. The Court’s decision results in the potential applicability of hourly attorney fees for all cases between October 1, 2003 and June 30, 2009. Those cases are controlled by the Court’s interpretation of Fla. Stat. § 440.34(2003) in Murray. Thus, that decision in October 2008 effected a change applicable to a population of filed and potential cases for dates of accident in the past. The Legislature’s action amending the statute in 2009 applies only to cases in which the accident occurs after the effective date of that legislation. Thus, the legislative action in 2009 affects only a prospective change for accidents after June 30, 2009. Thus, the Murray analysis of the 2003 law will continue to control and hourly fees will remain payable for claims on dates of accident between October 1, 2003 and June 30, 2009.

⁹ Cinicerros, Business Insurance, Florida Insurance Commissioner Approves 8.9% Workers Compensation Rate Hike,

<http://www.businessinsurance.com/article/20111024/NEWS08/111029952>, October 24, 2011.

¹⁰ <http://www.floir.com/PressReleases/viewmediarelease.aspx?id=1984>.

¹¹ Id.

¹² The conclusions reached by the DLES have previously been published. These conclusions are available for analysis. However, none of the raw source data used for those analyses was provided to the DOAH when the OJCC was transferred in 2001. The statistics published by the DLES are therefore expressed in this report for illustrative comparison only.

¹³ These figures are from the Florida Department of Health, <http://www.floridacharts.com/charts/popquery.aspx>.

¹⁴ Mediation may be scheduled, on a previous PFB, at the time a subsequent PFB is filed. The OJCC Procedural Rules require that all pending PFBs are to be mediated at any mediation. Therefore, a distinct mediation does not necessarily occur for each PFB, and mediation of multiple PFBs at one mediation is common. Some PFBs are scheduled for expedited final hearing. These PFBs regard issues that are of a moderate financial value (\$5,000.00 or less), and mediation is not required for these PFBs.

¹⁵ There is anecdotal evidence that some divisions exhibit significant delays in the entry of final orders following trials. Each Judge’s average time for entry of an order is illustrated in the appendices to this report. A 2006 audit of final orders entered by all Judges of Compensation Claims demonstrated average delays of over one year between trial and entry of a corresponding final order in some cases in some divisions. Such delays may have effectively forced parties to reach settlements, from sheer frustration with the ineffectiveness of a particular Judge. In other instances, the outcome of evidentiary rulings during trial may be sufficiently illuminating to the parties to allow meaningful analysis of the probable outcome of a given case and may result in a negotiated resolution before even a prompt and timely order may be entered.

¹⁶ This example uses the Pinellas county charges published at

<http://clerk.co.pinellas.fl.us/aspinclude2/ASPInclude.asp?pageName=fees.htm#smclaims> and

<http://clerk.co.pinellas.fl.us/aspinclude2/ASPInclude.asp?pageName=fees.htm#circcivil>

¹⁷ This litigation system will be “in equilibrium” when the annual input (PFB filed) and the annual output (PFB closed) are equal. In 2010-11 the output (68,545) exceeded in put (64,679) by approximately six percent (.059%).

¹⁸ The aggregate cost of salary, taxes and benefits for 32 state mediators was \$3,112,736.65. This figure divided by the 16,881 mediations conducted yield the cost per mediation of \$184.39. This figure does not include the costs of staff support or facilities or equipment. Therefore, this is a conservative cost figure.

¹⁹ Some percentage of PFB may be excused from the mediation process by the assigned JCC if the issues are instead scheduled for expedited final hearing pursuant to Fla. Stat. § 440.25. A very small percentage of mediations (four mediations in fiscal 2011-13) were waived by order of the Deputy Chief Judge of Compensation Claims.

20 During the 2004 tropical cyclone season, Florida was affected by Hurricanes Charlie, Frances, Ivan, and Jeanne. Almost every District
Office was affected by at least one tropical cyclone in 2004 and therefore the increase in continuances that year has been blamed to some
21 extent on these unavoidable natural phenomena.

Aguilar v. Kohl's Dep't Stores, Inc., 36 Fla.L.W D 1863 (Fla. 1st DCA 2011); Punsky v. Clay County Bd. of County Comm'rs, 60 So.3d
1088 (Fla. 1st DCA 2011); F.A. Richard & Assocs. v. Fernandez, 975 So.2d 1224 (Fla. 1st DCA 2008); Hernandez v. Manatee County
Gov't, 50 So.3d 57 (Fla. 1st DCA 2010).

22 Fla. Stat. § 440.34(1) provides in part: "A fee, gratuity, or other consideration may not be paid for services rendered for a claimant in
connection with any proceedings arising under this chapter, unless approved as reasonable by the judge of compensation claims or court
having jurisdiction over such proceedings."

23 Fla. Stat. § 440.105(3)(b) provides: "It shall be unlawful for any attorney or other person, in his individual capacity or in his capacity as a
public or private employee, or for any firm, corporation, partnership, or association to receive any fee or other consideration or any
gratuity from a person on account of services rendered for a person in connection with any proceedings arising under this chapter, unless
such fee, consideration, or gratuity is approved by a judge of compensation claims or by the Chief Judge of Compensation Claims."

24 Until recently, Rule 6.124(4): "No later than October 1 of each year, all self-insurers, third-party administrators, and carriers shall report
by electronic transmission to the OJCC the amount of all attorney's fees paid to their defense attorneys in connection with workers'
compensation claims during the prior July 1 through June 30 fiscal year." The revisions of the OJCC procedural rules effective October
31, 2010 altered that requirement to require reporting no later than September 1 of each year. The publication of the 2010-11 Annual
Report was significantly delayed by the failure of multiple carriers to report as required. No such delays occurred in 2012, with all
carriers reporting timely.

25 The OJCC requires reporting of defense fees pursuant to statute. In 2007-08, the OJCC received inquiries that identified a
potential flaw in defense fee data. A self-insured county inquired as to how to report defense fees inasmuch as all defense of their claims
is provided through the efforts of some member of the county attorney's office. A carrier, similarly, inquired as to how services of in-
house counsel could be captured for reporting. In each of these instances, the attorneys providing services are involved in workers'
compensation and other legal services for the particular carrier (such as general liability or automobile issues). Therefore, no rational
basis may exist to attribute the salary expenditures of carriers or counties or municipalities because of these complications. It is suspected
that the defense fees aggregate reported annually by the OJCC understates the actual volume of, or value of, defense fees.

26 <http://www.usinflationcalculator.com/>

27 <http://www.usinflationcalculator.com/>

28 See, *Workers' Compensation in Florida 1935-1995, The history, people and politics*. Creston Nelson-Morrill, Florida Workers'
Compensation Institute Press.

29 Id.

30 In 1984, this same provision (440.45(4)) set the salary commensurate with the former position of Deputy Commissioner. That section
required that any increase in "Senior Management Service" employees would result in a commensurate increase in salary for JCCs. Fla.
Stat. 440.45(4)(1981) mirrored the \$4,000.00 tie-in, but this was tied to the District Court of Appeal salary rather than to the Circuit
Court. Prior to that time, Fla. Stat. 440.45(3)(1977) included the tie-in, but to the members of the Industrial Relations Commission, which
preceded the First District Court as the initial appellate level in workers' compensation cases. In Fla. Stat. 440.45(4)(1973), Judicial
salary was set at \$22,500.00 per year. The same statutory provision in 1965 set this salary at \$15,000.00.

31 <http://www.usinflationcalculator.com/>

32 The 210-day parameter applies by definition to the trial of PFB. Because the effort involved in trial of many other evidentiary matters are
equally involved, the OJCC has defined "trial" to include hearings on PFB, attorney fee motions/petitions, SDTF reimbursement and
other significant evidentiary motion hearings. The OJCC measures "time to trial" from the filing of the operative pleading (PFB/Motion)
to the first day of trial. The time periods between the filing of these significant motions/petitions and the trial thereon are included in the
averages for OJCC aggregates and for the various Judge's charts included herein.

33 The 30-day parameter applies by definition to the entry of final orders on PFBs. For the same reason that the OJCC includes more than
PFB hearings in the "trial" definition, the OJCC likewise includes the resulting orders in the definition of "trial orders." The time to order
is measured from the first day of trial through the ultimate entry of a final order. An abbreviated order is counted as the final order unless
it is subsequently vacated, in which case the ultimately entered final order is counted. The time periods between the hearing of these
significant motions/petitions and order thereon are included in the averages for OJCC aggregates and for the various Judge's charts
included herein.

34 Fla. Stat. § 440.45(2)(c): "Each judge of compensation claims shall be appointed for a term of 4 years, but during the term of office may
be removed by the Governor for cause. Prior to the expiration of a judge's term of office, the statewide nominating commission shall
review the judge's conduct and determine whether the judge's performance is satisfactory. Effective July 1, 2002, in determining whether
a judge's performance is satisfactory, the commission shall consider the extent to which the judge has met the requirements of this
chapter, including, but not limited to, the requirements of ss. 440.25(1) and (4)(a)-(e), 440.34(2), and 440.442. If the judge's performance
is deemed satisfactory, the commission shall report its finding to the Governor no later than 6 months prior to the expiration of the judge's
term of office." (Emphasis added).

35 Fla. Stat. § 440.25(1): "Forty days after a PFB is filed under s. 440.192, the judge of compensation claims shall notify the interested
parties by order that a mediation conference concerning such PFB has been scheduled unless the parties have notified the judge of
compensation claims that a private mediation has been held or is scheduled to be held. A mediation, whether private or public, shall be
held within 130 days after the filing of the PFB. Such order must give the date the mediation conference is to be held. Such order may be
served personally upon the interested parties or may be sent to the interested parties by mail. If multiple PFB are pending, or if additional
PFB are filed after the scheduling of mediation, the judge of compensation claims shall consolidate all PFB into one mediation. The
claimant or the adjuster of the employer or carrier may, at the mediator's discretion, attend the mediation conference by telephone or, if
agreed to by the parties, other electronic means. A continuance may be granted upon the agreement of the parties or if the requesting

party demonstrates to the judge of compensation claims that the reason for requesting the continuance arises from circumstances beyond the party's control. Any order granting a continuance must set forth the date of the rescheduled mediation conference. A mediation conference may not be used solely for the purpose of mediating attorney's fees."

36 Fla. Stat. § 440.25 (4)(a): "If the parties fail to agree to written submission of pretrial stipulations, the judge of compensation claims shall conduct a live pretrial hearing. The judge of compensation claims shall give the interested parties at least 14 days' advance notice of the pretrial hearing by mail."

37 Fla. Stat. § 440.25(4)(b): "The final hearing must be held and concluded within 90 days after the mediation conference is held, allowing the parties sufficient time to complete discovery. Except as set forth in this section, continuances may be granted only if the requesting party demonstrates to the judge of compensation claims that the reason for requesting the continuance arises from circumstances beyond the party's control. The written consent of the claimant must be obtained before any request from a claimant's attorney is granted for an additional continuance after the initial continuance has been granted. Any order granting a continuance must set forth the date and time of the rescheduled hearing. A continuance may be granted only if the requesting party demonstrates to the judge of compensation claims that the reason for requesting the continuance arises from circumstances beyond the control of the parties. The judge of compensation claims shall report any grant of two or more continuances to the Deputy Chief Judge."

38 Fla. Stat. § 440.25(4)(c): "The judge of compensation claims shall give the interested parties at least 14 days' advance notice of the final hearing, served upon the interested parties by mail."

39 Fla. Stat. § 440.25(4)(d): "The final hearing shall be held within 210 days after receipt of the PFB in the county where the injury occurred, if the injury occurred in this state, unless otherwise agreed to between the parties and authorized by the judge of compensation claims in the county where the injury occurred. However, the claimant may waive the timeframes within this section for good cause shown. If the injury occurred outside the state and is one for which compensation is payable under this chapter, then the final hearing may be held in the county of the employer's residence or place of business, or in any other county of the state that will, in the discretion of the Deputy Chief Judge, be the most convenient for a hearing. The final hearing shall be conducted by a judge of compensation claims, who shall, within 30 days after final hearing or closure of the hearing record, unless otherwise agreed by the parties, enter a final order on the merits of the disputed issues. The judge of compensation claims may enter an abbreviated final order in cases in which compensability is not disputed. Either party may request separate findings of fact and conclusions of law. At the final hearing, the claimant and employer may each present evidence with respect to the claims presented by the PFB and may be represented by any attorney authorized in writing for such purpose. When there is a conflict in the medical evidence submitted at the hearing, the provisions of s. 440.13 shall apply. The report or testimony of the expert medical advisor shall be admitted into evidence in a proceeding and all costs incurred in connection with such examination and testimony may be assessed as costs in the proceeding, subject to the provisions of s. 440.13. No judge of compensation claims may make a finding of a degree of permanent impairment that is greater than the greatest permanent impairment rating given the claimant by any examining or treating physician, except upon stipulation of the parties. Any benefit due but not raised at the final hearing which was ripe, due, or owing at the time of the final hearing is waived."

40 Fla. Stat. §440.25(4)(e): "The order making an award or rejecting the claim, referred to in this chapter as a "compensation order," shall set forth the findings of ultimate facts and the mandate; and the order need not include any other reason or justification for such mandate. The compensation order shall be filed in the Office of the Judges of Compensation Claims at Tallahassee. A copy of such compensation order shall be sent by mail to the parties and attorneys of record at the last known address of each, with the date of mailing noted thereon."

41 Fla. Stat. § 440.442: "The Deputy Chief Judge and judges of compensation claims shall observe and abide by the Code of Judicial Conduct as adopted by the Florida Supreme Court. Any material violation of a provision of the Code of Judicial Conduct shall constitute either malfeasance or misfeasance in office and shall be grounds for suspension and removal of the Deputy Chief Judge or judge of compensation claims by the Governor."

42 <http://www.fljcc.org/jcc/files/reports/2012SR-MSR.pdf>
43 In 2008-09, 2009-10, 2010-11 and 2011-12.

44 Fla. Stat. § 440.34(2): "In awarding a claimant's attorney's fee, the judge of compensation claims shall consider only those benefits secured by the attorney. An attorney is not entitled to attorney's fees for representation in any issue that was ripe, due, and owing and that reasonably could have been addressed, but was not addressed, during the pendency of other issues for the same injury. The amount, statutory basis, and type of benefits obtained through legal representation shall be listed on all attorney's fees awarded by the judge of compensation claims. For purposes of this section, the term "benefits secured" does not include future medical benefits to be provided on any date more than 5 years after the date the claim is filed. In the event an offer to settle an issue pending before a judge of compensation claims, including attorney's fees as provided for in this section, is communicated in writing to the claimant or the claimant's attorney at least 30 days prior to the trial date on such issue, for purposes of calculating the amount of attorney's fees to be taxed against the employer or carrier, the term "benefits secured" shall be deemed to include only that amount awarded to the claimant above the amount specified in the offer to settle. If multiple issues are pending before the judge of compensation claims, said offer of settlement shall address each issue pending and shall state explicitly whether or not the offer on each issue is severable. The written offer shall also unequivocally state whether or not it includes medical witness fees and expenses and all other costs associated with the claim."

45 In Executive Order 12-183 (attached to this report, page 235), Governor Scott issued a public reprimand and ordered forfeit of two week's salary for violation of the Code of Judicial Conduct.

46 This caused the OJCC to operate in 2011-12 in contravention of state law which requires the OJCC to maintain the Judges, mediators and offices as they were when the legislature moved the OJCC into the DOAH in 2001. As the Legislature added one judge and mediator in 2006, the removal of one judge and mediator in 2012 did not contradict that statute. However, the removal of three additional mediators clearly put the OJCC in violation of that law.



RICK SCOTT
GOVERNOR

STATE OF FLORIDA

Office of the Governor

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OFFICE OF THE JUDGES
OF COMPENSATION CLAIMS

August 13, 2012

The Honorable Robert Cohen
Director and Chief Judge
Division of Administrative Hearings
Office of Judges of Compensation Claims
1180 Apalachee Parkway, Suite A
Tallahassee, Florida 32301-4574

RE: Director's Final Report to the Governor regarding
Judge Doris E. Jenkins

Dear Chief Judge Cohen:

The enclosed Executive Order constitutes Governor Scott's disposition of the complaint of April 19, 2012 against Judge Doris E. Jenkins.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Panuccio".

Jesse Panuccio
Acting General Counsel

JP/dml
enclosure

STATE OF FLORIDA

OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 12-183

WHEREAS, section 440.45(e), Florida Statutes, provides “that the Director of the Division of Administrative Hearings may receive or initiate complaints, conduct investigations, and dismiss complaints against ... the judges of compensation claims on the basis of the Code of Judicial Conduct,” and “may recommend to the Governor the removal of ... a judge of compensation claims or recommend the discipline of a judge whose conduct during his or her term of office warrants such discipline”; and

WHEREAS, section 440.45(e), Florida Statutes, provides that “‘discipline’ includes reprimand, fine, and suspension with or without pay”; and

WHEREAS, section 440.442, Florida Statutes, provides that “judges of compensation claims shall observe and abide by the Code of Judicial Conduct as adopted by the Florida Supreme Court,” and that “[a]ny material violation of a provision of the Code of Judicial Conduct shall constitute either malfeasance or misfeasance in office and shall be grounds for suspension and removal of ... [a] judge of compensation claims by the Governor”; and

WHEREAS, on April 19, 2012, a complaint was initiated against Judge of Compensation Claims Doris E. Jenkins; and

WHEREAS, the complaint alleged that Judge Jenkins, on April 18, 2012, permitted a deputy clerk to conduct a pretrial hearing; and

WHEREAS, the Director of the Division of Administrative Hearings conducted an investigation, and based upon that investigation concluded that Judge Jenkins’ deputy clerk had, in fact, conducted a pretrial hearing on April 18, 2012; and

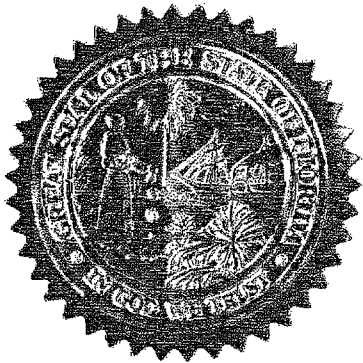
WHEREAS, Judge Jenkins has denied that she authorized the deputy clerk to conduct a pretrial hearing on April 18, 2012, but nonetheless has admitted that the deputy clerk “overstepped her role” at the April 18 hearing and that a Judge of Compensation Claims is “ultimately responsible for the negative effects of the actions or inaction of [court] staff”; and

WHEREAS, Rule 60Q-6.113 of the Rules of the Office of Judges of Compensation Claims provides that a “judge ... may conduct status conferences or pre-hearing conferences,” and section 440.25(4)(a), Florida Statutes, provides that “the judge of compensation claims shall conduct a live pretrial hearing”; and

WHEREAS, Canon Two of the Code of Judicial Conduct provides that a “judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity ... of the judiciary”; and

WHEREAS, Canon Three of the Code of Judicial Conduct provides that a judge “shall hear and decide matters assigned to the judge,” “shall accord to every person who has a legal interest in a proceeding, or that person’s lawyer, the right to be heard according to law,” and “shall require staff, court officials, and others subject to the judge’s direction and control to observe the standards of fidelity and diligence that apply to the judge;”

NOW, THEREFORE, I, RICK SCOTT, as Governor of Florida, by virtue of the authority vested in me by the laws of the Constitution of the State of Florida, do hereby issue this public reprimand of Judge Doris E. Jenkins, and I admonish Judge Jenkins to ensure that all proceedings in her court strictly adhere to the laws and Constitution of Florida, the Rules of the Office of the Judges of Compensation Claims, and the Code of Judicial Conduct. As a suspension from office would only serve to delay the efficient administration of justice, and would place additional burdens on other judges and court staff, I instead impose a fine on Judge Jenkins equivalent to the amount of one week’s gross salary for a Judge of Compensation Claims.



IN TESTIMONY WHEREOF, I have hereunto set my hand and have caused the Great Seal of the State of Florida to be affixed at Tallahassee, this 13th day of August, 2012.

GOVERNOR

ATTEST:

SECRETARY OF STATE

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DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA