

1 accordance with the rules of the house in which the bill is
2 filed.

3 (6) Prior to the filing of a claim bill, the sponsor
4 may provide a draft of the claim to the chair of the Joint
5 Legislative Claims Committee for determination by the
6 committee as to whether the appointment of a special master is
7 required, as provided in Joint Rule 8.3. If the committee
8 determines that the appointment of a special master is
9 required, the special master may conduct the proceeding based
10 on the draft legislation. However, the committee shall not
11 act further upon the claim until the claim bill is filed and
12 referred to the committee.

13 (7) After a claim bill has been voted favorably by the
14 Joint Legislative Claims Committee, the bill shall be reported
15 to the house in which it originated for referral or
16 consideration in accordance with the rules of that house.

17 (8) Claim bills reported unfavorably shall be treated
18 as provided in the rules of the house in which the claim bill
19 was filed.

20 (9) Except as inconsistent with this joint rule, the
21 rules of the house in which the claim bill is filed shall
22 govern all proceedings involving the claim bills.

23 8.2--Appointment of Members of the Joint Legislative
24 Claims Committee

25 (1) There shall be a Joint Legislative Claims
26 Committee, the membership of which shall consist of five
27 members of the House of Representatives, at least two of which
28 shall be a member of the minority party, appointed by the
29 Speaker of the House of Representatives and five members of
30 the Senate, at least two of which shall be a member of the
31 minority party, appointed by the President of the Senate.

1 (2) Of the five members from the House of
2 Representatives, at least three shall also serve on the
3 committee of the House of Representatives having jurisdiction
4 over civil tort law and at least two shall also serve on a
5 fiscal committee of the House of Representatives.

6 (3) Of the five members from the Senate, at least
7 three shall also serve on the Senate committee having
8 jurisdiction over civil tort law and at least two shall also
9 serve on a Senate fiscal committee.

10 (4) The Joint Legislative Claims Committee shall meet
11 at times and places necessary to perform the functions
12 assigned to it.

13 (5) Action by a majority vote of the membership of the
14 joint committee shall control and be conclusive on any matter
15 considered by the Joint Legislative Claims Committee.

16 (6) The President of the Senate shall appoint the
17 chair in the odd years and the vice chair in even years, and
18 the Speaker of the House of Representatives shall appoint the
19 chair in even years and the vice chair in odd years, from
20 among the committee membership.

21 (7) Within the limitation of the approved operating
22 budget, the salaries and expenses of the staff of the Joint
23 Legislative Claims Committee shall be paid from the
24 appropriation for legislative expenses or any other moneys
25 appropriated by the Legislature for that purpose. In the
26 alternative, the Joint Legislative Claims Committee may
27 utilize the services of the staffs of the two houses.

28 8.3--Hearings

29 (1) Based upon a review of a claim bill and any
30 additional information supplied by the sponsor or any party
31 interested in the claim bill, the Joint Legislative Claims

1 Committee shall determine whether the nature or complexity of
2 a claim bill necessitates the appointment of a special master
3 to conduct evidentiary hearings on the claim bill.

4 (2) Negotiated or stipulated claims bills in which the
5 amount of compensation is agreed upon by the parties involved
6 shall not be reviewed by a special master.

7 (3) In the case of an excess judgment claim, if there
8 is an underlying judgment, an appellate order, or a final
9 administrative order with respect to the claim, the special
10 master or, if the claim bill is not referred to a special
11 master, the Joint Legislative Claims Committee shall accept
12 the judgment or order unless the opposing party can show
13 cause, which may include newly discovered evidence, as to why
14 the judgment or order should be rejected or modified.

15 (4) The Joint Legislative Claims Committee may
16 determine that the parties involved shall bear the cost of the
17 special master and other costs incidental to such an
18 evidentiary hearing and may require that financial
19 responsibility for the costs to be incurred be made in advance
20 of the appointment of a special master.

21 (5) A special master shall have the authority to
22 control all proceedings before the special master, including
23 the authority to:

24 (a) conduct prehearing conferences and management
25 conferences;

26 (b) allow discovery if deemed beneficial to the
27 consideration of the claim bill;

28 (c) administer oaths to witnesses;

29 (d) admit or reject evidence;

30 (e) make arrangements for preparing a record of the
31 proceedings, which shall either include a transcript of the

1 proceedings, a video recording of the proceedings, or an audio
2 tape recording of the proceedings;

3 (f) accept tangible and documentary evidence;

4 (g) issue subpoenas as provided by law; and

5 (h) take such other steps as as are reasonably
6 necessary to conduct a thorough and orderly investigation of
7 the basis for the claim bill.

8
9 In all proceedings before the special master, the provisions
10 of the Florida Rules of Civil Procedure and the Florida
11 Evidence Code shall be instructive; however, the proceedings
12 shall be as informal as necessary to achieve an equitable
13 disposition of the claim bill. The special master shall
14 provide to all parties with an interest in the claim and to
15 the sponsor of the claim bill a minimum of 15 days' notice of
16 any hearing to be conducted pursuant to this joint rule.

17 (6) Upon completion of the hearing and other
18 proceedings incidental thereto, the special master shall
19 prepare and submit a report to the Joint Legislative Claims
20 Committee, which report shall contain findings of fact,
21 conclusions of law, collateral sources of recovery and
22 subrogation rights of any party or entity, exhaustion of all
23 judicial and administrative remedies, including appeals, and
24 recommendations regarding the disposition of the claim bill,
25 including attorney's fees and costs, if appropriate.

26 (7) The claimant, if represented by counsel, shall
27 furnish the Joint Legislative Claims Committee or the special
28 master with a verified statement of the attorney's fee
29 arrangements including the actual costs of perfecting the
30 claim. Pursuant to section 768.28(8), Florida Statutes, no
31 attorney may charge, demand, receive, or collect, for services

1 rendered, fees in excess of 25 percent of any judgment or
2 settlement.

3 (8) All final reports shall be submitted by the
4 special master to the Joint Legislative Claims Committee
5 within 15 days after the conclusion of the proceedings before
6 the special master. A copy of the report shall be served upon
7 the interested parties by certified mail, return receipt,
8 contemporaneously with the filing of the report with the
9 committee and the report shall contain the certificate of the
10 special master as to service. The special master shall be
11 reasonably available to explain the report to the committee
12 and staff as well as the interested parties.

13 (9) All interested parties shall file written
14 objections to the special master's report with the committee
15 within 10 days after service, failing in which the interested
16 parties shall have waived any objections to the correctness of
17 the findings contained in the report.

18 (10) A special master shall not initiate or consider
19 any ex parte communication relative to the merits of a claim
20 by any party to the claim or any person who, directly or
21 indirectly, would have a substantial interest in the decision
22 of the special master, or their authorized representatives or
23 counsel.

24 (11) The interested parties may appear before the
25 Joint Legislative Claims Committee to present arguments;
26 however, no additional testimony or evidence shall be
27 introduced, unless permitted by the committee.

28 (12) Stipulations as to the amount of awards entered
29 into by the parties are not binding upon special masters or
30 upon the House of Representatives, the Senate, or any member
31 or committee thereof.