

Division of Administrative Hearings

Regulatory Plan Pursuant to Section 120.74(3)*, Florida Statutes

Pursuant to section 120.74(3), Florida Statutes, the Division of Administrative Hearings (DOAH) presents its 2015-2016 regulatory plan describing each rule it proposes to adopt for this 12-month period. DOAH has two programs under its umbrella, Adjudication of Disputes and Workers' Compensation Appeals. The Adjudication of Disputes Program follows the Model Rules of Administrative Procedure, Florida Administrative Code Chapter 28-106, which are promulgated by the Administration Commission (Commission). The Administrative Law Section of the Florida Bar from time to time suggests amendments and, with our input, provides these to the Commission for consideration and approval. The Workers' Compensation Appeals Program, through the Office of Judges of Compensation Claims (the OJCC within DOAH), considers and promulgates those rules necessary to carry out its statutory duties under chapter 440, Florida Statutes. These rules are found in Florida Administrative Code Chapter 60Q-6.

DOAH does not currently intend to adopt new rules, or amend or repeal existing rules this fiscal year. It is always possible that participants and stakeholders in the administrative and workers' compensation adjudicatory processes will suggest or request rulemaking or amendments to existing rules in the coming fiscal year. Also, with the passage of CS/HB 985, DOAH has been granted authority to adopt rules as necessary to implement the mandatory agency filing of final orders for indexing with DOAH. If necessary to carry out this statutory mandate, DOAH will consider rulemaking to explain the process for filing if it appears that agencies are uncertain as to how the new statutory language will be implemented. To the extent DOAH receives, considers, and acts upon any such requests, we will provide a detailed explanation of the amendments or rules to be promulgated.

Respectfully submitted,



Robert S. Cohen
Director and Chief Judge

**DIVISION OF ADMINISTRATIVE HEARINGS
Regulatory Plan Supplement**

Rule Number	Rule Title	Was the Law to be Implemented Enacted or Amended within the Last 12 Months?	Was the Law Listed in a Previous Regulatory Plan as Requiring Rulemaking to Implement a Law Enacted or Amended with the Previous 12 Months of That Plan?	Rulemaking Action	Reason for Rulemaking	Additional Details on Reason for Rulemaking	Description of Current Rule or Statute to be Implemented	Description of Changes to be Made in Rulemaking
60Q-6.102	Definitions	No	No	Rule Amendment and Change	Update/Technical Change	Better define "personally conferred"	440.192(1), 440.45(1)(a)	Typographical error; removal of redundant explanation of what is not included in definition; and effective date
60Q-6.103	Pleadings and Proposed Orders	No	No	Rule Amendment	Update Rule	Clarify information to be included on certificate of service	440.192(1), (2)(a), 440.45(1)(a), (4)	Change to reflect electronic filing as the new method of filing. Effective date
60Q-6.105	Commencing a Case; Subsequent Petitions	No	No	Rule Amendment and Change	Update/Technical Change	Add service to employer/carrier/servicing agent as a clarification	440.192, 440.45(1)(a), (4)	Clarification of proper service of petition for benefits; effective date
60Q-6.106	Consolidation and Venue	No	No	Rule Amendment and Change	Update/Technical Change	Puts authority for keeping a case transferred for venue in the control of the judge	440.25(4)(d), 440.45(1)(a), (4)	Change to reflect current practice and centralize the reassignment process to the Deputy Chief Judge; effective date
60Q-6.107	Amendment and Dismissal of Petition for Benefits	No	No	Rule Amendment	Update Rule	Technical change to include assignment of case number	440.192, 440.45(1)(a), (4)	Clarification of practice of requesting assignment of case number; effective date
60Q-6.108	Filing and Service	No	No	Rule Amendment and Change	Update/Technical Change	Clarifies the requirement that all self-insurers, third party administrators and carriers shall register one U.S. Mail address and a single telephone number to avoid confusion	440.192, 440.25(1), (4)(a), (4)(c), (4)(e), 440.45(1)(a), (4)	Reflect the use of paper service by self-represented parties who are not required to use electronic filing and service if they have no access to a computer; add "employer" to those required to register an email address for consistency and completeness; effective date
60Q-6.110	Mediation, Generally	No	No	Rule Amendment and Change	Update/Technical Change	Updates who may attend mediation via telephone	440.25(1)-(4), 440.45(1)(a), (4)	Technical amendments regarding grammar and consistency; change to allow telephone appearances at mediation to save the expense of personal attendance; removal of statement that the mediator's decision regarding telephonic appearance is final and non-reviewable as not supported by statute; effective date
60Q-6.111	Authority and Duties of Mediator	No	No	Rule Amendment	Update Rule	Clarify authority of Deputy Chief Judge to reassign mediator if a conflict of interest or appearance of impropriety exists	440.25(1)-(4), 440.45(1)(a), (4)	Allows reassignment of mediation to another mediator in cases of conflict of interest or appearance of impropriety; effective date
60Q-6.113	Pretrial Procedure	No	No	Rule Amendment and Change	Update/Technical Change	Updates the rule to conform with current, streamlined practices	440.25(2)-(4), 440.29(2), 440.33(1), 440.45(1)(a), (4)	Change to provide sufficient time for the judge and parties to have the prehearing stipulation and be aware of the scope of the final hearing, misrepresentation defense and any affirmative defenses; requirement of written, not necessarily typewritten prehearing stipulation to allow for less

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60Q-6.114	Discovery	No	No	Rule Amendment and Change	Update/Technical Change	Clarifies requirement for electronic filing unless good cause exists for use of paper copies	440.30, 440.33(1), 440.45(1)(a), (4)	Technical change regarding consistent application of Florida Rules of Civil Procedure in discovery matters; requires delivery of documents in electronic form; effective date
60Q6.116	Prosecution of Claims and Petitions of Benefits	No	No	Rule Amendment and Change	Update/Technical Change	Updates to reflect current practices and to allow for telephonic swearing in of witnesses if all parties agree; requires documents and electronic evidence to be delivered in same manner to parties as to the judge	440.25(4), 440.29(2), 440.33(1), 440.45(1)(a), (4)	Change to reflect current practice allowing a JCC to enter an order approving any written stipulation or agreement between the parties, but not requiring the JCC to do so; effective date
60Q-6.118	Expedited Hearings	No	No	Rule Amendment	Update Rule	Allows the judge to modify the timeframes to accommodate the parties	440.25(4)(i), 440.45(1)(a), (4)	Clarifies process for a pretrial outline in expedited cases; effective date.
60Q-6.122	Motion for Rehearing and Amending or Vacating Order	No	No	Rule Amendment and Change	Update/Technical Change	Requires the judge to rule on the motion for rehearing within 10 days or the motion shall be deemed denied	440.45(1)(a), (4)	Reflect the current state of the law with respect to motions for rehearing not tolling the time when an order becomes final or to file a notice of appeal; effective date
60Q-6.123	Statements Under Section 440.20(11), Florida Statutes	No	No	Rule Amendment	Update Rule	Streamlines the process for determining child support arrearages to be collected at the time of settlement or final order to place the burden for providing the accurate amounts in the hand of the OJCC based on Dept of Revenue data	61.14(8)(a), 440.105(3)(c), 440.20(11), 440.34, 440.345, 440.45(1)(a), (4), (5)	Changes to reflect current practices and case law regarding child support arrearages, permanent impairment rating, and cost of future medical care; effective date
60Q-6.124	Payment of Attorney's Fees and Costs Other Than Pursuant to Section 440.20(11), Florida Statutes	No	No	Rule Amendment and Change	Update/Technical Change	Clarifies the practice of seeking appellate fees in a timely fashion to avoid delay after appeal	440.32, 440.34, 440.345, 440.45(1)(a), (4), (5)	Fix the time when a petition to determine the amount of attorney's fees following an appeal must be filed from the date of the appellate order to the date on which mandate is issued which is true finality within the appellate process; effective date

REGULATORY PLAN CERTIFICATION
DIVISION OF ADMINISTRATIVE HEARINGS

Pursuant to section 120.74(1)(d), Florida Statutes, I hereby certify that:

[X] (1) The person executing the certification has reviewed the plan.

[X] (2) The agency regularly reviews all of its rules and during the period of July 1, 2014, and June 30, 2015, all rules have been reviewed and it has been determined that the rules remain consistent with the agency's rulemaking authority and the laws implemented.

Signed this 18th day of September, 2015, in Tallahassee, Leon County, Florida.



Robert S. Cohen
Director and Chief Judge
Division of Administrative Hearings

2
Number of Pages Certified