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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/01/2016	.	
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The Committee on Banking and Insurance (Smith) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 45 - 110

and insert:

Section 1. Section 440.021, Florida Statutes, is amended to read:

440.021 Exemption of workers' compensation from chapter 120.—Workers' compensation adjudications by judges of compensation claims are exempt from chapter 120, and no judge of compensation claims shall be considered an agency or a part



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11 thereof. Communications of the result of investigations by the  
12 department pursuant to s. 440.185(3) ~~s. 440.185(4)~~ are exempt  
13 from chapter 120. In all instances in which the department  
14 institutes action to collect a penalty or interest which may be  
15 due pursuant to this chapter, the penalty or interest shall be  
16 assessed without hearing, and the party against which such  
17 penalty or interest is assessed shall be given written notice of  
18 such assessment and shall have the right to protest within 20  
19 days of such notice. Upon receipt of a timely notice of protest  
20 and after such investigation as may be necessary, the department  
21 shall, if it agrees with such protest, notify the protesting  
22 party that the assessment has been revoked. If the department  
23 does not agree with the protest, it shall refer the matter to  
24 the judge of compensation claims for determination pursuant to  
25 s. 440.25(2)-(5). Such action of the department is exempt from  
26 the provisions of chapter 120.

27 Section 2. Subsections (1), (2), (3), (5), (10), and (11)  
28 of section 440.05, Florida Statutes, are amended to read:

29 440.05 Election of exemption; revocation of election;  
30 notice; certification.-

31 (1) Each corporate officer who elects not to accept the  
32 provisions of this chapter or who, after electing such  
33 exemption, revokes that exemption shall submit mail ~~mail~~ to the  
34 department ~~in Tallahassee~~ notice to such effect in accordance  
35 with a form to be prescribed by the department.

36 (2) Each sole proprietor or partner who elects to be  
37 included in the definition  
38

39 ===== T I T L E A M E N D M E N T =====



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40 And the title is amended as follows:

41 Delete lines 3 - 7

42 and insert:

43 administration; amending s. 440.021, F.S.; conforming  
44 a cross-reference; amending s. 440.05, F.S.; deleting  
45 a required item to be