

# Floridiana and the Workers' Compensation Adjudicators

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“The entire practice of law (was) a teaching process - whether it was teaching judges, other attorneys, or clients.”

Hon. Jonathan Alpert

## **About the Author**

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## **Disclaimer**

The views expressed in this book are the author's alone and are in no way expressions of any employer, association, organization, other person, or other entity with which the author is or has ever been affiliated. This book is about the law, the economy, and some of the personalities that have influenced it through its evolution and growth. These thoughts are offered as anecdote and history to aide and guide interpretation or future evolution, and are not intended as derogation of those who served, advocated, or authored the course of Florida or its legal system. Nothing here is intended to malign or denigrate any individual(s), religion(s), race(s), ethnicity(ies), gender(s), or other group(s) in any way. Though this text discusses and analyzes law, it is not legal advice. No legal relationship is formed between author and reader. Any reader desiring legal advice should seek that from a licensed attorney.

## **Acknowledgements**

This book is dedicated to the relative few that served as Florida workers' compensation adjudicators over the last nine decades; an eclectic collection without a doubt, but worthy of our remembrance despite whatever their various warts or blemishes. Those contributors and collaborators in endnote 505 are acknowledged and thanked again. Their contributions and support have been motivating and heartwarming. Special thanks to Hon. Stephen Rosen (*see* Page 289), Hon. John Lazzara (*see* Page 260), and Attorney Richard Sicking for their stories, patience, and encouragement. Clerk Arianna Sabato (MIA) provided research assistance. Clerk Sydney White (PNS) provided research and proofing assistance. Their contributions to this effort are gratefully acknowledged. Additionally, this book would never have been finished without the patience, encouragement, and constant support of my wife Pamela Langham, Esq.



*Governor David Sholtz signing H.B. 29 into law creating the Florida Industrial Commission. Seated (L-R): Representative S. Pierre Robineau of Miami, Representative Charley E. Johns of Starke, Representative Samuel W. Getzen of Bushnell, Governor Sholtz, Senator Philip D. Beall Sr. of Pensacola, Senator William C. Hodges of Tallahassee. Standing: Representative John W. Cole of Pensacola, Representative Bernie C. Papy of Key West, Unknown, Wendell C. Heaton of the Florida Federation of Labor, Unknown, Representative R.M. Merritt of Pensacola, Unknown, Senator John R. Beacham of West Palm Beach. Credit Florida Memory, Florida Secretary of State, State Archives. (Some may note the predominance of North Floridians in attendance).*

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*Close-up view of log rafts in a log boom at Apalachicola, Florida.*  
Credit Florida Memory, Florida Secretary of State, State Archives.

# I.

## **Chapter One: Adjudicator History**

Too many of those who served as Florida workers' compensation adjudicators have passed away, unnoticed, unsung, and often simply unremembered. They were each part of a task that is always intellectually challenging and at times emotionally demanding. I often relate the story of an amazing gentleman who persists in questioning the most common outcome of work accidents. When asking for that answer, we have seen many lawyers and judges hesitate to deliver the simple answer: the most common outcome is that workers recover or remediate, and they return to function and work. The reason the lawyers and judges persistently fail that inquiry is that a subset of workers and employers require representation, litigation, mediation, and adjudication. Those are the people with whom lawyers and judges work, and their tribulations and travails can veil the spectrum of self-executing success stories beyond.

The adjudicators are burdened with persistently getting the right answer. They face evolving statutes, inadequate and vacillating appellate guidance, and complex factual situations. Since the Florida system began in 1935, about 260 adjudicators have toiled in this small corner of Florida law, with its immense and complex economic criticality. Stated simply, workers' compensation touches most employment, enables predictability in economic exchanges, and profoundly impacts the Florida economy, business opportunities, and individual welfare and success. There is no law more enormously critical to the success of employees and employers than this.

Some who served here were beloved and others vilified (sometimes both). Much of what we know of their lives and careers is only from news stories, obituaries, and the increasingly small group of individuals who remember some of these servants and their contributions. In this text, there are some biographies that are clear, gleaned from credible and clearly related online sources. Some were composed in first person by the particular adjudicator. However, some are less clear, and various references or congruities are relied upon in the absence of some specific authority citing an individual's service. Those biographies that are less than certain are noted as such

and are presented as the best evidence available. I had the privilege of knowing over 90 of the adjudicators documented. I was fortunate to speak and correspond with a great many more in the early 21<sup>st</sup> century in laying the foundations for this work.

This book is a celebration of the relatively few that have served as Florida workers' compensation adjudicators over the last 89 years. It began as an effort to memorialize them and to better appreciate their contributions to this field of law and this state. In getting to know them, I have found the admirable and the mundane. Each was a capable exemplar, drawing me back to a quote of unknown origin: "you can learn as much from a bad example as from a good one." In producing this text there evolved many realizations regarding the unique and imperative evolution of this state. Florida has a singular and intriguing history. From glaciation to the modern age, this peninsula and its people have exhibited distinction, individuality, and perseverance. Florida's history is intertwined with ancient indigenous societies, competing colonial powers, conflicts, war, compromise, immigration, and economic evolution.

The result has been referred to collectively with a plural noun rarely expressed of late but so aptly descriptive: Floridiana. It means

"material (as documents, anecdotes, or artifacts)  
distinctively bearing on or characteristic of Florida or  
its people or culture."<sup>1</sup>

This book reflects Floridiana, with a particular focus on the state's economic evolution, the birth and development of workers' compensation adjudication here, and the approximately 260 trial adjudicators who have served this system. Undoubtedly, some of those are more admirable than others, more qualified than others, and a few are disappointing or worse. The recitation of their history as we know it is not intended as criticism or insult but it reflects reality and is worthy reminder that those who serve(d) are/were not infallible. Some were undoubtedly not exemplary judges or people. Each had flaws and challenges. Some made undeniably questionable decisions. A few had notable legal difficulties and exhibited extremely poor judgement. There has been effort here not to dwell on failings, but some detail is necessary in being true to the past. Each adjudicator was human, subject to the panoply of potentials: great, good, or not so much. I conclude it is honest to reflect the history as it is known.

We must lament that this effort was not undertaken earlier, when more of their own perceptions, expressions, and advice might have



been memorialized. Regrettably, some families have declined obituary memorialization, or at least none were located. It also bears acknowledging that the reflections here are increasingly important in the age of diminishing public library collections, increased information digitizing, and storage in proprietary databases limited to those with means. Locating and documenting the information that follows has been immensely challenging as a result. For their failings and successes, these adjudicators were each part of something larger than themselves, a notable and important social safety net that has become integrally intertwined in the very fabric of Florida's economy, industry, and workers.

The adjudicators have been a diverse and dynamic group. There are the very young, including Talbot Whitfield (1937-1941), thought to be our youngest ever appointed. His appointment at 23 years old might personify the success of intellect and ambition or, some might see the benefit of name recognition and powerful relatives. Deputy Commissioner Whitfield (*see* Page 316) was the son of G. Talbot Whitfield who served as Clerk of The Florida Supreme Court for 24 years until his passing in 1939,<sup>2</sup> and was also the nephew of "Justice J.B. Whitfield of the (Florida) Supreme court."<sup>3</sup> Some might conclude that friends in high places are a notable benefit for 23-year-olds seeking a place in this world. Another very young deputy commissioner was James R. Knott, appointed in 1937 in West Palm Beach. Deputy Knott was the son of a somewhat legendary State Treasurer, William Knott (1863-1965<sup>4</sup>), who served in some capacity under 11 Governors, *Id.*, including service as one of the original Florida Industrial Commissioners. It is fair to characterize William Knott (*see* Page 331) as highly regarded. His prominence may have contributed to his son's appointment at such a young age (27).

Similarly, James Vocelle served as Chairman of the Florida Industrial Commission (FIC) from 1952 to 1955. His son Charles was appointed in 1986, at 63 years old (not the most senior adjudicator appointment, *see* Page 309), to the bench in Miami, later transferring to Lakeland where he served for three terms. Some in the Bar believed that transfer was the first example of intra-Florida relocation of workers' compensation adjudicators, and oft referred to any relocation of an adjudicator thereafter as a "Vocelle transfer." Attorney Jack Langdon was particularly fond of that term. However, that labelling was erroneously based on those lawyers simply not knowing of various other such transfers throughout the history of the Florida Industrial Commission. That said, his transfer may have been the first example after the adjudicator appointment responsibility

passed nominally to the Governor in 1974 (*see* Chapter 13), and may also have been the first in the age of the full-time adjudicators that began in 1961.

These are not an exhaustive recitation of familial involvement. Governor Cary Hardee served Florida from 1921 to 1925. It is perhaps not surprising that his nephew Charles Jay “C.J.” Hardee, Sr. (TPA, 1951-1952) and grandnephew Charles Jay “C.J.” Hardee, Jr. (TPA, 1979-1987; *see* Page 235) each served thereafter as Deputy Commissioners in Tampa. Possibly a blood relationship to a former Governor might foretell opportunity.

The Knotts, Hardees, and Vocelles are the only multi-generation examples serving as Florida workmen’s compensation adjudicators, but there are more familial relationships. There were brothers who served in Orlando, Edward Hurt from 1958 to 1960 and Charles Hurt from 1981 to 1995 (*see* Page 248). Two Judge Jacobs have served, Jill E. Jacobs and Jeffrey I. Jacobs (*see* Page 249); though they were married, they had divorced before either was appointed judge. There was at least one other potential familial relationship in Governor Cone’s appointment of Parks Glover to the FIC Chairmanship in 1940. Some news reports suggest that Mr. Glover was the Governor’s nephew. Little more has been gleaned regarding Mr. Glover, despite significant research.

The history reflects adjudicators who passed away during their service. Notable modern examples include Judge Weiland (*see* Page 314), Judge Farrell (*see* Page 221), and Judge Dietz (*see* Page 215). There are also several unfortunate examples of former judges passing by their own hand. The existence of such circumstances is noteworthy, though tragic.

The judges have been difficult to categorize in general terms. Many of them paused only briefly here before embarking on other careers in and out of the law. Some brushed up against famous names during their personal histories like Knute Rockney, Howard Hughes, Franklin Roosevelt, and Richard Nixon. Some even brushed with the infamous, such as Ted Bundy. Many had exceptional backgrounds in military service or became exemplary in some manner. Their service may be characterized with various adjectives, superlatives, and observations. A few were Florida natives, but most seemingly came here, like so many others, in search of opportunity. Among them were pioneers, emigrants, and leaders. The biographies include several intriguing “firsts” that distinguish both that adjudicator and Florida workers’ compensation. Nonetheless, each served through the tumultuous growth and evolution of Florida, whose story starts

thousands of years before workers' compensation. Their contributions and service are acknowledged here, despite society's tendency to forget.

As Florida's story reached its modern European-related beginning, the Pensacola hurricane (1559) reminds of Mother Nature's role. Similarly, just as the stage was set for Florida workmen's compensation, the Miami (1926), Okeechobee (1928), and Labor Day (1935) hurricanes each notably impacted Florida's economic and broader history. Okeechobee remains the 3<sup>rd</sup> deadliest hurricane in American history.<sup>5</sup> The Labor Day storm remains the 9<sup>th</sup> deadliest. *Id.* The 1926 storm was also significant, "at the time...considered the country's greatest natural disaster since the San Francisco earthquake and fire of 1906."<sup>6</sup>

There were similarly man-made situations that became part of the economic evolution and were intertwined with Florida workmen's compensation. These were political, competitive, socialistic, and societal. In various perspectives, including nature, there is room to consider broad national issues from the perspective of whether events in Florida were cause, effect, or both. Florida's history is rich and challenging. The reader will perhaps graciously concede to the complexity of history evidenced by beginning our story a bit before 1935 when workmen's compensation finally came to this complex, demanding, and singularly beautiful state. In fact, our story starts some 10,000 years ago as the earth exited an ice age, and Florida, as we know it, came to be.



*Outside wall of Fort San Marcos - Saint Augustine, Credit Florida Memory, Florida Secretary of State, State Archives,*

# II.

## Chapter Two: Florida Geography

How did Florida come to be? The history of this peninsula is vast and complex, and so much underlies all that it has become. The last ice age ended “about 10,500 years ago”<sup>7</sup> (around 8,477 BCE (“Before Common Era or Before Current Era or Before Christian Era”<sup>8</sup>; BCE is used similarly to “BC” or “Before Christ” *Id.*). Scientists suggest there have been at least five ice ages in planetary history, though that is through inference. As the most recent ice age ended, and the atmosphere warmed, sea levels are believed to have been over 300 feet lower than today. Scholars believe that Florida “was (then) a much bigger, drier place,”<sup>9</sup> perhaps “twice its current size,” *Id.* as illustrated by the National Oceanic and Atmospheric Administration, *below*. Tampa Bay was perhaps over 100 miles from the Gulf and Pensacola’s famous bay that today is “20 to 50 feet deep”<sup>10</sup> was then likely a valley through which the Blackwater River flowed toward the gulf shore some 30 miles south. Understanding modern Florida is challenging, and it is easy to forget that our present world is a product of evolutions, influences, and migrations.



Courtesy of NOAA <sup>11</sup>

The rising seas changed Florida's geography and more. Most of today's Florida is "less than 100 feet...above sea level. The highest point is...a mere 345 feet...above sea level,"<sup>12</sup> Britton Hill in Walton County, close to Pensacola and Alabama, and far from the modern population centers in central and south Florida. At 100 feet, Florida has almost the lowest average altitude in the U.S., second only to Delaware.<sup>13</sup>

The Florida climate is not uniformly tropical, but it is consistently warm; "Average annual temperatures show little variation...68°F in Tallahassee...to 77°F...at Key West."<sup>14</sup> Florida holds the distinction of being the "hottest state in the country."<sup>15</sup> In addition to the temperature, Florida has the most humid climate in the United States. The ocean and gulf contribute to humidity; Florida has 8,436 miles of shoreline, more than any state except Alaska.<sup>16</sup> The state is significantly surrounded by water. In 1513, upon "discovering" the peninsula, Ponce de Leon believed it to be an island.<sup>17</sup> Additionally, Florida has many inland waterways. Over 18% of Florida is water.<sup>18</sup> While Alaska far exceeds it, "Florida has about 11 million acres of wetlands, more than any of the other 47 conterminous States."<sup>19</sup> The water supply is ample. And Florida is "the country's fifth rainiest state," with an "average yearly rainfall of" about 54 inches.<sup>20</sup> The combination of geography, temperature, and humidity, means that the part of "Florida located to the north of Lake Okeechobee experiences a humid subtropical climate while that to the south has a tropical climate." *Id.* Of the U.S. states, only Florida and Hawaii have tropical climates.<sup>21</sup> Florida is geographically and climactically unique among the lower 48 states.

The geography, climate, and composition of Florida likely influenced its desirability and accessibility before and during the European exploration and colonial period. Its natural beauty is undeniable, but the tropical weather, moisture, and resulting foliage was a challenge to the first migrants, European explorers, and eventually colonists who arrived here. As the human population of the peninsula evolved and grew, those factors likely influenced travel, trade, urbanization, and industry. These certainly played a role in the early colonial era primacy of north Florida as did the proximity to the original 13 English/British colonies. While modernity brought change in our ability to persist and thrive throughout Florida, the economic underpinnings of life here are nonetheless rooted in the ancient past, the historical geographic change, and the resulting climatic nature of this landmass.

Migration played a significant role here. Florida was likely not inhabited autochthonously (by natives) but through migration. People came to Florida before the Europeans, but they were migrants as well, perhaps best characterized as “indigenous” (“earliest known inhabitants”<sup>22</sup>). There is reasonable consensus that it was around the end of the Ice Age, when “American Indians<sup>23</sup> first arrived,”<sup>24</sup> largely the Timucua and the Calusa<sup>25</sup> (it is noted that “Indian” is still cited in various texts, it is used herein only when derived therefrom). There remains debate as to the origin of the “first” or “indigenous,” but there is currently consensus they were immigrants.

Despite the perceived primacy of particular groups, there is evidence to support “more than a dozen original Native American tribes in Florida,”<sup>26</sup> including names that continue to have geographic recognition today: “Pensacola, Apalachee, Guale, Timucua, Potano, Ocale, Tocobaga, Mayaimi, Ais, Calusa, Jeaga, Tequesta, and Matecumbe.” *Id.* That said, there remains debate regarding whether the first humans in the Americas crossed “a land bridge from Asia” or perhaps arrived “by sea.”<sup>27</sup> The “land bridge,” or “Beringia” theory, is arguably related to the lower sea levels in the ice age era.<sup>28</sup> Possibly, the lower ice age sea levels may also have influenced tides and currents differently than today, perhaps also supporting the seafarer theory and arguments. Regardless, the roots and paths of indigenous peoples have been long studied. The modern advent of decoding deoxyribonucleic acid (DNA) is now impacting that inquiry and confirming genetic relation of the indigenous Americans to “Siberians and East Asians.”<sup>29</sup>

Whatever their more recent geographic origins, there is significant consensus that “human beings everywhere...descend from people who were once full-time hunter-gatherers.”<sup>30</sup> From those beginnings, there was evolution toward agrarian societies that grew and harvested food. *Id.* In this, there is similarity in evolution elsewhere in the world. There is belief that the first migrant population became indigenous in the Americas and societies grew through both procreation and further pre-Columbian migration. Indigenous societies in the Americas prospered and thrived.<sup>31</sup> Some who study the era conclude that “350,000 American Indians (*sic, n. 23*)...inhabited Florida when Juan Ponce de Leon landed on the Atlantic coast in 1513.”<sup>32</sup> That is similar to the population of present-day Orlando (city 307,683 “proper,” not the “metro area”). That population volume demonstrates success on an individual and societal level. It is undeniably a significant population. However, it was distributed over Florida’s approximately 46 million acres. While the

indigenous were successful and effective, the population here was not dense. Some scholars believe that exposure to Europeans, and illnesses they brought, soon decimated the contemporary Timucua, Calusa, and Apalachee populations. *Id.* Others amplify the disease contention, concluding multiple causes “nearly wipe(d) out the aboriginal population,” including “wars, slave trade, and European diseases.”<sup>33</sup> While cause in specifics thus remains debatable, the impact of European “discovery” and colonization was significant.

There is the possibility that Europeans or others visited Florida before Ponce de Leon in 1513, but he is the first memorialized in writings and is credited with naming the peninsula La Florida (Spanish for “flowery”<sup>34</sup>). De Leon earned significant “discovery” credit, and he returned in 1521. However, he was not successful then in establishing the first attempted settlement, likely in the area around modern Ft. Myers. Hernando de Soto followed in 1539, landing somewhere around modern Tampa. His ensuing exploration of “what is now the southeastern United States”<sup>35</sup> included a months-long encampment “in the area now known as Tallahassee,” *Id.* Florida’s eventual capital. The early European (Spanish) exploration focusing on Florida, rather than northern portions of the Americas, was likely influenced by the earlier establishment of Spanish colonial settlements in the Caribbean on “Hispaniola (1492), Puerto Rico (1508), Jamaica (1509), and Cuba (1511).”<sup>36</sup> From those communities, Florida was a logical and practical destination relatively close to established Spanish settlements and resources.

But Florida was hot, humid, and tropical. It was significantly inhabited, and challenging in both size and complexity. Spain’s interest was a primary force. Its explorers sought gold, glory, and to spread religion. Florida offered no gold. However, despite Florida’s various complications, Spain found interest in it. Regarding issues of transit and supply, Florida outposts were worthwhile. There was a significant population for potential conversion to Christianity. And yet, over the course of many decades, the Spanish did not seem to capitalize on Florida’s potential. Despite its many challenges, multiple European powers were nonetheless attracted to Florida, and the disputes that followed are foundational to its history.



# III.

## Chapter Three: Florida Colonialism after Columbus

The first European settlement in North America was Spanish, established by Tristan de Luna y Arellano in 1559 “at Pensacola Bay.”<sup>37</sup> However, it almost immediately fell victim to a hurricane, causing significant loss and destruction. Within two years, the original Pensacola settlement was abandoned. Soon, thereafter began a competition of European nations and ideologies about 400 miles away in northeast Florida. The French explored the St. Johns River (modern Jacksonville) in 1562. In 1564, René Goulaine de Laudonnière returned to that area and built a fort and settlement named Fort Caroline. There was the beginning of competing Spanish and French interests in America, though the first permanent English settlement would be Jamestown, established by Sir Francis Drake more than a generation later in 1607.<sup>38</sup>

Jamestown was not the first English involvement. Earlier, in 1586, Sir Francis Drake “attacked and looted St. Augustine.”<sup>39</sup> And certainly, there were earlier English settlement attempts, such as Roanoke, the “lost colony,” founded by Sir Walter Raleigh in 1585 and later abandoned.<sup>40</sup> Thus, the “new world” drew English, French, and Spanish interest in the 16<sup>th</sup> century. Settlements by each would be established in the 17<sup>th</sup> century, along with efforts by the Netherlands. But, the Spanish were first on the continent, in Pensacola.

The Spanish soon returned to Florida in 1565. Pedro Menéndez de Avilés established a settlement south of the St. Johns River (Jacksonville) and named it St. Augustine. Thus, the first European settlement in North America (Pensacola) and “the first permanent European settlement in...the United States”<sup>41</sup> were both Spanish and both in Florida. The permanency distinction does not belong to the French at Fort Caroline (1564) as de Aviles and his troops captured Ft. Caroline and killed most of its inhabitants.<sup>42</sup> This Florida French/Spanish conflict was the “first European battle on American soil.”<sup>43</sup> Not to be outdone without response, the French returned in 1567 and retook Fort Caroline, similarly killing all the Spanish there. But, St. Augustine remained. Despite the English sacking by Sir Francis Drake, St. Augustine remained. Thus, the Spanish were established early in Florida. However, despite its significant colonial

successes in the Caribbean, and early roots in Florida, Spain did not take a primary role in North America. The Spanish persisted in Florida, with its many challenges, but never significantly capitalized.

Beginning with Jamestown in 1607, the English established multiple colonies. There was no “Britain,” or thus “British,” until the Act of Union in 1707. That “led to creation of a united kingdom to be called ‘Great Britain.’”<sup>44</sup> Thus, the “English” colonies in North America were therefore: Virginia (1607), New York (1626), Massachusetts (1630), Maryland (1633), Rhode Island (1636), Connecticut (1636), New Hampshire (1638), Delaware (1638), North Carolina (1653), South Carolina (1663), New Jersey (1664), and Pennsylvania (1682). These were joined generations later by the first “British” colony, Georgia (1732).<sup>45</sup> The Anglo presence was juxtaposed with the Spanish in Florida and the French both to the north (Canada 1535) of those colonies and to the west (Louisiana 1682). The historical Anglo/Franco disputes in Canada were of peripheral impact to all European colonial evolution, but not of direct impact on Florida.

The friction to the south of the original 13 Anglo colonies was more certainly so, and not always along the modern borders, “at its peak, Spanish Florida extended west to Mexico and north to the Carolinas.”<sup>46</sup> There was conflict over territory, and “Spain lost the Carolinas and Georgia colonies to the English in 1633 and 1670.” *Id.* Spain would later lose “the Louisiana colony to the French in 1682,” *Id.* which enhanced France’s North American presence that began with the founding of Quebec City in 1608.<sup>47</sup> The European friction continued as the English colonies expanded southward; there were British from South Carolina and Georgia who periodically skirmished with the Spanish in Florida during the 1600s.<sup>48</sup>

The Seven Years’ War (1756-1763<sup>49</sup>) was predominantly between the British and the French, also called “The French and Indian War” (*sic*, n. 23). However, the Spanish also allied there with the French, and Britain therefore attacked and captured Spanish Cuba. A treaty thereafter returned Cuba to Spain in exchange for ceding Florida to Britain.<sup>50</sup> British Florida thus began in 1763, and was an unprofitable, somewhat undesirable, and unrepresented British colony at the time of the American Declaration of Independence (1776). It is historically significant that by then Florida had been divided into two colonies by the British, labelled East Florida and West Florida, so 14<sup>th</sup> and 15<sup>th</sup> British colonies would perhaps be the most apt characterization. Despite its (or their) status, Florida lacked population and representation in the American revolution that soon came. Critically,

these colonies were very recent additions in 1776 and lacked significant Anglo colonist populations. Therefore, the Floridas played no significant role in the War of Independence (1775-1783) and remained undervalued and unappreciated British possessions.

The East and West titles belie the breadth of the Florida then, with the division between those two colonies then at the Apalachicola river,<sup>51</sup> near the state line today between Alabama and Georgia, where the modern Eastern and Central time zones meet. Certainly, this division was geographically unbalanced, with the bulk of the landmass in East Florida, but challenged by the tropical climate. Notably, however, West Florida then extended to the Mississippi River, modern Baton Rouge, Louisiana. There, prior to 1763, the Spanish interests met the French. East Florida was dramatically larger geographically. However, the population in the two colonies was predominantly in the land between Baton Rouge and Tallahassee (which was not yet a colonial town, but was likely an Indigenous community). This may have been a product of the climate, available resources, or proximity to colonial strongholds such as New Orleans (1718), Mobile (1702), and Pensacola (1698).

With two new colonies, and existing French and Spanish populations, the British strove to attract Anglo settlers to Florida with land grants. However, it was a tumultuous time for relations between British colonialists and the Crown. Various historical references suggest that those British settlement efforts were primarily in the northern reaches of Florida, maintaining the geographic focus of the Spanish and French. In addition to striving for immigration, the British interacted with the existing populations in various indigenous groups in the area. “The British called these people of Creek Indian (*sic n.23*)<sup>52</sup> descent ‘Seminolies,’”<sup>53</sup> or “Seminoles,”<sup>54</sup> a label that has persisted.

Florida was held by the British for about two decades as the War of Independence was prosecuted to the north, until “Spain took advantage of Britain’s preoccupation with the (other) colonies and invaded West Florida” in 1779.<sup>55</sup> This was the year after the famed winter at Valley Forge. The Spanish were victorious. After campaigns against the British in areas of modern Louisiana and Mississippi, Spain retook Pensacola on May 10, 1781.<sup>56</sup> This timing in Florida was reasonably consistent with General Cornwallis’ surrender to George Washington at Yorktown, Virginia (September 28, 1781).<sup>57</sup>

Britain’s loss of Florida was undoubtedly significant. However, the magnitude of Cornwallis’ defeat simply overshadowed the Spanish success in the somewhat forgettable Florida. By conquest,

Spain thus again controlled parts of Florida in 1781 and was granted “the rest of Florida as part of the peace treaty that ended the American Revolution”<sup>58</sup> (*Treaty of Paris*, 1783). Thus, at the moment of American independence, this territory, the 14<sup>th</sup> and 15<sup>th</sup> British colonies, passed back to Spain. Any thought of integration into the new nation was frustrated at least momentarily.

The competition for Florida then became between “Spanish colonists ... and (American) settlers.” *Id.* Despite the Spanish control, settlers from the north persisted. This was perhaps result of the earlier British encouragements or merely driven by expansionist frontier sentiment and population growth. It was an era of expansionist homesteading. Coincidentally, there was also a migration of indigenous people “in the early 19<sup>th</sup> century,” bringing Creeks, Miccosukee, and Seminole to Florida<sup>59</sup> from the north: Alabama and Georgia.<sup>60</sup> One might therefore say that northern migration has persisted throughout Florida history. Nonetheless, despite Spanish rule, “the two Floridas increasingly became more ‘American’”<sup>61</sup> in the late 18<sup>th</sup> century.

The Florida settlers declared independence early in the 19<sup>th</sup> century (1810), amid Napoleon’s invasion of Spain and the resulting diversion of European attention. Through design or coincidence, the U.S. “Congress used the incident to claim the region”<sup>62</sup> for America. The United States alleged that West Florida had been part of the Louisiana Purchase in 1803, *Id.* just prior to Napoleon “crown(ing) himself emperor in 1804.”<sup>63</sup> Spain had clearly “claimed the area (between the Apalachicola and Mississippi Rivers, “West Florida”) as part of its New World discovery in 1492.”<sup>64</sup> However, “France (had clearly) occupied it as a portion of Louisiana after 1695.” There were therefore at least lingering, if not persistent, ownership disputes among colonial powers in the early 19<sup>th</sup> century. Apparently sensing opportunity, the new United States intervened with the claim in 1810. Of the two Floridas, the contested possession of “west Florida” was perhaps viewed with greater clarity due to the population allegiances early in the 19<sup>th</sup> century. The influence of the French in that region remains notable even now.

Notably, claims and possession were perhaps less clear across the significant breadth (250 miles) between the Apalachicola River and the Atlantic at St. Augustine (East Florida). Certainly, the Spanish remained in St. Augustine, maintaining territorial claims. Their community included a notable population of free Blacks.<sup>65</sup> History has largely neglected recognition of these former slaves who escaped the British colonies and settled near St. Augustine, under Spanish

protection. Under Spanish law, their conversion to Catholicism and other conditions facilitated their freedom but nonetheless in a segregated manner. Nearby, “Ft. Mose (was) the first free Black town in”<sup>66</sup> what would become the United States. That somewhat egalitarian, and utterly unprecedented North American society, predated the American Civil war by decades. Though under Spanish rule, Florida was historically significant as regards racial freedom if not necessarily equality.

Amidst the independence effort of Floridian settlers, in March 1812, a group of Georgia settlers known as the Patriot Army, with *de facto* support from the U.S. government, invaded Spanish East Florida.<sup>67</sup> The efforts were directed at the capital in St. Augustine, but it was never captured. These invaders, or immigrants, drafted a Florida constitution, but the “patriots” soon withdrew in 1813. This has come to be referred to as the first Florida Constitution, or the “Patriot Constitution of the Republic of East Florida.” *Id.* With the Patriot withdrawal, both Floridas remained under Spanish control, despite the efforts and arguments of various Anglo settlers, and the Congressional conclusions regarding the Louisiana Purchase.

Following the Treaty of Paris (1783) ending the War of Independence, the British had returned to the United States in June 1812, and the War of 1812 would rage until 1815. The Creek Indians (*sic, n. 23*) then sided with the English in hopes of reclaiming territory from the nascent United States. In 1813, General Andrew Jackson therefore made war on the Creeks, and “on March 27, 1814, at the Battle of Horseshoe Bend (Tohopeka, Ala.),”<sup>68</sup> the Creeks were defeated, leading to a treaty “ced(ing) 23,000,000 acres of land, comprising more than half of Alabama and part of southern Georgia.” *Id.* Following that victory and success, Andrew Jackson invaded Pensacola from Mobile in November 1814. Both Floridas were then Spanish colonies.

One might assume his Pensacola invasion therefore faced a Spanish defense. However, the Spanish struggled with colonial management in the early 19<sup>th</sup> century. Before Britain’s 1812 invasion of the U.S., Napoleon had invaded Spain in February 1808.<sup>69</sup> That conflict in Europe involved British intervention on the European continent, fighting alongside the Spanish, and persisted through 1814.<sup>70</sup> An outgrowth of that continental alliance saw the British also seek a renewed North American presence, and “the Spanish governor, Mateo González Manrique, obliged when the British wished to occupy Pensacola...in August of 1814.”<sup>71</sup> Thus, when Jackson invaded Pensacola in 1814 it was primarily British defenders he

faced. When the defenders rebuffed his entreaties, Jackson's troops soon defeated the British fortifications. The English fled, and the Spanish surrendered. With Pensacola taken, the southern portion of the War of 1812 shifted to the west. Scholars conclude that:

“The War of 1812 ended in a draw on the battlefield, and the peace treaty reflected this. The *Treaty of Ghent* was signed in modern-day Belgium on December 24, 1814, and went into effect on February 17, 1815, after both sides had ratified it.”<sup>72</sup>

Notably, however, messaging in that era involved hand-delivery of written communications. Despite the signatures a world away in 1814, Andrew Jackson's army lacked notice of the agreement and continued to engage. This continued engagement culminated in the Battle of New Orleans “on the east bank of the Mississippi at Chalmette Plantation”<sup>73</sup> on January 8, 1815, the United States' “greatest land victory of the War of 1812.” *Id.* It is ironic that the “greatest” victory occurred after the war had officially concluded.

Thus, the end of the War of 1812 returned détente to Spanish Florida. Though the Spanish governed, there remained American settlers and disputes continued with the indigent peoples, largely the Seminoles. Due to ongoing conflict and “border raids (into Georgia) by Seminoles out of Spanish Florida,” Secretary of State John Quincy Adams and “Spanish minister to the United States Luís de Onís y Gonzalez”<sup>74</sup> instigated negotiations. The result was the Adams-Onís Treaty signed in 1821, which “ceded Florida to the United States.”<sup>75</sup> Thereby, Florida officially became a U.S. Territory in 1821, with Andrew Jackson as its military Governor in Pensacola. Jackson is the only Florida Governor that has served as U.S. President, and he was appointed rather than elected Governor.

Florida was thus late to the U.S. table, coming two generations after the 1776 Declaration of Independence and far longer after industrialization and urbanization had begun to impact elsewhere along the eastern seaboard. Florida was a novice possession with a history of uncertainty, unpredictability, and instability; a remote and ambiguous territory with a challenging climate, unappreciated by many and largely unwelcoming.

Thus, history illustrates challenges with the continuity of authority in Florida. In the colonial period, the flags of Britain, France, and Spain had flown over Pensacola. Some find historical significance in

the American flag being the fourth to fly over Pensacola with the territorial status.

By 1820, there had been significant population growth and territorial expansion elsewhere in the United States following the American Revolution. The original 13 states had by then been joined by 10 other states: Vermont (1791), Kentucky (1792), Tennessee (1796), Ohio (1803), Louisiana (1812), Indiana (1816), Mississippi (1817), Illinois (1818), Alabama (1819), and Maine (1820). Florida, in 1821, was one of the two last U.S. “territories” east of the Mississippi river. The other was Michigan.

In 1820, almost 10 million people lived in the U.S.,<sup>76</sup> with three states each having over a million residents (New York, Virginia, and Pennsylvania). By comparison, Florida may have had 8,000 residents in 1821,<sup>77</sup> a *mélange* of indigenous, Spanish, French, and British, along with the “Minorcan population of St. Augustine, and a small but vibrant sector of free people of color (sic)” *Id.* at and around Fort Mose (the use of “color” is by direct quote). Florida had spent its colonial era shunted about among feuding foster parents and in-laws, and entered the 19<sup>th</sup> century an orphan finally embarking with purpose.

This mosquito-infested, largely unpopulated peninsula was no contemporary of the expanding country, but its day would come. Nonetheless, one need not look far to understand why 18<sup>th</sup> and 19<sup>th</sup> century Florida was slow to develop and to attract residents. The political challenges had their impacts, but there is little doubt that Florida’s climate and topography were also influential. Soon after the Adams-Onis treaty, the U.S. Army deployed troops to south Florida, “who chased Indians around the peninsula”<sup>78</sup> (*sic, n.23*). Some have characterized observations of those soldiers as harsh or critical, describing “the region as a ‘hideous,’ ‘loathsome,’ ‘diabolical,’ ‘God-abandoned’ mosquito refuge.” *Id.* It was, one noted, “swampy, low, excessively hot, sickly, and repulsive in all its features.” *Id.* The geography, climate, and more were disdained. The slow pace of settlement, establishment, and development in Florida can thus be attributed to the climate, geography, vegetation, war, and more.

Aptly put: “There are many who will agree that Florida was indeed the first state to be discovered, yet the last to be developed.”<sup>79</sup> From any perspective, “last” is frequently a posture held in disdain. Of course, many states came later than Florida. However, the history supports that the investment and development here were minimal until the 20<sup>th</sup> century when technology and vision changed perspectives.



A County Called Mosquito, Credit Florida Memory, Florida Secretary of State, State Archives.

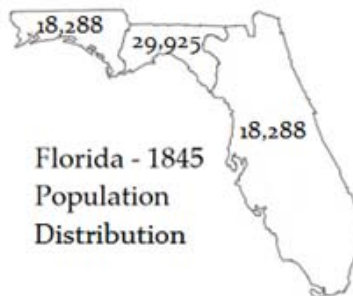


# IV.

## Chapter Four: Florida's Early State History

Florida was the 27<sup>th</sup> state admitted to the Union on March 3, 1845,<sup>80</sup> almost 25 years after becoming a territory. Between its territorial beginning in March 1821 and statehood, Missouri, Arkansas, and Michigan had joined the union. Expansion beyond the Mississippi River was significant, and Florida was the last territory east of the river to gain statehood. In the 1840 census, the U.S. population in the 26 states and three territories (Iowa, Florida, and Wisconsin) exceeded 17 million,<sup>81</sup> of which 2.5 million were slaves.<sup>82</sup> The south was largely agrarian and Florida's economy then notably resembled other southern states.

But Florida was somewhat different. Some 66,500 people lived there (well less than ½ of 1% of the U.S. population), about 45% of them concentrated in the area “between the Apalachicola and Suwanee rivers, then known as Middle Florida.”<sup>83</sup> This was, coincidentally or not, some of the territory that successful indigenous groups had historically also occupied and farmed;<sup>84</sup> it was the area in which “Hernando de Soto wintered” during his long trek in search of Mexico (*See* Chapter 2). The other half of the population was distributed in “West Florida,” from the Apalachicola river to Alabama and “East Florida,” which encompassed everything “lying south and east of the Suwanee river”<sup>85</sup> (the Suwanee crosses Interstate 10 near modern Live Oak). Thus, “East Florida” included the majority of modern Florida geography and had very few residents. This starkly illustrates how much of Florida remained sparsely inhabited and rural at statehood in the mid-19<sup>th</sup> century.



When Florida became a U.S. territory (1821), “it (still) had two capitals: St. Augustine and Pensacola.”<sup>86</sup> This seemingly odd arrangement was a holdover from the territory being “two colonies” under the “British in 1763, East and West Florida,” when “each colony had its own capital.”<sup>87</sup> The new Florida “territorial legislature (had) held its first session in 1822”<sup>88</sup> in Pensacola, and its second in 1823 in St. Augustine. The journey between the two capitals then required weeks of travel by sailing ship or “a 20-day roundtrip.”<sup>89</sup> “In the early days of Spanish Colonial Florida, only a series of narrow trails connected these two cities.”<sup>90</sup> This included a western route “connecting St. Augustine with the missions across north Florida.”<sup>91</sup> Though there were larger plans, this route was only partially completed by the Spanish, the portion between Mission San Luis (modern Tallahassee) and Mission San Francisco de Potano (modern Gainesville). It is probable that route was close to or crossed into modern Alabama. Some contend that Mission Road was part of the path travelled by Andrew Jackson to Pensacola prior to his engagement with the Spanish and English there. This route likely included the remnants of the Mission Road and various trails.<sup>92</sup>

The English had envisioned an east/west road in the colonial era but never began constructing one. The British were, however, responsible for Florida’s “first graded road (built) in 1763,”<sup>93</sup> the “Old Kings Road.” It tracked “an ancient trail between Timucuan villages that existed before European settlement.” *Id.* The Kings Road ran from the St. Mary’s river (north of modern Jacksonville) to New Smyrna (south of Daytona Beach).

Thus, the need for a significant route connecting the two Florida capitals was immediately apparent. Therefore, early in Florida’s territorial history, work began in 1824 on the “Pensacola-St. Augustine Road,”<sup>94</sup> which was “the first major federal highway in Florida.”<sup>95</sup> The project included a contractor and significant slave labor.<sup>96</sup> The total cost when completed in 1826 was \$23,000<sup>97</sup> (\$712,642 in 2024 dollars).<sup>98</sup> For context, the first “railroad” in America was completed in Massachusetts in 1826, and it was horse-drawn.<sup>99</sup> That these are each merely two hundred years hence is intriguing. And, that Florida was beginning with roads as earlier states were progressing to railroads somewhat illustrates Florida’s evolutionary delay.

In retrospect, from the 21<sup>st</sup> century, a road-less Florida is alien. But in that early history, waterways were critical, sailing ships were predominant, and some non-coastal settlements were remote and often difficult to reach. Inland resources largely reached the coast by

creek, stream, and river.<sup>100</sup> From the ports, a variety of vessels moved resources or goods; “schooners<sup>101</sup> were large enough to carry profitable cargoes in the coastal trade,” but for destinations “farther away than the West Indies,” there were barques,<sup>102</sup> brigs,<sup>103</sup> and ships<sup>104</sup> of greater capacity.<sup>105</sup> It was a time when coastal communities thrived on such trade (*see* Chapter 5).

“Tallahassee was a settlement of sorts in 1821”<sup>106</sup> but became incorporated in 1824 with the legislative decision to establish the capital there. The location was “a central location between”<sup>107</sup> the existing colonial capitals. There is an oft-repeated legend of riders sent from Pensacola and St. Augustine and a serendipitous coincidence of meeting at Tallahassee.<sup>108</sup> But “in truth, Tallahassee was their intended rendezvous.”<sup>109</sup> While there was no colonial city there, it was a known site prior to its incorporation. The word “‘Tallahassee’ is Muskogean; the word roughly translates as ‘old town,’”<sup>110</sup> or “old fields,”<sup>111</sup> and is thus an homage to the “ancient Apalachee town site” that was there long before and dating to the Creeks or earlier.<sup>112</sup> The Apalachee lived in that area and were “among the most advanced and powerful of the Florida tribes.”<sup>113</sup> They farmed and hunted in a “society (that) was well-organized and ruled by ‘chiefs.’” *Id.* The Spanish influence there included missionaries, and there soon evolved various “missions in the southeast.” *Id.* “Among the first missions to be founded” was San Luis de Inhayca in that area, which persisted from 1656, and around which other structures were constructed. *Id.* Thus, while it was not a contemporary of the two colonial capitals, Tallahassee has a long and rich history that both predates European colonialism, and persisted thereafter. Nonetheless, the opening of this new cross-Florida road empowered and enabled that new capital and other settlements. Homesteaders were encouraged and facilitated, and indigenous populations were encroached upon.

Conflicts ensued, and Congress enacted “the Indian Removal Act in 1830.” Attempts to enforce that law, and “to relocate Seminoles to Oklahoma,”<sup>114</sup> led to “the Second Seminole Wars from 1835-1842.”<sup>115</sup> In perspective, however, warring with the Seminole persisted through the 19<sup>th</sup> century. Some perceive three major “Seminole wars”: 1816-1818 (Spanish), 1835-1842, and 1855-1858. However, “the Seminoles tend to think of the three wars as a single Seminole War as no official acts of surrender or concessions ended the wars.” *Id.* Between these specific times, “the United States largely withdrew its troops even as they continued to threaten the Seminoles.”<sup>116</sup> And undoubtedly, the homesteading, encroachment,

and friction continued either between “wars” or in the lulls of “the” war. The indigenous Floridians were moved to or near reservations “in the early 20<sup>th</sup> century,” but historians note the politics and interaction between those peoples and the U.S. continued into the 1950s. *Id.* Some perceive significant conflict persisting even in the 21<sup>st</sup> century, regarding interrelationships, commerce, and gaming, but in litigation rather than armed conflict.

At the beginning of the territorial era, there were two counties in Florida. These counties roughly mirrored the earlier colony boundaries of “East” and “West” Florida (without the further west territory that was by then part of Alabama, Mississippi, and Louisiana). The counties were St. Johns (seat in St. Augustine) and Escambia (seat in Pensacola).<sup>117</sup> Thus, the critical historical importance of those first three cities, St. Augustine, Pensacola, and Tallahassee, cannot be overstated. Two were Florida’s primary colonial history, and Tallahassee, by compromise, was destined to be the center of the state despite being hundreds of miles from any realistic estimation of “center.”

Notwithstanding Tallahassee’s purported convenience and centrality, the state constitutional convention was not convened there or in either previous capital. In 1838, delegates met for a month in St. Joseph, where Port St. Joe is today (though four additional conventions were later held elsewhere). Charged with drafting Florida’s constitution, “the delegates were mainly planters and lawyers from 13 of the nation’s 26 states and four foreign countries; only three were native Floridians.”<sup>118</sup> This illustrates the immigrant nature of the population and the impact of historical vacillating disputes over Florida ownership before it achieved U.S. territory status.

St. Joseph was momentarily “a contemporary of established Gulf Coast towns Apalachicola, Mobile, and New Orleans.”<sup>119</sup> It was a shipping center, reasonably convenient to the bulk of Florida’s population (“Middle Florida,” *above*), agriculture, and economy. That likely also led to it later being the terminus of Florida’s first railroad (*below*). St. Joseph was an example of a frontier town on the Gulf, postured for greatness and influence. Its promise reflected in the convention gathering. However, thereafter, from 1841 to 1844, St. Joseph was victim to unfortunate circumstances: a “yellow fever,” (1841) “a forest fire, and a hurricane” (1844). Thus, it was challenged by nature and its potential shifted. Growth and evolution happened elsewhere, and St. Joseph faded. Such a frontier story is undoubtedly similar for various places that waxed and waned as the population and

economy of Florida changed. In another example, despite its initial primacy, St. Augustine was soon eclipsed by Jacksonville and Daytona. These illustrate the ongoing persistence of challenges, and the ebb and flow of the developing economy.

New municipalities soon joined the original three cities. Cow Ford existed in the colonial era. But, in its place, Jacksonville was founded before statehood, on June 15, 1822, with 15 inhabitants,<sup>120</sup> and was incorporated in 1832.<sup>121</sup> Tampa “began with Fort Brooke, established in 1824 to oversee the Seminoles.”<sup>122</sup> However, other familiar modern municipality names did not exist at time of the drafting of the second constitution in 1838. Familiar names of interest to workers’ compensation were each incorporated within Florida’s first hundred American years. They were incorporated after statehood (1845)<sup>123</sup> but before workmen’s compensation (1935), chronologically:

Lake City, 1859  
Gainesville, 1869  
Orlando, 1875  
Lakeland, 1885  
Fort Myers, 1886  
Melbourne, 1888  
West Palm Beach, 1894  
Miami, 1896  
Sarasota, 1902  
St. Petersburg, 1903  
Panama City, 1909  
Fort Lauderdale, 1911  
Marianna, 1911  
Trenton, 1911  
Port St. Joe, 1913

The early primacy of some remains illustrative, but the modern imperative of these later cities reflects the migration and evolution southward over the late 19<sup>th</sup> and early 20<sup>th</sup> century. In some instances, the earlier primacy in the north reflects Florida’s agrarian, timber, seafaring, and military history. It is likely this also reflects climate, accessibility, and economic opportunity. The oldest towns, so prominent in their era, were Quincy (1828), Marianna (1827), Tallahassee (1824), Key West (Claimed in 1822), Fernandina Beach (1562, by the French), Pensacola (1698, by the Spanish), and St. Augustine (1565, by the Spanish).<sup>124</sup> Other than Key West, these were each closer to the established American states, offered more

temperate climate and had resources that were in demand. The outlier, Key West, was geographically prominent, militarily significant, and guarded the straight through which shipping and trade had persisted since the colonial period.

The constitutional convention process begun in Port St. Joe led to Florida's second constitution (1838) which remained until 1861 (23 years) when Florida seceded from the union.<sup>125</sup> The first constitution is a footnote in history relegated there by the withdrawal of the "Patriot Army" in 1813 (*see* Chapter 3). Florida's 1861 secession was by vote of elected delegates, and "the convention also made numerous changes to the state constitution" *Id.* (resulting in Florida's third constitution). The secession brought Pensacola under a fifth flag, of the Confederacy. The secessionists feared the economic change that ending slavery would bring. Fear led to Florida being the third state to secede. Its decision was perhaps symbolic but not economically significant. Florida's own State Archives notes "Florida's small population and meager industrial resources made the state of little strategic importance to either side." In the 1860 Census,<sup>126</sup> Florida reported 140,439 residents (78,686 "free" and 61,753 "slave"). Of the "slave states," only Delaware had a smaller population, 112,218 (110,420 "free" and 1,798 "slave"). Of the total American slave population, 3,950,343, Florida's 61,753 was 1.6%. All that said, Florida's agricultural and horticultural importance was notable. It became a "critical food source for the Confederate Army,"<sup>127</sup> and historians note significant Florida exports of "beef, pork, fish, fruit and salt."<sup>128</sup>

Following the Civil War, a "provisional governor,"<sup>129</sup> William Marvin, was appointed by the United States, and a convention was called. The result was the Constitution of 1865 that was "was never submitted to the people for ratification" and "never became operative."<sup>130</sup> Then, in 1868, the "Reconstruction or Carpetbag" *Id.* Constitution was adopted (fourth constitution, the third lasting only seven years), which required Congressional approval. Notably, that 1868 document was seen as "profoundly shaped by the dominance of the Republican Party and the enfranchisement of African Americans (*sic n.23*)."<sup>131</sup> It granted significant executive authority; some characterize it as vesting "all political power to reside in the governor."<sup>132</sup> The implications of that actuality or appearance were important to the evolution of Florida government and likely impacted workers' compensation significantly in the next century.

Coincidentally, in the same era, Prussian Chancellor Otto von Bismarck, with designs on imperial authority, and facing domestic

unrest from Socialists and Marxists, enacted the Employers' Liability Law of 1871, which benefitted specific categories of workers or industries.<sup>133</sup> Whether because of these legislative compromises or not, he is credited with successfully creating the German Empire. He later adopted a broader social safety net in 1884 - Workers' Accident Insurance. *Id.* The 1871 law affords Germany credit for originating the modern workers' compensation idea, and the 1884 supports credit for realizing it. The United Kingdom (England) adopted its Employer's Liability Act in 1880. This was an adaptation of the Prussian idea, "abolished the old common-law defenses in theory," *Id.* and somewhat simplified worker recovery. It was not really workers' compensation, but its passage may have encouraged the German 1884 effort. These early European foundations would later support the movement for American workers' compensation.

When Reconstruction ended, and the "Conservative Democrats (again) controlled state politics," a new Florida constitution was drafted in 1885 (fifth constitution) and ratified in 1886.<sup>134</sup> (18 years after 1868). That 1886 document was notably regressive as to segregation, poll taxes, and more, which would influence Florida's path for almost a century thereafter. The Civil War had brought cataclysmic change and Reconstruction promised systemic change and hope. However, that inspiration and promise was not to last contemporarily as the South regressed into segregation, violence, and repression in the late 19<sup>th</sup> century. Significant and lasting change would instead require decades of wading through that racist and discriminatory obstacles in search of liberty, equality, and opportunity.

In today, many see success; others perceive a long road still ahead. Following the Civil Rights movement (1950-1970, *approx.*), close to a century after the Civil War, there was notable improvement in the racial divides. In the midst of the evolution between Reconstruction and Civil Rights came the birth and development of American workers' compensation, changes in Florida's economy, and incredible economic progress. In the biographies section of this text some significant examples of the Civil Rights era progress are discussed. Despite the variety of changes, and ample fodder for discussion, one critical element in the fifth constitution notably impacted the foundations for workers' compensation and its adjudicatory process and evolution.

The 1885 (fifth) constitution exhibits a distrust of executive authority, at least in the Governor. In it, "cabinet officers were often made completely independent by having offices to which they could

be re-elected whereas the governor was often restricted to one term.” *Id.* Therefore, “cabinet members answered to their constituents, not the governor.” An additional potential constraint was the absence of any Lieutenant Governor, which had been included in the Reconstruction constitution in 1868 (fourth)<sup>135</sup> but omitted from the 1885 (fifth) constitution.<sup>136</sup> Its omission was likely in similar disdain for the remnants of Reconstruction, and the political structures imposed there by the Republicans. The Lieutenant position was, a century later, “recreated in the Constitution of 1968,” which also removed the single-term Gubernatorial constraint.<sup>137</sup>

Under the fifth (1885) Constitution, an incapacitated governor was replaced by the President of the Senate, and if that person was similarly incapacitated, then by the Speaker of the House.<sup>138</sup> Thus, the structure of a somewhat weak and one-term-limited Governor persisted for about the first 33 years of Florida workers’ compensation (over a third of its present existence). And during the same era, leadership was subject to the potential of mid-term change, not to a running-mate Lieutenant, but to a potential political or personal rival. Under this structure, Governor Daniel McCarty (1953) suffered a heart attack nine months after inauguration, and Acting Governor Charley Johns (Senate President) replaced him and served the remaining three years of that term. Governor Johns failed to secure election in the next election,<sup>139</sup> and Governor Collins was elected (*see* Deputy Bond, Page 196). There are indications that this transition and change was disruptive regarding workmen’s compensation.

Another shortened term occurred when Florida altered its election cycle to avoid paralleling the Presidential terms, and Governor Haydon Burns was therefore Governor for only two years, 1965 to 1967. Thus, with Gubernatorial limitation, there was constitutional probability of quadrennial change in the Florida Industrial Commission (FIC), which set both regulatory policy and acted as the first-tier appellate review in workers’ compensation. This was a persistent impediment to longevity, predictability, and stability in management and precedent. Also, the possibility existed for earlier Gubernatorial incapacity/replacement, and resulting removal or resignation of commissioners and deputies. The structure was political, parochial, and periodically discordant.

Whatever the actual reasons for the sixth constitution, by the Civil Rights era, Florida’s Cabinet system, in which various elected officials exercise control and responsibility for various executive agencies, was said to be “outmoded.” Its effect before the 1968 sixth



Constitution was to “dilute the power of the executive.”<sup>140</sup> In addition to being constrained to a single term, some characterized “Florida governors (before 1968 as) little more than public spokesmen for the state.” The constitutional constraints, “a reaction to the powerful executive office of the Reconstruction-era” (fourth constitution, 1868), inhibited the Governor’s authority. Thus, it was said the chief executive’s “power (until 1968) rested on three primary tools: veto, persuasion, and patronage.”<sup>141</sup> Some may find interest in debating whether these are listed randomly or in order of importance.

Patronage, the appointment of various officers, was nonetheless perhaps the most pervasive of these, and the most influential to workmen’s compensation. In the 1930s, as the “New Deal” was rolled out in response to the Great Depression, Governor Fred Cone “saw a chance to increase his gubernatorial powers by controlling employees who doled out Florida’s federal dollars.” *Id.* The depression and federal responses played a central role in Florida’s adoption of multiple employment-related laws, workers’ compensation first among them (though efforts had persisted for about a decade before passage). Certainly, the governor had veto authority and a “bully pulpit.” But, more importantly, “a governor appointed hundreds of directors, commissioners, officers, and low-level bureaucrats each year.” *Id.*

In the original 1935 workers’ compensation law, this included the Chairman of the Florida Industrial Commission (FIC) and soon thereafter (1937) included all three FIC commissioners (*see* Chapter 4). The commission soon evolved into employing “deputy commissioners,” whose appointment was subject to gubernatorial approval. In fact, however, there are strong indicators that the appointed commissioners hired the deputies selected by the Governor, expanding the list of “bureaucrats” for appointment, but indirectly. This was important in terms of policy in 1935 and became progressively important as the nascent FIC expanded exponentially and exerted broad and pervasive influence on the Florida economy, labor, and management through the 20<sup>th</sup> century. In the 1950s, the patronage was expressed by Chairman Vocelle when “acting Governor Charley Johns” asked the FIC to “dismiss Roger Barker...and give the job to Webber Haines.” Chairman Vocelle predicted the FIC would do so “because deputy commissioners’ appointments ‘always have been a matter of political patronage.’”<sup>142</sup>

Governor Cone took office in January 1937 when the FIC was in its infancy, having just completed its first full year of existence. In July 1935, it was comprised of Chairman Wendell Heaton and two

Cabinet officers “Secretary of State Robert Gray and State Treasurer W.V. Knott”<sup>143</sup> (see Pages 329 and 331). Note that the FIC was originally one Gubernatorial appointee and two of the more powerful and long-serving Cabinet members, who were nonetheless designated by the Governor for this duty. The FIC started with no employees, equipment, or supplies.<sup>144</sup> Florida workmen’s compensation was, in every sense, new.

That first year of the Commission, it was “tucked away in a cubby hole adjoining the Senate chamber.”<sup>145</sup> The press reported that the Commission had cost about \$20,000 to run that first year (\$451,148 in 2024 dollars). It had processed “31,300 cases, which brought more than \$1,100,000 in funeral, medical and compensation benefits to employes (sic).” *Id.* There was adulation for the efficiency, and for the fact that “of these thousands of cases handled, none has been lost on appeal to the courts.” *Id.* Already, there was discussion of plans to expand state involvement in the labor relationship. But at what cost? When the law was passed, there was no effort to predict cost, see Chapter 6. And in 1936, there was proof that workmen’s compensation presented real costs. In fact, in the first year, Florida’s “claims paid out...(were) nearly one-half more than the national average.”<sup>146</sup> Wendell Heaton seemed unconcerned about the disparity, at least publicly. Commissioner Knott expressed a concern that more could be done from the standpoint of workplace safety.

Notably, in this regard, some were critical of Florida workmen’s compensation when it passed, expressing that it did not go far enough in terms of benefit or reform. Despite that criticism, its costs exceeded the national average. Florida had a spectrum of other states statutes to evaluate or emulate, and the financial experiences of those should have been at least available, if not apparent. Nonetheless, the finances were largely ignored in considering the passage of this new law. In all, Florida’s first year seems to have delivered praiseworthy regulatory performance, questionable financial performance, and yet no significant specific criticisms or recriminations.

At the outset, the Florida Industrial Commission was supported by assessments rather than tax money. That was a common financing structure, and the first FIC Chairman, Wendell Heaton, was quick to remind that the FIC “does not cost the state of Florida one penny.”<sup>147</sup> Critics in the press called that claim “a curious whimsey” and concluded that “the idea is all wet.” *Id.* The news contended that the assessment process “is a tax right on,” and the claims of no cost to the state were “specious.” *Id.* Interestingly, the mantra of system self-

sufficiency has persisted for decades, as has the financial reality of workers' compensation.

This was aptly described some years later, after decades under this law. In 1982, as insurance rates were increasing despite the reform efforts of 1979, a business official noted "whether we consider workmen's compensation a labor cost or a tax is not really relevant to most businessmen...this is an area that Florida must improve."<sup>148</sup> That point, shared by others, was simply that system costs were a cost of doing business regardless of categorization or labels and the cost was perceived as too high.

Soon after workmen's compensation started, public debate stemmed from the fact that FIC payroll expenses in its second year increased "249 percent,"<sup>149</sup> as the agency grew in its early days. While that is a compelling percentage and headline, one must remember the FIC started in 1935 with the Chairman and one clerical employee. Doubling the staff to four might easily have increased the payroll by 100%. Viewed through that prism, the "249 percent" is not nearly as compelling.

In short order, the Commission found the burden of both adjudicating disputes and acting as the appellate body regarding adjudications was too much. The solution was delegation of the trial responsibilities to Deputy Commissioners. The statute at least inferred that delegation (section 5966(2))("The commission or any member of the commission or any deputy commissioner may hold sessions and conduct hearings at any place within the State"). The deputies in that era rendered proposed orders, but the decisions on disputed benefits were ultimately the Commissioners'. This is more akin to the modern ALJ construct (*see* Chapter 12). In this context, some find it curious that there was no requirement that the Commissioners had any legal training or experience. The first decision makers, and then the first-tier appellate judges largely lacked legal training; they were accused of working equity (*see* Chapter 11). Florida law would soon evolve from that paradigm. However, there remain states in the 21<sup>st</sup> century that still retain a management paradigm in which a Commission both regulates and adjudicates workers' compensation claims,<sup>150</sup> and in some today no legal training for appellate commissioners is required.

In the years that followed, before Florida workers' compensation reached its Golden Anniversary in 1985, the FIC was no more. Some perceived its existence as too short, and its critics as too harsh. But, in 1969, its responsibilities and oversight were transferred to the new Department of Commerce and the Industrial Relations Commission (IRC) therein (*see* Chapter 12). This both recognized the need for a

more modern governmental structure and retained elements of the commission structure to which the community and constituents had acclimated. Among even the most senior workers' compensation community members today, there are some memories of the IRC, but none of the FIC with which this all started (*see* Chapter 4).

When winds changed, and the FIC was dissolved in the late 1960s, there was talk of a “professional” commission, a better commission. There were criticisms of partisanship in the FIC, and complaints of equity derogating law. Notably, the statute then essentially required partisanship in the FIC with its appellate commissioners requiring no legal training or experience and with each statutorily tied to a mindset or allegiance (labor or industry). The advent of the IRC as an appellate body within the Department of Commerce was viewed as a path toward decreased turnover, partisanship, and politics.

In 1973, “Chapter 73-283...reorganized (Florida Department of Commerce) by establishing the Division of Employment Security.”<sup>151</sup> Thus, shortly after the IRC was spawned in Commerce, it had evolved to being part of another subdivision. It was then briefly part of the Department of Labor and Employment Security (DLES) when it was formed. Changes were somewhat frequent.

The IRC's responsibilities extended well beyond workmen's compensation, until its authority was similarly dissolved by the legislature (effective October 1, 1978, *see* The Workmen's Compensation Law (1978), Department of Commerce). In 1978, there was no “commission” for the first time in Florida workers' compensation history, 43 years after its birth. Amusingly, at the same time, the Legislature discarded the existing adjudicator title “Judge of Industrial Claims” that had replaced “deputy commissioner” in 1970. The adjudicators in 1979 became “deputies” once again, but ironically “the judges were...deputies to a nonexistent commission.” THE HISTORY, PEOPLE, & POLITICS, p. 184; *see also* Langham, FLA. WORK. COMP.; HISTORY, EVOLUTION, AND FUNCTION, 2023, at Page 42.<sup>152</sup> From its humble beginnings, the concepts and benefits grew and expanded. The Department of Commerce grew in its administration, management, and bureaucracy. Remember that 43 years earlier, workers' compensation, unemployment compensation, and the Florida Industrial Commission had not even existed. The FIC started with a Chairman and secretary in 1935 and with little else. Upon its creation in 1978, the DLES had “a budget of \$316 million and 3,300 employees.”<sup>153</sup> It was undeniably an incredibly prolific government expansion over about 40 years.

# V.

## **Chapter Five: Florida's Economic Evolution**

The reality of 18<sup>th</sup> century urban economics was a lingering class focus. Certainly there was a legalized and enforced disparity in slavery, which bears study, recollection, and regret. However, beyond that travesty, there were those who labored and those who did not. America lacked an aristocracy, but there were gentry nonetheless. In the agrarian-centric paradigm, life was largely focused on the family as a cooperative. Ownership of land was important, and in the American colonial era land was abundant in North America. Farms were created through homesteading and national expansion, which was largely westward from the original English colonies, but also southward toward and into Florida. Undoubtedly, that process involved displacement of indigenous populations.

In those farms there was a synergy between families and land. When a family expanded, it was common for holdings to be divided. The land and production were dependent upon the family and symbiotically the family depended upon the land. In the agricultural communities, it was not a wage-earning environment so much as a collective. Families combined, cooperated, and formed communities. When a family expanded beyond the capacity of the land, there were departures, and for decades the promise of new horizons drew entire families or descendants ambitiously westward to new promised opportunity. The process was repeated and recycled as generations passed.

In the 19<sup>th</sup> century, the industrial revolution brought manufacturing, production, and technology. This had implications for agriculture in mechanization of farm work, increased efficiency, and decreased labor demand. Over that century, “more than 40,000 patents for farm implements were registered.”<sup>154</sup> “Portable steam engines” for specific tasks appeared, and “the first functional self-propelled steam tractors” followed in the 1870s. *Id.* As the 19<sup>th</sup> century closed, the first “gasoline-powered engine that could be driven” (the “tractor”) was invented in Iowa.<sup>155</sup> The mechanized “cotton picker” was patented in 1850, but “the first practical cotton picker was invented in the 1920s<sup>156</sup> and became increasingly functional and available toward the end of the 1930s. About the same

time, “the first self-propelled combine was developed in Australia in 1938.”<sup>157</sup> Mechanization impacted the family farm, the cooperative environment, and foundational economics. It was both empowering and disruptive. In a parallel sense, the production of technology eroded farm labor demand and simultaneously created manufacturing jobs for displaced farm workers. There was an economic shift to manufacturing and wage-earning. This provided a significant non-agricultural path to success, one that was not interdependent on ownership of large tracts of land and was largely independent of skilled trades training. This evolution contributed to urbanization, construction, education, and an increasingly pervasive and influential middle class. In time, both the agrarian expansion and the growing middle class would become critical to the development and evolution of the Florida economy, population, and personality.

### **Agriculture**

Citrus is thought to have arrived in Florida with Ponce de Leon. However, “commercial production began nearly 300 years later - after the Civil War”<sup>158</sup> (late 19<sup>th</sup> century). The profitability and viability of citrus farming in Florida depended on transportation. It was waterways, ports, and then railroads that provided that infrastructure and allowed Florida citrus farming to expand. In the 1870s, “entrepreneurs were flocking to Florida seeking riches as citrus growers.”<sup>159</sup> And there was success. However, the Florida climate led to some early crops being lost to cold, so growers “moved south and began growing again”<sup>160</sup> in the late 19<sup>th</sup> century. Thus, product demand, technology, and perseverance combined to drive development and population further down the peninsula. “By 1893, more than five million boxes of Florida citrus were shipped (annually) to eager consumers in northern states.”<sup>161</sup>

Sugar similarly came to Florida with the Spanish in St. Augustine “in 1565.”<sup>162</sup> Despite that early beginning, “commercial production of sugarcane did not begin until 1767” and was initially unsuccessful secondary to “unsuitable soils and inclement weather.” Like the citrus industry, these challenges “moved pioneers further south during the late 1800s and early 1900s.” The successful Florida “sugarcane industry was established around the southeastern shore of Lake Okeechobee” in the 1920s. Many see the growth of that industry in the wake of World War I, and the resulting challenges faced by producers in Europe. There were also undoubtedly some economic incentives in that era from tariffs and national politics.

## **Horticulture**

More resistant to weather, climate, and other challenges, “Florida’s cattle industry began when the early Spanish explorers brought livestock to the peninsula in the 1500s.”<sup>163</sup> The beef industry evolved with the “cracker cow,” that was notably “suited to Florida’s hot and swampy climes.” *Id.* While Florida’s role in feeding the Confederacy has been noted (Chapter 4), “Florida sold beef to both Confederate and Union troops during the Civil War.” *Id.* In Florida’s colonial, territorial, and statehood periods, it was common to allow “cattle...to roam freely.” Periodically, they would “round them up for a cattle drive to various ports for sale to Cuba and other Caribbean islands.” *Id.* This “free range” practice continued until 1949. Cattle ranching was persistently an important segment of the Florida economy, and the influence can be seen on the Florida Industrial Commission (*see* Page 341). Some contend that “Florida has the longest history of ranching of any state in the United States.”<sup>164</sup>

## **Natural Resources**

Florida’s first known lumber mill was established near Pensacola in the territorial period (1830s). Many small mills evolved, powered by water and focused largely on supplying local construction needs. In that time, any transport of lumber was overland in wagons, floated down streams, or by ship when ports were accessible. These mills became increasingly effective with the application of mechanization and steam power as the 19<sup>th</sup> century progressed. Following the Civil War, there was a “lumbering boom between 1880 and 1930.”<sup>165</sup> This included “thousands of loggers” and “hundreds of mills.” *Id.* So prolific was the production, that “by 1930, lumbermen had virtually razed the virgin forest...which originally covered an estimated twenty-seven million acres.” *Id.* The species included “White Oak, Red Cedar, Juniper, Cypress, and Ash.”<sup>166</sup>

Construction timber was exported from the Florida panhandle to the West Indies, “New Orleans, Baltimore, New York, Boston,...Cuba,...Nassau, Barcelona, Bremen, and Charges” among other destinations such as Galveston, Mobile, Key West, Mexico, and Rio de Janeiro. *Id.* The role of lumber in Florida history was significant. While lumber was thus important, the later production of paper, *below*, cannot be ignored.

Also, in the 1880s, “phosphate mining began in Florida...from Alachua to Citrus counties.”<sup>167</sup> The material was used in fertilizers and expanded into a variety of applications. That industry continues in 2024 with “27 phosphate mines in Florida, covering more than

450,000 acres.” *Id.* There are likely similarities with the growth of that industry and the availability of rail transportation options. There are also phosphate and lumber ties to the ports and shipping options that have evolved through Florida’s history (*see* Chapter 5). Florida has been a persistent producer of seafood commercially.

### **Construction**

Thus, as noted, the 19th century in Florida was largely agrarian, with citrus, cattle, and forest products being significant.<sup>168</sup> While there was some Florida industry, notably in American defense, the economic character was largely agricultural. Before and after Florida achieved statehood, construction began on significant military fortifications “for federal protection of crucial waterways.” Fort Pickens (Pensacola, built 1829-1834 by slave labor<sup>169</sup>) and Fort Taylor (Key West, 1845-1866<sup>170</sup> by slave labor<sup>171</sup>) were constructed of “Pensacola Brick,” as was “the largest brick structure in the United States, the Dry Tortugas’ Fort Jefferson”<sup>172</sup> (1846-1875,<sup>173</sup> partially with slave labor<sup>174</sup>). The brickmaking industry had been part of Pensacola history since the late 1700s<sup>175</sup> under various colonial authorities. But, it bloomed during territorialism and early statehood. The defense applications drove production, as did the evolving municipal development and construction. National defense expenditures in Florida would persist, with significant impact as the state and nation evolved. Over the course of the 20<sup>th</sup> century and beyond, construction of roads, canals, municipalities, and resorts contributed significantly to Florida’s evolution.

### **Tourism’s Beginnings**

Convalescent Florida tourism existed “even before the civil war,<sup>176</sup> but became notable late in the 19th century, as did the practice of “wintering” by those who could afford it.<sup>177</sup> Henry Flagler opened his Ponce de Leon Hotel in St. Augustine in 1888, after three years of construction.<sup>178</sup> It was innovative as “one of the first poured concrete buildings in the United States and was also one of the first buildings to have electricity.” *Id.* Electricity was then a novelty, with Wabash, Indiana, becoming the “first electrically lit city” in the world only eight years before (March 1880).<sup>179</sup>

The Ponce de Leon opening event featured historic guest names like “Grant, Vanderbilt, and Rockefeller” who arrived “on the first sleeper/vestibule train ever to arrive in St. Augustine.”<sup>180</sup> Some of those same names had only recently (1886) started the Jekyll Island Club on the Georgia coast.<sup>181</sup> In that era, various well-heeled families



were searching for warmer winter accommodations. Their demand for rail travel and other improvements, and the efforts to supply it, cannot be discounted. But, there is likewise no discounting the general influence of technology in the growth of Florida's economy. Electricity and increasingly available steam locomotive were certainly changing the dynamics, but more important innovation was soon to come (*see* Chapter 12, Dr. Gorrie), and more vacation destinations financially accessible to the growing middle class leveraging the impacts of the industrial (*see* Chapter 6, and *below*) and transportation revolutions (*see below*).

### **Manufacturing**

Florida manufacturing was expanding as the 19<sup>th</sup> century concluded, with “industries such as cigar manufacturing.”<sup>182</sup> Notably, though this was manufacturing, it was predominantly tied directly to Florida's existing agrarian nature similar to the lumber industry. Despite some industrialization, as the Civil War concluded (1865), Florida had only 659 factories, exceeding only Nevada's 330 to escape being last among the states (Nevada had then been a state only since late 1864). Factories in that time were predominant in Pennsylvania (37,200), New York (36,206), Ohio (22,773), Massachusetts (13,212), and Missouri (11,871).<sup>183</sup> Florida was simply not an industrial center and remained a primarily agricultural economy, and the economic news of the early 20<sup>th</sup> century is replete with references to citrus, vegetables, and other crops. Even in 2022, Florida manufacturing is responsible for \$64.48 billion, which represents only 5.24% of the “total gross state product,” and only 4.33% of the “nonfarm employment.”<sup>184</sup> Florida is not a center of heavy industry. That posture and trend at the beginning of the 20<sup>th</sup> century perhaps helps explain Florida's slow adoption of workers' compensation. Historically, the need for work-injury protection has been less important in the family farm, cooperative, environments.

Industry did come. A shipyard was established in Jacksonville, a “warm water port,” that afforded “12-month” construction schedules.<sup>185</sup> Hundreds of ships were built in Jacksonville over decades, including Liberty Ships, tankers, minesweepers, and more. The idea of Florida shipbuilding was not new; it dated to the 1850s.<sup>186</sup> The U.S. Navy had invested over a million dollars in a shipyard in Pensacola.<sup>187</sup> And it had produced ships at Pensacola as early as 1859 (U.S.S. *Pensacola*, and U.S.S. *Seminole*, sailing sloops). *Id.* That shipyard, in America's first European settlement, had been decommissioned by 1911 but would soon be reborn with a new

purpose (*below*). But in the 1900s, shipbuilding became a significant industry in Jacksonville, which thrived through wars and more for most of the 20<sup>th</sup> century.<sup>188</sup> The building and repair of ships required skilled labor and paid significant wages. The 1920s were critical for the evolution and growth of Florida, but more so in terms of construction and the related trades (*see below*) than in heavy industry and manufacturing *per se*.

### **Transportation**

The era of industrialization had begun in the northeast United States, with “emphasis on consumers’ products.”<sup>189</sup> Production was constrained by various natural and human concerns. One of significance was transportation. Industry had to produce, but those products also had to reach a market. By 1840, as Florida approached statehood, railroads nationwide “consisted of a mere 2,800 miles of disjointed trackage.” *Id.* By 1860, the system had “mushroomed into a well-articulated system exceeding 30,600 miles.” *Id.* Before that notable expansion, the transportation alternatives were animal-drawn carts, river boats, and ships.

Some note that U.S. urbanization had not significantly begun before 1830, and “the industrial as well as the agrarian population was predominantly rural.” *Id.* However, the “financial panic and depression of the late 1830s” drove “manufacturing from a rural to an urban proscenium” *Id.* (center stage), as Florida approached statehood with a persistent agrarian focus.

Florida’s first railroad began operations in 1836 with the “Lake Wimico line that connected the boomtown of St. Joseph to the Apalachicola River”<sup>190</sup> (*see* Chapter 42 *re* St. Joseph). This has been described as “Florida’s first steam powered railroad,” *Id.* suggesting that an earlier line existed but was perhaps animal-powered.<sup>191</sup> That earlier line transported cotton from Tallahassee to Port Leon *Id.* (likely about 25 miles).<sup>192</sup> The Lake Wimico line connected St. Joseph to the lake and thereby to the Gulf at Apalachicola<sup>193</sup> (likely about 8 miles). Thus, while railroads were generally nascent in 1840, Florida likely had less than 50 miles of the 2,800 miles of track then in the country (2%), and that very limited track was focused on transport of agriculture to the gulf for shipment. The first railroad to cross the peninsula ran from Fernandina to Cedar Key (due west of Ocala) and was completed in 1861. *Id.* Despite the two short lines mentioned above, some contend that “railroads first came to Florida in the 1860s” with this Cedar Key line.<sup>194</sup> This line afforded transport to the Gulf without risking the Florida Straights and the potential for

lost ships and cargo.<sup>195</sup> The line was 156 miles long,<sup>196</sup> a minute fraction of the 30,600 miles of track then in use in America (.5%). While the modern assumption is of metal rails, there is evidence that some railroads in those early years were first dependent upon wooden rails, then “iron strips were nailed on top of the rail,”<sup>197</sup> before eventually being metal. Florida’s travel evolution continued through the end of the 19<sup>th</sup> century, and passenger rail followed (*see above re Tourism*).

The end of the 19<sup>th</sup> century brought American intervention in the Cuban War of Independence, also known as the Spanish-American War<sup>198</sup> (1898). Various efforts during the conflict involved Florida for staging and transportation efforts,<sup>199</sup> and the conflict increased the shipping and transportation segments of the Florida economy. Thus, again, national defense impacted the state’s economic development. Contemporaneously, train service was expanding rapidly with the first train arriving in Miami in April 1896.<sup>200</sup> Further expansion would see the first train arrival in Key West in January 1912.<sup>201</sup> In this, there is evidence that rail came to Florida later than it predominated elsewhere. Nonetheless, rail travel was critical to Florida’s foundational agriculture and evolving tourism industries.

Some would say it was also an economic driver due to the associated construction wages. While that construction undoubtedly contributed to the state’s economy, others argue that the railroad construction here was largely on the backs of underpaid or unpaid laborers under the auspices of “convict leasing and debt peonage.”<sup>202</sup> Some venture further and ascribe both of those to perpetuation of racial oppression and societal stratification. There are various perspectives expressed in that regard as to the development of Florida’s economy in the early 20<sup>th</sup> century.

Despite those anecdotal examples, Florida remained “primarily an agricultural state” as the 20<sup>th</sup> century dawned.<sup>203</sup> There had been no industrial “revolution” here, but between statehood (1845) and the 20<sup>th</sup> century, there had been evolution. That continued in the 20<sup>th</sup> century, as workers’ compensation came to Florida with a myriad of other changes. A report to the Chamber of Commerce in 1956 noted that in 1910 “less than 39 percent” of Floridians “liv(ed) in cities.” *Id.* However, by the mid-1950s “more than 60% live(d) in cities.” *Id.* That marked increase is noteworthy; more so because the population was simultaneously growing. This was like the urbanization elsewhere but arrived somewhat later in Florida. The Chamber report characterized Florida as “a working state,” *Id.* in that era, distinguishing from the tourist economy that evolved soon enough.

The 1956 report noted the tourism contribution (“five million people visited Florida last year”) but also claimed with pride that Florida was “among the 10 leading states in growth of manufacturing employment.” *Id.* Not a leading state in volume, but in growth. Tourism had arrived, and was welcomed. However, it is fair to conclude that its potential had yet to be fully embraced.

With the 20<sup>th</sup> century came the dawn of the automobile age. Its impact was not immediate, and just as railroads were becoming ubiquitous, their coming decline would require only decades not centuries. The relationship between rail and highway is perhaps best illustrated by the birth and death of the “interurban,” “a type of electric passenger railroad; in short a hybrid between tram (streetcar) and train.”<sup>204</sup> In the late 19<sup>th</sup> century, this option connected many towns across the U.S. or connected towns to their suburbs. While they were notable particularly in the Midwest, there were Florida examples in: Jacksonville, Bradentown (*sic*), Coral Gables, Pensacola, St. Augustine, and Fernandina. *Id.* One might perceive a north-Florida predominance there, but Bradentown (*sic*) and Coral Gables are noteworthy. Though such systems have survived and thrived elsewhere in the world, their influence was short-lived here. They were an early answer to the challenge that “unpaved (roads) could become nearly impassible during wet weather.” *Id.* And Florida is notable for such weather (*see* Chapter 2). There was thus a correlative interrelationship between development of roads, rail, and the automobile.

Trains undoubtedly brought tourism and facilitated early growth in the 1900s, but Florida was then enjoying in trains a technology that had long benefitted other states. As Florida rail expanded, the auto was a new innovation that would enable tourism increasingly later in the century. That evolution illustrates both the importance of the railroad in opening this frontier, and the persistent cyclical challenge that has seen increasing autos, more roads, and more autos for the last hundred years.

Florida’s first road dated to the British colonial period, and its first east/west road early in its time as a U.S. territory (*see* Chapter 4). But, Florida’s first paved road dates to 1911, 130 miles long, about the same time that the first constitutional workers’ compensation systems were being enacted in the north (Wisconsin, 1911). That road was first named “the Dixie Highway.”<sup>205</sup> It was “a nine-foot-wide brick road with high curbs and it was the original U.S. 1 in Florida.” *Id.* Though the automobile had arrived, the roads necessary for impacting tourism evolved more slowly. In 1914, one Florida county, Polk, had

raised the funds to “construct 217 miles of asphalt highways.” From that would come some bragging rights about “all” roads there being paved, and that led to a county nickname that has persisted: “Imperial Polk County,” which was then purported to be “the heart of Florida.”<sup>206</sup> By 1922, the first 130 (*app.*) miles of paved road from the Georgia state line to New Smyrna, U.S. 1, had expanded to 123,817 miles of public roads in Florida.<sup>207</sup> In this, the early 20<sup>th</sup> century demonstrates both the promise of the auto, the necessity of the railroad, and in each the promise of significant employment in infrastructure design and construction that was inspired and necessary.

Train service was expanding at the turn of the 20<sup>th</sup> century, from the Flagler efforts and beyond. The completion of the line to the Florida Keys was significant, and service to the Keys continued until the destruction of “the 1935 Labor Day Hurricane.”<sup>208</sup> Throughout the early 20<sup>th</sup> century, automobiles further enabled travel and empowered the growing middle class. By 1926, there was a state highway from Jacksonville to Miami, which was included as part of a national network stretching to Maine called the “United States Highway 1.”<sup>209</sup> That expanded to Key West by 1938, after the rail service there ended with the 1935 hurricane. *Id.* When workmen’s compensation was adopted in Florida in 1935, the state “identified” 269 to 312 roads in “a compilation of all the ‘State Roads’...made by the legislature.”<sup>210</sup> The margin of error in that estimate is itself interesting. Nonetheless, that count marked a dramatic increase in the 25 years (*app.*) from the opening of the original paved Dixie Highway. Progress continued, but perhaps more slowly, during the leaner war years.

However, the return of America’s soldiers brought innovation and growth to Florida. Interstate 4 was constructed from Daytona to Tampa from 1958 to 1965.<sup>211</sup> Interstate 10 in Florida was constructed from 1961 to 1978.<sup>212</sup> Interstate 75 was constructed to Tampa from 1960 to 1968; the full expansion to the east coast, “Alligator Alley,” opened in 1993. *Id.* Interstate 95 was begun in 1961 and finally completed in 1987, following delays related to “environmental concerns.”<sup>213</sup> It was not the first time that development and environment in Florida conflicted, and will certainly not be the last. Before Interstate 95, the Florida Turnpike was completed in 1957 (the original 110 miles), and other toll roads followed. Some of those who adjudicated workmen’s compensation claims were also directly involved in the expansion of Florida’s roads.

Since Florida’s first paved highway in 1911, the flexibility of automobile transportation increasingly facilitated visits to the

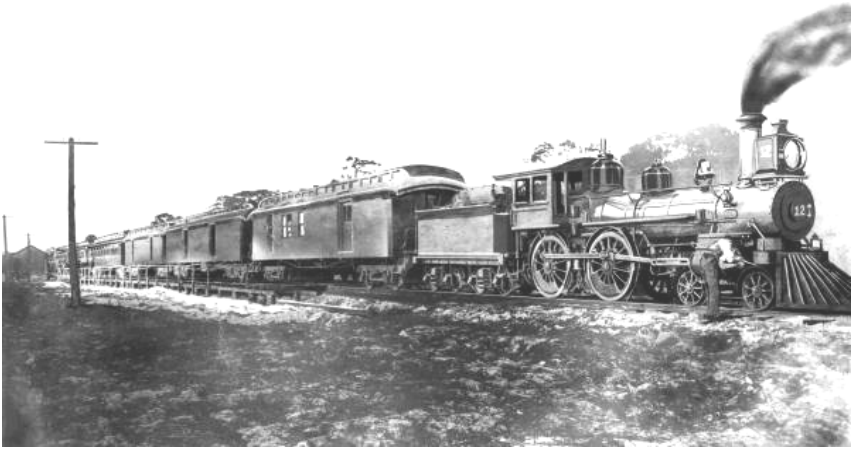
beaches, attractions, and warmth. Transportation options further facilitated distribution of crops and resources. As automobiles evolved and American's infatuation with them grew, transportation was increasingly by automobile. By 1968, passenger transport on the Flagler railroad had ceased. That followed a union strike which might be viewed as cause or effect.<sup>214</sup> In other words, the decreasing passenger demand may have led to supply and employment changes, or the strike and inconvenience may have precipitated decreased demand. Either way, it is apparent that as the Florida workers' compensation age began in 1935, there was already evidence of declining railway influence, extensive roadway construction, and concomitant increasing Florida tourism.

### **Tourism's Evolution**

Resorts expanded and multiplied in the early 20<sup>th</sup> century, joined by more modest hotels and camping, while the automobile generally enabled and encouraged vacationing. With technology, northern industrialization, and the expanding American middle class, working people began vacationing in the early 20<sup>th</sup> century. The idea of a "holiday" was familiar to the gentry, but leveraging of mechanization and the wage-earning era of the industrial revolution had empowered far more to travel and vacation. They soon camped in Florida, often in their cars, and were referred to as "tin-can tourists,"<sup>215</sup> for their habit of relying on canned foods. By the 1920s, an innovation copied from California, the "motor hotel," or "motel" had begun to appear with an emphasis on facilitating those travelers. The rich continued to build winter homes in Florida, and names like "Thomas Edison, Harriet Beecher Stowe, and Henry Ford" became part of Florida history in the 20<sup>th</sup> century. *Id.*

Tourism began with desire for weather and beaches. Hotel accommodations expanded as did the availability for camping. But other attractions followed. Silver Springs was a commercial center, but evolved into an early tourist attraction beginning in the 1870s with "glass bottom boats. It grew and evolved into a commercial tourist enterprise in the 1920s.<sup>216</sup> The attractions set a tone, drew visitors, and spurred development. Resorts such as Cypress Gardens (1936)<sup>217</sup> followed. Florida became known for attractions like Monkey Jungle (1933), Parrot Jungle (1936), Weeki Watchi (1947), and Gatorland (1949). Today, many consider Florida the "fishing capitol of the world." Millions fish here, driving billions of dollars in annual economic activity. The impact of tourism is unmistakable, and with it came construction, development, and population.

Thus, as the 20<sup>th</sup> century progressed, there was development and economic growth. But it was not heavy industry. Nonetheless, there were labor movements in communities like Jacksonville, among various trades and industry. Those likely impacted the expansion of development and construction as people moved further south. But, the spread of organized labor and its influence was likely impeded by the continued primacy of agriculture, horticulture, and tourism. The agrarian primacy persisted in Florida, and much of the south through the 20<sup>th</sup> century.



*Arrival of the first passenger train - Miami, Florida.* Credit Florida Memory, Florida Secretary of State, State Archives.



# VI.

## **Chapter Six: Symbiosis and Evolution**

As noted above, lumber had been a longstanding Florida industry; “Florida once encompassed a vast 27 million acres of virgin forest.”<sup>218</sup> The “business of forestry (thrived) since the early 1800s.” *Id.* The timber was plentiful, and “many of the towns of northern Florida were built around sawmill operations.” *Id.* Leadership from this industry found its way to the Florida Industrial Commission (FIC) in the 20<sup>th</sup> century (*see* Pages 324 and 327). Lumber had symbiosis with early Florida transportation. Historically, “the major exports of the first railroads to be built in the state consisted of logs, lumber, cross ties, and other products of the forest.” *Id.* Then, in 1931, the first paper mill opened in Panama City.<sup>219</sup> Florida Pulp and Paper opened a mill in Pensacola in 1941,<sup>220</sup> and the paper industry likewise influenced the FIC (*see* Page 335). The paper industry evolved across Florida with significant mills in Fernandina, Jacksonville, Palatka, Port St. Joe, and more. Boxboard was interrelated with the ample supply of pulpwood and was used extensively for shipping Florida produce, but note the north Florida predominance. Florida’s vast forest resources were leveraged and some might say exploited. The transition in forestry resources from timber to paper is an outstanding example of Florida’s economic evolution. Throughout, there was a dynamic synergy between resource harvesting, agriculture, and the developing transportation infrastructure.

In that, shipping is inextricably intertwined with Florida’s entire history, dating to the Spanish arrival by ship, and perhaps even to the original human immigrants to this continent. Port towns in northern Florida such as Pensacola, St. Joe, and Apalachicola cannot be forgotten. However, these were ports of somewhat local influence and the timing of collaborative land transportation somehow did not coincide significantly.

Railroads were a 19<sup>th</sup> century innovation. They began as horse-drawn platforms pulled over wooden track. Soon the innovation of metal coverings for the wood evolved, and later metal rails. The railroads began as small, private, enterprises and evolution into a true system of tracks required time. The first significant Florida railroad

was in 1860 in Fernandina (near Jacksonville). The “Alabama and Florida (A&F) completed its line (from Montgomery) to Pensacola in 1861.”<sup>221</sup> The interaction of sea and land transportation was important. Notably, “railroad construction exploded in the last decades of the 19th century,”<sup>222</sup> but there was also significant exploitation of the inland waterways. This included “steam powered river boats,” whose courses were facilitated with steam dredges and extensive waterway expansions.

The late 19<sup>th</sup> century brought economic maritime growth through ports like Jacksonville and Tampa. These had the advantage of contemporary early railroad access, as did Pensacola. Jacksonville enjoyed the benefit of proximity to the northern states, a significant harbor, a dominant navigable water route from central Florida (St. John’s river), and some of the earliest railroads. Some contend that Florida’s “first” ran “from Fernandina Beach to Cedar Key” (north of Tampa) in the 1860s.<sup>223</sup>

In Tampa, progress followed the “abandonment of Fort Brooke,”<sup>224</sup> and growth in Florida’s trade with the Caribbean. A Florida rancher, “Dr. Howell-Tyson Lykes, went on to found the Lykes shipping empire” from the foundations of “Tampa’s cattle trade with Cuba.” *Id.* That trade was undoubtedly fueled by Henry Plant (a Henry Flagler contemporary) “who brought Old Port Tampa a rail connection to Jacksonville in 1884” *Id.* (close to the end of Reconstruction), which soon connected Tampa to New York in 1888.

Other budding industries such as cigar manufacturing, citrus, and central Florida phosphate mining undoubtedly also fed the shipping and transport industry expansion, and the boxboard industry facilitated the shipping efforts. Whether industry and innovation drove transportation or vice-versa, the Florida agronomy grew and evolved. Industry expanded into canning produce, and, in 1917, the innovation of refrigeration facilitated preservation of citrus juice. Notably, frozen concentrated juice was invented by The Florida Department of Citrus,<sup>225</sup> and thus supported and encouraged further innovation in the Florida citrus industry.

As the 20<sup>th</sup> century dawned and progressed, organizations like the American Federation of Labor (AFL) and Congress of Industrial Organizations (CIO) began to flourish in Florida. The AFL dates to the 1880s and traditionally focused on skilled workers. It was essentially created by conglomerating a significant number of existing trade unions. The CIO began in the mid-1930s, with a broader focus, as it split from the AFL. The two would thereafter press their issues separately, though often in parallel, until they merged together again

into the AFL/CIO in the mid-1950s. While the groups were not necessarily socialistic, their growth and appeal were undoubtedly aided by the socialistic efforts generally and in response to the stock market crash in 1929 (*see* Chapter 7).

By the time Florida workmen's compensation was passed in 1935, there was a significant collective bargaining tradition in parts of Florida, such that labor enjoyed access to the legislative decision processes, and its leaders were prominent in Tallahassee. Jacksonville and Tampa were also notable in Florida's labor movement, which is seen in various early workmen's compensation leaders. Organizations devoted to business were also prominent, such as the Chamber of Commerce and Associated Industries of Florida (*see* Page 163). These groups engaged in discussion of the 1935 workers' compensation proposal and its popularity. That 1935 debate was the end of almost a decade of effort directed at adopting workmen's compensation. The momentum by then was clearly on the side of labor as legislatures had enacted such laws in all but two states (Mississippi and Arkansas – South Carolina also adopted in 1935).

The press reported that "the Florida measure (was) in line with similar laws enacted in recent years by 42 other states."<sup>226</sup> There had been previous "efforts to pass similar bills (which) failed."<sup>227</sup> One legislator blamed those failures on "the selfishness and greed of many employers." *Id.* Another legislator noted that the law came only "after 10 years of hard work and effort"; he also noted that the new Florida law was "the mildest of any such bill adopted by any other state (but) it is at least an entering wedge and a step in the right direction."<sup>228</sup> That conclusion is perhaps contradicted by the economic costs that resulted, *see* Chapter 4. Nonetheless, from the perspective of "mildest," one might conclude that the expansions in benefits that would follow were fully intended by at least the labor organizations. Intriguingly, when Florida workmen's compensation was passed, "what the cost will be (had) not yet been determined."<sup>229</sup> Somehow, cost was seemingly not a significant consideration.

Thus, Florida workmen's compensation was adopted first, and as the broader financial crisis deepened, more socialistic programs of the New Deal were adopted, including "Florida unemployment compensation law."<sup>230</sup> That law created the Florida state employment service division." *Id.* In passing, it should be noted that during the World War II "all state employment services were federalized under the President's Office of Emergency Management," and the Florida "State Employment Service" was "loaned to the federal government." (Public Law 549, 79th Congress); (Executive Order No. 9139).<sup>231</sup> The

“FIC regained control of the employment service division and offices on November 16, 1946. (*Id.*) There is precedent for federalization of state programs. Of course, unemployment was primarily federally funded and thus distinct from workmen’s compensation.

Nonetheless, after creation in the 1935 workers’ compensation law, Chapter 5966, Fla. Stat., the nascent FIC grew markedly and rapidly in responsibility and personnel headcount. At least as to unemployment issues, it was influenced significantly by the Federal government through funding, influence, and temporary hands-on supervision and management.

### **The Roaring 20s**

Significant evidence supports that Florida was economically hindered by its late inclusion in the Union, challenging climate, and agricultural/horticultural dominance (*see* Chapter 2). But, its isolation brought benefit also. The 1920s brought prohibition to the United States,<sup>232</sup> which would last until almost 1934.<sup>233</sup> And, the Roaring Twenties were critical in Florida’s evolution from a remote farmland to a cosmopolitan and sophisticated, if somewhat lawless, playground. That era was characterized as “a time of incredible excess, immense wealth, and precipitous collapse.”<sup>234</sup> It was a time of “the largest human migration in American history,” when “millions flocked to the grand (Florida) hotels and new cities that rose rapidly from the teeming wetlands.” *Id.* Some note that “after the 1920s Florida would never again be viewed as a farming state.”<sup>235</sup> No, the “twenties in Florida...represented a period of maturation and modernization, centered on urban growth.”<sup>236</sup> This was then a “dazzling frontier in the sunshine”<sup>237</sup> in which “gambling was condoned and so was drinking, since prohibition was not enforced.” *Id.* The only apparent impact of prohibition in Florida was “to hand the lucrative booze business to criminals.”<sup>238</sup> Reportedly, “mobsters oversaw stills, smuggling, and distribution.” *Id.* Alcohol was imported “from the Bahamas, only 60 miles from the coast,” and it was sold in “secret dining rooms” *Id.* or “behind closed doors,” even at the most upscale Florida environs. *Id.* There was reportedly also prostitution, gambling, golf, sunshine, and more. There is evidence that “the origin of golf in Florida and possibly in the United States” was in Sarasota in the 19<sup>th</sup> century.<sup>239</sup>

Florida then was purportedly “kind of like Vegas before there was Vegas.”<sup>240</sup> There are perhaps consistencies in this characterization and the campaign promises of Coral Gables Police Chief Leroy R. Weston (*see* Page 340) when he sought election as Dade County Sheriff in

1929. He and others purportedly condemned the influx and influence of northerners and criminals. The characterizations of Florida are also notable as regards a former Deputy Commissioner who became engaged in resort development in Florida, and later departed for Las Vegas, to great acclaim (*see* Page 208). In parallel with, perhaps because of, the tourists and excitement there was a building boom in Florida with developers and municipalities investing in “the cattle kingdom.” *Id.* There was dredging, building, and development. There was massive spending, fortunes made, and, from some perspectives, a real estate bubble unavoidably formed.

It was a diverse bubble. The lures of Florida certainly attracted the rich, but marketing was also widely successful with the burgeoning middle class. There was “a booster-driven public relations blitz made up of promotional advertising, business propaganda, and glowing press releases (that) fueled the boom.”<sup>241</sup> The “common man” responded to opportunities and speculated, invested savings, and borrowed money for the dream of sunshine and novelty. Some dreamed of heading to Florida now, some thought it a retirement dream, and others simply bought in hopes of reselling at a profit. Speculation thrived, with investors trading properties under development or not yet even started. Many were speculating with borrowed money in anticipation of ongoing and persistent growth in the Florida market. Banks were then largely unregulated, and the Federal Deposit Insurance Corporation that stabilizes bank practices and insures losses was not enacted until 1933, a response perhaps largely related to practices in the 1920s.

Some believe that the Florida “dream” took a tremendous hit with “the great hurricane in 1926”<sup>242</sup> that devastated Miami Beach and neighboring cities. (“Miami 1926,” before the tradition of giving storms human names).<sup>243</sup> Shortly after, the 1928 hurricane impacted communities in Palm Beach (“San Felipe-Okeechobee 1928”). *Id.* Some believe that the economic impact of those storms, inflated property values, lax building codes, and real estate speculation led to financial hardship, banks struggling or failing, and other cascading challenges. Notably, the banks doing the lending were likely as geographically diverse as the investors chasing the dreams. Northern speculators had regularly borrowed funds to invest in Florida land and resorts, selling as values rose and reaping profits as the bubble expanded. Thus, the impact of the eventual financial hardship was likely geographically diverse. The consensus seems to hold that “Florida’s economic bubble had burst in 1926.”<sup>244</sup>

The “Florida Land Boom” ended from a combination of credit evaporating, whether due to the two hurricanes (1926 and 1928), the realization of investors, or otherwise. When that bubble burst, some believe that the inevitable economic correction “triggered the great depression” in 1929.<sup>245</sup> While that is an intriguing perspective, conventional wisdom places blame more broadly on international trade, government taxation and regulations, all leading to “the stock market crash of 1929.”<sup>246</sup> Whether Florida speculation and the roaring development was a cause of the depression or whether Florida was a victim of the broader stock market challenges, the economic impacts of the Great Depression were soon felt in Florida and across the nation.

Additionally, however, Florida benefitted from federal actions, and the broader national economy. This included the defense spending for fort construction noted previously. But beyond that, Florida had a notable naval history dating close to the Revolutionary War and through the territorial period beginning in 1821. The U.S. Navy came to Key West in 1822 and to Pensacola in 1825.<sup>247</sup> There was financial impact from these investments before the crash and Great Depression. But, the investments continued thereafter.

### **The World Wars**

The World War (I.)(1917-1918), impacted Florida. It was still “a sparsely populated state.” However, it was critical in agricultural production because of its “year round warm climate.”<sup>248</sup> It was also viewed as an “ideal location for military training” and other related activity. That war undoubtedly contributed to Florida’s growth and evolution

The Second World War (1941-1945) was more significant. It brought Naval Station Mayport to Jacksonville in 1942, initially for patrol craft and evolving significantly through post-war decommissioning, “reactivat(ion) in 1948”<sup>249</sup> and becoming a significant defense base and home of various aircraft carriers<sup>250</sup> and support ships. This brought sailors, skilled labor jobs, and economic expansion. The Mayport carrier era persisted after WWII and ended when “the Navy decommissioned the conventional (non-nuclear) aircraft carrier John F. Kennedy in 2007.”<sup>251</sup> Despite the departure of its last carrier, Mayport remains a significant naval base. One scholar has noted “much of the historical literature focused on this (World War II and immediately following) period described the impact of military and naval installations, as well as the shipbuilding industry, on the state's economy and population.”<sup>252</sup> Thus, military presence

has contributed to the economy here since the beginning of American Florida. The influence of ports, shipping, and maritime cannot be ignored. Nonetheless, the military influence has included other historically significant non-naval facilities such as McCoy Air Force Base in Orlando (1940-1964; later became Orlando International Airport), MacDill Air Force Base in Tampa (1941-), Patrick Air Force Base in Satellite Beach (Banana River)(1940-)(*see below*), Tyndall Air Force Base in Panama City (1941-), Eglin Air Force Base in Valparaiso (1935-), and Hurlburt Air Force Base in Ft. Walton Beach (1942-). The impact of these investments and their various personnel and support industries cannot be overstated.

The naval installation in Pensacola predated World War II significantly. It dates to a Navy yard built there in 1825, authorized by John Quincy Adams.<sup>253</sup> In the age of wooden sailing ships, the navy built two warships in Pensacola (*see* Chapter 5). This yard was a critical and significant early U.S. investment in the nascent territory and became home to both naval construction and deployment. For that purpose, it was likely selected as much from historical deference to its enviable harbor described in the 17<sup>th</sup> century by a Mexican scholar as "the finest jewel possessed by His Majesty...not only here in America but in all his kingdom."<sup>254</sup> That praise for the harbor in the age of sailing ships and their needs had become less persuasive as navies and their ships grew in complexity and size. In the late 19<sup>th</sup> century, Pensacola's naval value diminished due to the depth of its channel and the increasing draft and size of ships. Therefore, by the early 20<sup>th</sup> century, naval ship building and repair had largely bypassed Pensacola.

Despite the significant naval history and accolades, Pensacola's military fame actually materialized in the 20<sup>th</sup> century driven not by ships but by evolving technology. As the property's value for shipping diminished, it was temporarily closed. However, it was soon repurposed and became "the Cradle of Naval Aviation." As such, it has played temporary home to a litany of naval pilots, aircraft, and aircraft carriers throughout the 20<sup>th</sup> century.<sup>255</sup> Their presence was obviously an outgrowth of the aviation path pioneered in 1903 by Orville and Wilbur Wright in North Carolina. The airplane was a military game changer, and, by 1911, the Navy was interested in heavier-than-air aircraft. It "appointed a board to make a survey of aeronautical needs," which recommended Pensacola for "an aviation training station."<sup>256</sup> This was the first, and for some time only, American Naval Air Station (NAS). Eventually, a second was created in Jacksonville, Florida, and a third in Texas. By the WWII era,

Pensacola was home to “seaplanes, dirigibles, and free kite balloons.”  
*Id.*

A fourth NAS, Florida’s Banana River Naval Air Station, would later be transferred to the Air Force in 1949, “renamed the Joint Long Range Proving Ground Base,” and, in 1950, it became Cape Canaveral Air Force Station.<sup>257</sup> That site tested various rockets, attracted many industries, and ultimately played an integral role in programs including the Freedom, Apollo, Space Shuttle, and other missions.<sup>258</sup> Intriguingly, legend has it that President Johnson spontaneously renamed the Cape Canaveral facility the “Kennedy Space Center.” And, reportedly, the efforts of one Florida workers’ compensation professional led to re-adoption of the Cape Canaveral title and specificity for the Kennedy Space Center as reference only to the space center portion (*see* Page 255). The economic impact on Florida of the space program likewise cannot be overstated. In construction and staffing, investment poured in. But, the demands for educated and specialized staff similarly drove evolution and growth of Florida educational institutions, drew supporting industries, and further expanded the economy (*see above* regarding the various Air Force installations). The 20<sup>th</sup> century aviation impacts that began in Pensacola were significant across Florida.

Aircraft plays other roles in Florida’s evolution. Many tourists have visited Florida by plane. While the airplane was undoubtedly not invented in Florida, the Pensacola Naval Air Station and Cape Canaveral each afforded the state a sound claim to a significant part of aviation history. But, Florida’s claim runs deeper. Today, each day, there are 45,000 commercial flights in the U.S.<sup>259</sup> and over 90,000 worldwide.<sup>260</sup> That all started in Florida. On January 1, 1914, when “the world’s first regularly scheduled heavier-than-air airline took off from the municipal pier in St. Petersburg.”<sup>261</sup> The St. Petersburg-Tampa Airboat was a pioneer in airplane transportation and a harbinger for a massive global industry. In large part, that industry fed and expanded Florida tourism as it opened the sun and fun to ever-broader populations.

### **Development meets Environment**

In 1944, there was debate in Florida about a barge canal across the state to “connect 1,000 miles of inland waterway on the gulf with 1,000 miles of inland waterway along the Atlantic seaboard.”<sup>262</sup> Certainly, there had already been significant inland dredging to facilitate the shipment of supplies and goods. Canals were already



part of Florida's DNA. This new canal was perhaps seen as an adjunct to, or replacement for, various railways as evolution persisted.

While this 20<sup>th</sup> century canal idea was undoubtedly inspired by the Erie Canal (1817, 363 miles), C&O Canal (1828, 185 miles), Suez Canal (1869, 120 miles) and the Panama Canal, (1913, 51 miles), "the possibility...was first raised in 1567 by the founder of Spanish St. Augustine, Pedro Menendez de Aviles."<sup>263</sup> One might say the "cross Florida" canal idea is as old as Florida's name. The canal had been debated again in the 19<sup>th</sup> century, but as The New Deal brought economic change to Florida, and likely spurred workmen's compensation here, it also "brought hope for the canal project." *Id.*

It was an era in which channels, canals, and fills were underway all over the state. Such dredging and filling had been a hallmark of Florida progress. There are thousands of miles of channels and canals in Florida. Some contend that canal digging here began about 1,800 years ago by indigenous populations.<sup>264</sup> These are for irrigation, drainage, transportation, and more. Some contend that "the canals are a testament to the ingenuity and drive of the people of Florida." and others are less enthusiastic because of the environmental impact of these efforts. *Id.*

As development burgeoned in coastal Florida, the cross-Florida project likely seemed as feasible as it appeared desirable. Significant investment was made, over \$50 million. Construction began in 1964. However, the canal was never finished. After years of digging, the effort was halted in the late 1960s through the efforts of "renowned environmentalist Marjorie Harris Carr"<sup>265</sup> and an executive order by President Richard Nixon<sup>266</sup> (who was linked to a former Florida workers' compensation adjudicator, *see* Page 311). It was purportedly "the largest public works project in American history stopped before completion."<sup>267</sup> The proposed path became instead an expansive state park "spanning central Florida from the Gulf of Mexico to the St. Johns River":<sup>268</sup> the Marjorie Harris Carr Cross-Florida Greenway Park. Today, motorists on I-75 pass under an overpass on which the resulting greenway crosses that thoroughfare south of Ocala. Ms. Carr's efforts can be specifically associated with the canal, but in broader terms to the creation of the Environmental Protection Agency, constraints on coastal dredging and filling, and restrictions on Florida in over the last 50 years. While dredging was in Florida's DNA, she undoubtedly led a movement that markedly constrained it.

## **Retrospect**

Thus, the early years of Florida workmen's compensation saw economic evolution and growth. The workmen's compensation era, the 20<sup>th</sup> century, is notable for the Federal government investment in Florida. It was notable for real estate development, speculation, and dreamers. It was notable for the beginnings of paved roads and enormous progress with highways and Interstates. In the midst of the resulting evolution from an agrarian economy to a broader focus, the relationship of employer and employee evolved. In that regard, some might note the end of "company towns," such as Foley, Florida (*see* Pages 324 and 327). Some might cite the increasing urbanization, increasing non-agricultural jobs, and more. The 20<sup>th</sup> century was transformative in many ways that are apparent to the casual observer. But there were legal evolutions also.

Certainly, the adoption of workmen's compensation and unemployment compensation fit that category. The transition to "merit" selection of workers in government, and accompanying limitation of patronage or at least cronyism fits this trend. Soon after workers' compensation, there was discussion in the 1940s of amending the 1885 (fifth) Florida Constitution to mandate "open shops," which would allow hiring of non-union members. Trade unions had successfully established "closed shop" laws and thereby exerted significant control over businesses and the people that worked there. Their success led to criticism, and some felt that the requirements were anti-competition and inappropriate.

Florida Attorney General Tom Watson<sup>269</sup> (1941-1949) voiced opposition to the "closed shop," while the support for "closed shops" was voiced largely by U.S. Senator Claude Pepper (D) of Florida. *Id.* Senator Pepper later practiced law with a former workers' compensation adjudicator (*see* Page 235). In the time of nascent workmen's compensation, unemployment compensation, and the New Deal, World War II came to a close. There were returning soldiers seeking employment. There was a booming post-war economy. And, Florida was significantly engaged in the labor and management debate and discussion as to "closed shops" in Florida.

However, before Florida could act, the issue was resolved with federal legislation, the Taft-Hartley Act of 1947, which prohibited "closed shop" practices.<sup>270</sup> While this preempted the need for Florida legislation, the labor-management friction and distraction during the era likely influenced much that was the evolution and progress of the Florida Industrial Commission and these social programs in its charge. Following Taft-Harley, "union shops" remained. Non-

members could be hired, but new hires were required to then join a union or risk termination. That practice persisted in some form through the remainder of the 20<sup>th</sup> century and well into the 21<sup>st</sup> until being disallowed by the U.S. Supreme Court on the basis of First Amendment freedom of association guarantees. *Janus v. Am. Fed. of State, Cty., and Mun. Employees*, 585 U.S. 924 (2018).

This ongoing evolution of the employer/employee relationship has shaped and influenced the Florida economy and law. The parallel progress of the National Labor Relations Act and Florida workers' compensation, each enacted in 1935, is coincidental. However, the impacts of these on Florida's economy and the evolution of the workforce are likewise notable.

Thus, Florida entered the 20<sup>th</sup> century a quiet but developing agricultural/horticultural force but within a few years, it evolved into a destination for the rich, then the expanding and motivated middle class. The growth and evolution obviously owe much to various pioneers of rail, hospitality, and development, but also to the coincidence of the expanding railroads, and the advent of automobiles and aircraft. There was benefit from and to the growing middle class, the prosperity of a post-industrial revolution America, and an economic and social explosion commonly referred to as "roaring." It is somewhat poetic, if the speculation, borrowing, and bubble of the 1920s did precipitate or cause the Great Depression. That economic cataclysm, and the federal response, was of significant benefit to Florida's further evolution and growth. More specifically, it is perhaps ironic that the pre-depression development and boom fueled the population growth, industry, and laid the foundation for Florida workmen's compensation.



*Aerial view of South Beach after the 1926 hurricane - Miami Beach, Florida. Credit Florida Memory, Florida Secretary of State, State Archives.*

# VII.

## Chapter Seven: Context in 1935

For workmen's compensation, there is significance to 1935. By then, the similar European concepts were over fifty years old (*see* Chapter 4). The social safety net concept by then permeated all but a handful of American jurisdictions (Arkansas, Florida, Mississippi, South Carolina<sup>271</sup>), and the first successful American workmen's compensation laws were about 25 years old. Florida had been in the midst of a "boom" in the early 20<sup>th</sup> century<sup>272</sup> (*see* Chapter 6). However, the American economy suffered the Stock Market Crash of 1929, which had far-reaching implications.<sup>273</sup> Less remembered, the Florida "citrus industry was devastated with the invasion of the Mediterranean fruit fly the same year."<sup>274</sup> James Vocelle (*see* Page 339) recalled later in an interview that "the state was in rather a bad state financially by 1932."<sup>275</sup>

The collapse of the stock market in 1929 spread through the economy. Florida then was notably already suffering from the two major hurricanes of the 1920s, and the building boom was subsiding (*see* Chapter 6). There was unemployment in Florida, and there were efforts to prevent immigration. For a time, the "State Police were stationed at Florida's border" to deter visitors who "did not have enough money or a job (here) to support them."<sup>276</sup> It was a time when millions reportedly became nomadic in search of work and sustenance.

1935 was the midpoint of the Great Depression.<sup>277</sup> Franklin Delano Roosevelt had just become President in 1933, and "The New Deal" was beginning<sup>278</sup> to further the goals of socialism writ large in America. There were a variety of legislative and regulatory efforts underway with the backing of labor organizations and others. Thus, when workmen's compensation was passed in Florida, the Commission was initially focused on that law, but was soon charged with the responsibility for panoply of workers' issues. The Commission was the regulatory authority regarding issues of workmen's compensation participation, insurance, system process, and was responsible for disputes. This was notably in an age before there had been significant definition or limitation for administrative law (*see* Chapter 12). While there was precedent in other states that

had enacted workmen's compensation more readily, there was no precedent for beginning such a paradigm-shift program in the midst of all else that comprised and complicated the 1930s.

At that time, Florida was focused on exporting its agriculture and beginning its own belated industrialization. Some might view Florida's 1845 statehood as being close on the heels of America's independence (69 years after 1776 and 62 years after 1783). However, that must be considered in conjunction with the fact that 2024 marks 240 years since American independence, and 62 years is over 25% of that time. Compared to the other East Coast states, and to some degree all states east of the Mississippi, Florida got off to a late start in terms of population, industrialization, and investment. Beyond the timing disadvantage, Florida is distant from resources such as coal, iron ore, and other minerals that largely drove the industrial revolution in the north. The closest supply of such resources was in Alabama, hundreds of miles from the closest Florida town, Pensacola. As the manufacturing economy continues to evolve in the 21<sup>st</sup> century, however, Florida's accessibility to both importation and exportation may eventually counterbalance its distance from such natural resources, particularly in light of its modern workforce, population, and other advantages.

The impact of unemployment is illustrated in various contemporary sources. An example from the Florida State Employment Service in 1939 noted that unemployment was a significant issue. It concluded it was complex and "composed of multitudinous special problems...distributed unevenly between ages, between men and women, between the white and colored [*sic n.23*] races, and between various classifications of industry, occupation, and area."<sup>279</sup> The Service found an "overrepresentation of seasonally unemployed workers" and workers in "citrus packing and food manufacturing (citrus canning)." Thus, the very nature of Florida's economy had inherent ties to cycles, and the economic drivers such as tourism were similarly subject to such patterns. In short, tropical temperatures at the beach are perhaps more attractive to some in January than in July.

Following the long effort to pass workmen's compensation, and with the economy of the 1930s generally, Florida workmen's compensation had to mature rapidly. The world was in a general state of discord. Japan had invaded Manchuria in 1931, Adolph Hitler had taken power in Germany in 1933, and Italy had invaded Ethiopia in 1935.<sup>280</sup> The world was changing. America was focused on neutrality, as it reflected on its dead and maimed from the Great War only 17

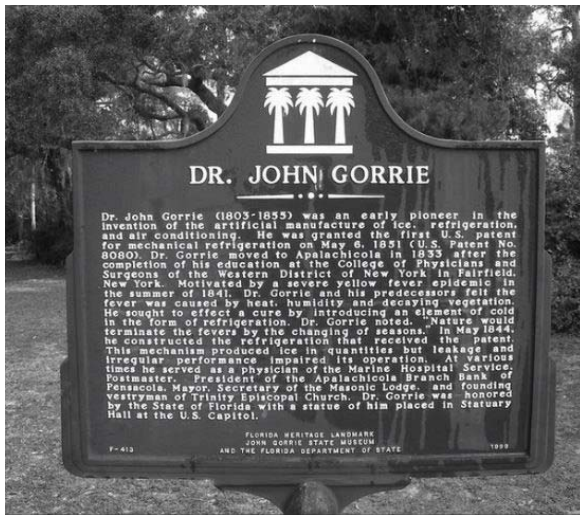
years prior.<sup>281</sup> Florida was in the control of the Democratic Party and segregation and other constraints instituted after their post-Reconstruction return remained the norm.<sup>282</sup> Tourism was not new to Florida, but its impact was notably increasing (*see* Chapter 5). The availability of automobiles, increased leisure time, and railroads were encouraging the tourism economy that had begun with the arrival of trains and resorts late in the 19<sup>th</sup> century.

That impact of trains had expanded in the early 20<sup>th</sup> century with the completion of the Florida East Coast Railway.<sup>283</sup> By 1912, the FEC Railroad had begun to connect Key West to Miami by rail which was completed in 1919, a connection of some 26 viaduct bridges, trestle bridges, and at least one land bridge.<sup>284</sup> It was indeed an inspired undertaking. Some contend that effort was inspired<sup>285</sup> by the construction of the Panama Canal undertaken in 1903.<sup>286</sup> That rail connection “remained in operation until the Labor Day hurricane in 1935,”<sup>287</sup> which caused significant damage. Construction of a highway had envisioned in the 1920s, and, by 1930, it was being built.<sup>288</sup> After the 1935 hurricane, the rail right of way was acquired and conversion of those bridges began for automobile traffic. The highway construction concluded in 1938. *Id.*

In the 1930s, wintering in Florida expanded, resorts proliferated, and population in the south grew. Florida was a warm seasonal destination. Eighty years earlier, before the Civil War, Dr. John Gorrie was studying tropical diseases in Florida’s panhandle, Apalachicola. He invented a method for compressing gas and creating cool temperatures.<sup>289</sup> The little town of Apalachicola is memorable for its seafood and scenery, but few remember it being the birthplace of air conditioning. And above all other technological advances, Florida owes much to air conditioning. Dr. Gorrie was thus the impetus of innovation that would forever change Florida and the world.

Air conditioning’s impact was not immediate, but innovation persisted. Willis Carrier expanded on Dr. Gorrie’s work, patented innovations early in the 20<sup>th</sup> century,<sup>290</sup> and installed “the world’s first modern air conditioning system” in 1902.<sup>291</sup> Air conditioned hotels soon began to appear in places like Jacksonville<sup>292</sup> and Lakeland.<sup>293</sup> The railroad, the luxury resort, and the air conditioner addressed the challenge of Florida’s tropical climate and significant humidity. Despite its timing as the last state admitted east of the Mississippi, its agrarian roots, challenging climate, and expansive geography, Florida was coming into its own by its Territorial centennial in 1921 and as it approached its Statehood centennial in 1945.

Henry Flagler deserves significant credit for Florida's tourism evolution. The idea of escaping the bustle of urban living was developing in the late 19<sup>th</sup> century. The Jekyll Island Club in South Georgia boasted "such notable figures as J.P. Morgan, Joseph Pulitzer, William K. Vanderbilt, and Marshall Field." Mr. Flagler was a founder of Standard Oil,<sup>294</sup> and a visionary regarding the Florida coast. Legend has it that he visited Key West for a honeymoon and saw opportunity.<sup>295</sup> His participation in the Florida economy is not without its detractors and critics.<sup>296</sup> However, even his harshest critics concede that his "empire" was critical to Florida, including "railroads, hotels, steamship lines, resorts, even cities, from Jacksonville to Key West." *Id.* He is credited with the infancy of both "Palm Beach and Miami." His history in south Florida is intertwined with William and Mary Brickell, and Julia Tuttle, whose history in what is now Miami dates to the 1870s. Tuttle and the Brickells were pioneers whose early investment and belief in Miami are now legend. They are said to have given significant real estate to entice Flagler to extend his rail from West Palm Beach to Miami. The combined efforts of "Flagler and the Brickells also developed the city of Fort Lauderdale."<sup>297</sup> The synergy between expanding transportation, advancing technology, and visionary pioneers is responsible for much that Florida exemplifies today.



Credit University of North Florida, Digital Commons.



# VIII.

## Chapter Eight : Florida's Courts<sup>298</sup>

The 1885 Florida Constitution vested judicial power in “a Supreme Court, Circuit Courts, Criminal Courts, County Courts, County Judges, Mayor’s Court and Justices of the Peace.”<sup>299</sup> There was room for individuality and specialization. Pensacola was notably exceptional, with the additional constitutional mandate for its Criminal Court of Record;<sup>300</sup> while this illustrates some exceptional consideration for Pensacola, the motivation for that deference is now seemingly lost to history. Pensacola was mandated to have this special court, but other cities were constitutionally empowered to create similar Courts of Record. In that era, only Circuit Judges and Justices of the Supreme Court had to be attorneys. The court system was nascent and developing, just as the state was. There were three Supreme Court Justices, elected to six year terms. There were seven judicial Circuits, each with one judge appointed by the Governor for six-year terms, confirmed by the Senate.<sup>301</sup> Judges of the Court of Record were likewise appointed and subject to confirmation, but their salaries were payable “by the counties.” Art. V., Sec. 24, Fla Const. (1885). In 1885, there were 39 counties, compared to 67 today.<sup>302</sup> The Seventh Circuit included only four counties, but its geography stretched from Volusia (Daytona) south to Dade (Miami) and west to Orange (Orlando). Art. V., Sec. 10, Fla Const. (1885). Thus, the geographic area for which a Circuit Judge might be responsible was potentially vast, and the sparse population of south Florida in that era is apparent. The Court of Record provision may have been recognition of that Circuit workload, an intentional exception to the attorney requirement for judicial service, or motivated by some other combination of circumstances and politics. However, such workload or judicial service arguments would perhaps seem stronger if the Court of Record had been constitutionally placed somewhere in the 7<sup>th</sup> Circuit instead of Pensacola.

Florida’s courts evolved notably in the 20<sup>th</sup> century. In 1955, Joint Resolution No. 1052 passed, which amended the constitution, and abolished “the Court of Record in and for Escambia County, Florida, and vest(ed) all its’ jurisdiction in the Circuit Court.”<sup>303</sup> Criminal Courts of Record by then existed statutorily in eight other counties

and only Escambia's was constitutionally abolished.<sup>304</sup> The logic is clear, only Escambia's was constitutionally created, so only its' dissolution required constitutional amendment. Immediately after, in 1956, Joint Resolution No. 810 passed.<sup>305</sup> Most historically notable, this Resolution created "three appellate districts" - the birth of Florida's intermediate appellate court system. The Resolution called for Gubernatorial appointment of the initial District judges, and for the appointees or successors to then be "elected at the general election next preceding the expiration of their respective term."<sup>306</sup> The District Judge election process remained until 1976<sup>307</sup> and implicated workers' compensation at least once (*see* Page 326).

Resolution 810 also altered the Circuit Courts (§6), County Courts (§7 and §8) and Criminal Courts of Record (§9). Uniquely for Escambia (Pensacola) though, §10 created the "Court of Record of Escambia County"; this was constitutional creation of another unique Escambia court, with a mandate for at least two judges, elected for terms of six years. The rationale for this second Pensacola distinction is likewise lost to history. Nonetheless, one may readily perceive some degree of political deference in 1885 and 1956 to the former capital of Spanish Florida, British West Florida, and some emphasis on the North Florida area.

The creation of intermediate appellate courts is historic and noteworthy while the creation of the new Court of Record is seemingly less so. It is important to note, however, that the 1956 constitution change creating it also mandated that the Escambia Court of Record use of procedural rules. Florida Circuit Courts then used court-adopted procedural rules, modeled after the Federal Rules but by discretion rather than by constitutional mandate. One might struggle to imagine legal practice without procedural rules, but that was common in Florida 80 years ago. The Court of Record was notably an initial foray into compelling such rules. Compelling rules was a topic that would touch the workers' compensation community significantly in the last half of the 20<sup>th</sup> century and beginning of the 21<sup>st</sup>. The 1935 Workers' Compensation Act had empowered adoption of rules. However, amendments to chapter 440 would later similarly mandate procedural rule adoption. An ancillary point of interest is that various workmen's compensation adjudicators later were appointed judges of the Courts of Record.

The 1972 Florida Constitution established a new and more uniform Florida court system. The Courts of Record were eliminated, and the entire judiciary was redefined into County Courts, Circuit Courts, District Courts of Appeal, and the Supreme Court. Of these, the

County Court Judges were not constitutionally required to be lawyers, but the constitution granted the legislature authority to impose such a requirement in any particular county.<sup>308</sup> In this, there is indication of evolution and growth, as well as recognition of the probability for differences in the demographics of rural and urban counties; a particular county might have had many lawyers or none. There is also recognition of the complexities of adjudication and the evolution of qualifications. Workmen's compensation adjudicators had been required to be lawyers since 1942. By 1972, when the courts were realigned, the predominance of law school education programs (*see* Chapter 10) and Florida's integrated bar (*see* Chapter 11) were each having influence, but there remained room for further evolution.

Currently, the Florida Constitution requires judges of all constitutional courts to be "a member of the bar of Florida," though the required membership ranges from five to ten years.<sup>309</sup> That structure has persisted since 1972. Florida's 20 judicial circuits have existed since 1969.<sup>310</sup> Discussion of consolidating those circuits in 2023 concluded with a Supreme Court recommendation against the idea. *In Re: Judicial Circuit Assessment*, No. SC2023-1708. The Legislature deferred any such discussion in 2024, but has not foreclosed the potential of such discussion. This is of interest in light of the significant, and to some overwhelming, consolidation and closure of Florida OJCC offices since 2022.

When the mandate of bar membership was added for County Court Judges, those presently sitting were exempt through a grandfather clause. Through the end of the 20<sup>th</sup> century and beginning of the 21<sup>st</sup>, various retirements and elections inevitably brought the era of non-lawyer Article V. judges to a close.<sup>311</sup> This mandate of legal education for those constitutional judges is of interest in light of the Legislature's 1942 mandate of licensure for all workers' compensation trial adjudicators, titled Deputy Commissioners. The requirement that only licensed lawyers could serve as Deputy Commissioners predated the mandate for constitutional county court judges by 30 years.

In terms of structure, the only other significant court change has been the transition from three District Courts of Appeal to four (1965), five (1979), and eventually six (2022).<sup>312</sup> Nonetheless, there have been other conversations and recommendations for structural change, including the unsuccessful attempt to reconstitute a commission for workers' compensation appeals.

In 1978, The Florida Supreme Court established the Commission on the Florida Appellate Court Structure, which rendered a 1979

report of over 80 pages.<sup>313</sup> By then, the District Courts had existed just over 20 years, and the purpose of the effort appears to be introspection regarding their progress. The Court's commission included the Chair of the Florida Industrial Relations Commission (IRC), Arthur C. Canaday (*see* Page 326). The IRC at that time still functioned as the primary appellate review in workers' compensation disputes, and his inclusion was logical from that legal-review role perspective, despite being an Executive branch official.

However, the topic was "Court Structure" and neither the IRC or Florida's workmen's compensation adjudicators had ever been a "court." However, this commission notably predates the recognition of separation of powers that the 21<sup>st</sup> century would bring. *Amends. to the Fla. Rules of Workers' Comp. Proc.*, 891 So. 2d 474 (Fla. 2004). Separation of powers was afforded little consideration and no weight in the 1970s, illustrated by the Court in this Commission report, as well as its foray into procedural rules, *id.* Chief Justice England contemporaneously expressed awareness of the constitutional issue in that era but was seemingly a solitary voice. *In re Florida Workers' Compensation Rules of Procedure*, 374 So. 2d 981 (Fla. 1979).

Similarly, the 1978 Appellate Court Structure Commission wandered from its "appellate court" mandate and studied the trial adjudicators in workers' compensation, the Judges of Industrial Claims (JIC). Admittedly, there were issues with the JICs in that era regarding productivity, professionalism, and more (*see* Chapter 12). The Court Commission recommended that "the existing judges of industrial claims should be abolished," and jurisdiction over disputed claims should be vested in "in the circuit courts."<sup>314</sup> This scholarship conveniently overlooked that the JIC were statutorily empowered and defined, an exception to the realm of "general jurisdiction" constitutional courts, which are those with "authority to hear any type of case which is not vested in another court."<sup>315</sup> Recommending that the Court undertake such action, clearly in the exclusive province of the Legislature is indeed curious. Both the Court's report and its workers' compensation procedural rules illustrate troublesome constitutional encroachment, confusion of responsibility, and meddling.

The workers' compensation adjudicators are a tiny organization measured against virtually any government agency standard. But a constitutional court comparison is also compelling. Notably, each day in 2024 Florida, there are close to 1,000 constitutional judges on the bench. These positions in County Court,<sup>316</sup> Circuit Court,<sup>317</sup> District Court of Appeal, and Supreme Court<sup>318</sup> are defined in the Florida

Constitution. The basic structure has remained the same since the Constitutional revisions of 1972 (*above*). In addition, there is the parallel federal court system consisting of District Courts and Circuit Courts (until 1981, Florida was in the 5<sup>th</sup> Circuit, and has since been in the 11<sup>th</sup> Circuit). In the District Courts, there are appointed Federal Judges and Magistrates selected by those Judges. In 1793, that appointment process for Magistrates was established, but they were called “Commissioner,”<sup>319</sup> and “Congress changed the title to “Magistrate Judge” in 1990.”<sup>320</sup> That title distinction is of import in discussing several of the workers’ compensation adjudicators who served as Commissioner following their service as workmen’s compensation adjudicators (Appendix A).

Meanwhile, there are 30 workers’ compensation judges in Florida, and that population has remained reasonably stable since 1979, though the Florida population has more than doubled since that time. In the history of Florida workers’ compensation, it is believed there have been something less than 260 total workers’ compensation trial adjudicators (Appendix D). This does not include the various laypersons and lawyers who were appellate adjudicators as commissioners of the FIC and IRC (Appendix E). The trial adjudicators have been known over the years as Deputy Commissioners, Judges of Industrial Claims, Deputy Commissioners again, and finally Judges of Compensation Claims (*see* Page 107).

Each of Florida’s constitutional judges must be an attorney though that is not universally true of judges across America.<sup>321</sup> As noted above, it has only been true in Florida since 1972, and in fact more recently. Intriguingly, the workers’ compensation adjudicators have been required to be attorneys since 1942, section 440.44(4)(b)(1942)(“no person shall be appointed as director or deputy commissioner who is not an attorney at law, admitted to practice in this state”). Thus, for 30 years Florida had constitutional judges with less significant job qualifications than the workers’ compensation adjudicators.

This likely explains why workers’ compensation adjudicator salaries were once statutorily tied to the salary of Circuit judges, and why their salaries historically exceeded those of County Court judges until the late 20<sup>th</sup> century. The statutory association between JCC and Circuit salary was abolished in 1994, leading to many years of recruiting and retention challenges for the Office of Judges of Compensation Claims. Because the JCCs were a small group, and lacked the political wherewithal enjoyed by constitutional judges due to their solidarity and number, the County Court judge’s salary

exceeded the JCC's soon after the 1994 statutory amendment and continued to rise in parallel with the other constitutional judges thereafter. Salary and benefit issues at the OJCC reached a nadir in the 21<sup>st</sup> century, but various correction efforts floundered. The JCC salary was ultimately adjusted in 2022, correcting years of challenge.

When the Legislature abolished the Industrial Relations Commission in 1979, the appeal of all workers' compensation matters was statutorily vested in the Florida First District Court of Appeal, based in Tallahassee. The impetus for that change was reportedly that the "commission was rife with good-ole-boy politics," and the "Commission had let (cases) pile up."<sup>322</sup> There was discussion of that District Court growing, and concerns expressed about such growth and impact upon the court's collegiality. The court did in fact grow. Most immediately, in 1979, with the creation of two new judgeships that were filled by two members of the newly-eliminated IRC (*see* Pages 336 and 340). Some found irony in that. The IRC was not timely, had not kept pace with workload, was inefficient and criticized. And yet, the two judgeships added to the Court to accommodate for its increased workload were selected from among the floundering IRC commissioners. Some saw this as merely renaming a problem rather than addressing it.

The District Court continued to grow thereafter, and experienced what some perceived as notable collegiality challenges, *see Childers v. State*, 936 So. 2d 585 (Fla. 1st DCA 2006). Following years of Florida population growth and resulting caseload, the Legislature created Florida's Sixth District Court in 2022 to redistribute appellate work generally. The number of First District judges decreased, but exclusivity in workers' compensation remained. Therefore, workload among the courts may still face disparity. The only notable direct impact of the new Sixth District Court was on the composition of the Statewide Judicial Nominating Commission (*see* Chapter 14; increasing Commission membership from 15 to 18).

Some explain the First DCA appellate exclusivity from the standpoint that the regulators; the Florida Division of Workers' Compensation (and its predecessor agencies) might potentially intervene in litigation related to workers' compensation. In that perspective, there is merit in the appeals occurring in the state capital where that state agency is located. Others explain the statutory singularity as a not-so-subtle intention to minimize the conflict jurisdiction of the Florida Supreme Court. Langham §74.1 (*see n.* 152). Either might explain the appellate exclusivity. Notably, the exclusive jurisdiction of the First District has drawn criticism and

court challenges. There are those who perceive a constitutional right to appeal in a geographically convenient tribunal, a “home town” preference. Aside from geographic convenience, the foundations of such challenges have not been clear, or successful.

Soon after it took over responsibility for workers’ compensation appeals, the First District reportedly had the heaviest caseload of any appellate court in the U.S. with the exception of the U.S. Supreme Court. *Id.* The volume included as many as 85 workers’ compensation appeals per month arriving at the court. That volume has certainly moderated since, but the moderation of workload has required many years. In 2023, the court reportedly received less than 30 workers’ compensation appeals monthly. This is notable in sheer decrease, but is more so in light of the marked expansion of Florida’s population, workforce, and economy between 1979 and 2024 (45 years).

The transition to the Court has brought a more formalized appellate process and diminished the role of the Florida Supreme Court, which in the IRC days was the only constitutional court that might hear workers’ compensation cases. Few remember the day of the IRC, and the district court has become synonymous with workers’ compensation review. Nonetheless, it is fair to say that the present appellate path has both supporters and detractors in the workers’ compensation community.

Thus, workers’ compensation adjudication is a microcosm of Florida litigation and adjudication generally. It is separate from the courts and will remain so unless there is some constitutional amendment that either eliminates the sacrosanct separation of powers embedded therein or creates a “court of compensation claims” within Article V. Of course, the statute could be simply amended to eliminate the Judges of Compensation Claims, and in the absence of some specific adjudication process disputes would flow to Florida’s court of general jurisdiction, the Circuit Courts, without constitutional amendment. Though history demonstrates periodic judiciary meddling in the operation of the Executive branch adjudicators (*above*), there remains appropriate appellate review by a constitutional court that assures the rights of access to courts, privileges and immunities, and due process. This is appropriate and necessary for the protection of the system constituents, predominantly employers and employees.



*James T. Vocelle in his office, Credit Florida Memory, Florida Secretary of State, State Archives.*



# IX.

## Chapter Nine: Judicial Self-Governance

Notably, The Florida Bar led a movement to establish a “judicial council” in Florida in 1953, when “Florida became the twenty-third state to have a Judicial Council by legislative enactment.”<sup>323</sup> There is some coincidence in timing with The Florida Bar (integration) and the evolution of either the Court’s inherent regulatory authority or its recognition of that authority (*see* Chapter 10 and note 356). Some still contend that creation of a council was more appropriate judicially than legislatively. The Council is nonetheless credited with various achievements.

In 1972, there were constitutional changes that clearly shifted “all lower courts...under the administrative supervision of the chief justice.” *Id.* As a result, some saw a diminished need for the statutory Council. In 1985, nonetheless, “the supreme court adopted rule 2.125 of the Florida Rules of Judicial Administration, establishing a “permanent judicial council.” *Id.* That evolved in the 1990s to the Judicial Management Council. Thus, there began Florida precedent for collegial and collective judicial management activity in the constitutional courts.

When Florida’s first Rules of Judicial Administration were “compiled and consolidated” from various other court rules, there was recognition of a “conference of county court judges.” *In re Fla. Rules of Jud. Admin.*, 360 So. 2d 1076 (Fla. 1978); Fla.R.Jud.Admin. Rule 2.120. Previously, the Conference of Circuit Court Judges held its first “annual meeting” in 1960.<sup>324</sup> In 1975, there is evidence that the Conference of Circuit Court Judges was active legislatively.<sup>325</sup> By 1980, there was recognition of the “Conference of Circuit Court Judges,” evidenced by their actions as regards the rule amendment process. *In re Fla. Rules of Jud. Admin.*, 380 So. 2d 1027, 1028 (Fla. 1980). Nonetheless, the foundational authority for that conference is less than obvious.

The Supreme Court later recognized the Circuit Court Conference. Fla.R.Jud.Admin. Rule 2.220 (renumbered in 2006); *In re Amends. to Fla. Rule of Jud. Admin. 2.220(b)*, 125 So. 3d 754 (Fla. 2013). That also acknowledged that the Circuit Conference had incorporated in

2005 and was operating under its adopted bylaws.<sup>326</sup> There is some foundation for seeing existence followed later by officiousness.

The workers' compensation adjudicators historically gathered informally, similarly calling themselves a conference. Most recently, they have called it the "conference of Judges of Compensation Claims," though earlier trial adjudicator titles may have been historically used similarly. The group has elected officers, collected dues, and periodically wandered close to questions of policy. History is not clear on the origins of this conference, but it likely began with the imprimatur of section 440.45, Fla. Stat. (1979).

The era of part-time deputies had then evolved to full-time (1961), followed by the titular elevation in the change to Judges of Industrial Claims (1970)(*see* Chapter 15). The 1979 change back to "deputies," to some, seemingly signaled a diminishment of rank or status. The deputies were then specifically "under the secretary" of the Department of Labor and Employment Security. The statutory tone does not convey any suggestion of judicial independence, despite the adoption one year earlier of the Code of Judicial Conduct (*see* Chapter 16).

The position of Chief Commissioner, explained in the 1979 statute, was for "coordination of the deputy commissioners," and served as a "liaison between" them and the DLES. There were specific responsibilities as to "personnel, office space, equipment, supplies," and more. The Chief was to "determine consensus of deputy commissioners" and to bring "concern(s)" and "views to the division" for them.

Thus, there was mandate of "coordination," "consensus," and "views." There was specificity supporting a collective or collegial decision process. That likely led to the collectivity of the deputies in the 1970s, and evolved into the "conference" of deputies sometime between 1979 and the progression to the Judge of Compensation Claims title in 1990. Nonetheless, the conference of Judges of Compensation Claims has never been incorporated in Florida. It is not a policy-making body or even an advisory group to which any authority or imprimatur has been delegated, at least in the 21<sup>st</sup> century.

Various Judges have nonetheless cited their involvement. Judge Adams (*see* Page 185), running for Circuit Judge in 2000 noted she was "a past president of the Florida Conference of Judges of Compensation Claims."<sup>327</sup> When Judge Thurman was appointed in Orlando in 1997, the news coverage stressed that the unsuccessful nominee, Joseph Willis (*see* Page 318) had "served at various times

as president and treasurer of the Conference of Judges of Compensation Claims.”<sup>328</sup> Over the years, since reappointment was statutorily formalized, many judges have expounded on their involvement in the conference in support of reappointment consideration.

The mandates of “coordination,” “consensus,” and “views,” remained in the 1990 statute. However, any suggestion of statutory imprimatur for a collective was removed in 1994. Some suggest that change signaled an age of autocracy in workers’ compensation adjudication. Such characterization ignores that throughout the 1980s, despite there being a Chief Commissioner, the deputies remained “under” the Secretary. The tie to the Secretary was removed in the 1994 amendments. What remained was some perception of a tie to the appointing authority, the Governor. Despite that 1994 removal of statutory suggestion regarding some collective management, the “conference” persevered. In some instances, there were potentials for public perception that the “conference” was a policy-making authority, and that the OJCC was thus somewhat collectively managed. On one occasion, there were questions of the Sunshine Law about a meeting of the “conference.” The Sunshine Law means

Virtually all collegial public bodies are covered by the open meetings mandate of this constitutional provision with the exception of the judiciary and the state Legislature, which has its own constitutional provision requiring access.<sup>329</sup>

The Sunshine Law applies to meetings of “any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision.” *City of Miami Beach v. Berns*, 245 So. 2d 38 (Fla. 1971). Even when such a body could not make policy, “the power to make recommendations may qualify as decision-making authority even though the entity delegating that authority has the power to reject the recommendation.” *Id.* There is the noteworthy “exception of the judiciary,” that distinguishes the Conference of Circuit Court Judges and of County Judges from the Executive Branch “conference.”

Such a conclusion might be confusing in light of the Court’s early characterization of the FIC as “quasi-judicial.” *S. Atl. S.S. Co. of Delaware v. Tutson*, 190 So. 675, 680 (Fla. 1939). The same might be said of deputies, *Adams v. Fla. Indus. Comm’n*, 110 So. 2d 455, 458 (Fla. 1st DCA 1959), Judges of Industrial Claims, *In re Florida*

*Workmen's Compensation Rules of Procedure*, 285 So. 2d 601, 601 (Fla. 1973), and *Judges of Compensation Claims, Larke v. City of Fort Lauderdale*, 568 So. 2d 58, 59 (Fla. 1st DCA 1990).

The references to “judicial,” despite the clarifying “quasi” has led to mischaracterizations over the years. Many attorneys insist on referring to Florida workers’ compensation judges as “this court,” and more than a few wear robes like members of the judiciary. In correcting its unconstitutional 1973, 30-year, encroachment into Executive Branch rule-making, the Florida Supreme Court noted clearly “The Office of the Judges of Compensation Claims (OJCC) is not a court of this State.” *Amends. to the Fla. Rules of Workers’ Comp. Proc.*, 891 So. 2d 474, 477 (Fla. 2004). This Executive Branch agency is neither a “court” nor staffed by the “judiciary.” As such, the Sunshine Law is applicable to judges as regards making or recommending policy. In respecting that constraint, there has not been delegation of either making or recommending to the “conference” though various judges have served on committees and projects of the Office of Judges of Compensation Claims.

On the memorable occasion at which the Sunshine Law was mentioned, a document was interpreted as suggesting that the “conference” was meeting to make decisions or recommendations as regards legal issues that came before the Judges of Compensation Claims. However, when members of the public appeared, they were told the meeting was private. Nothing came of either the meeting or the perceptions. However, it highlighted the potential for public misinterpretation of the “conference” and its discussions. The Sunshine Law prohibitions, section 286.011, Fla. Stat., have roots beginning in 1967, and therefore its application even in the era of statutory “coordination,” “consensus,” and “views” is at least plausible if the process involved meetings among the deputies or judges, and the purpose of such collaboration was policy creation or recommendation. Nonetheless, there have not been any such reports or allegations of inappropriate meetings or recommendations. In the 21<sup>st</sup> century, the conference has not existed as a policy-making or recommending “board or commission.”

That said, the JCCs of the 21<sup>st</sup> century have been exceptionally collegial, collaborative, and supportive of each other in the disposition of their responsibilities. Their esprit de corps has been both notable and commendable.

# X.

## **Chapter Ten: The History of Florida Legal Practice**

Licensure to practice law is largely tied to formal legal education, but has not always been. There is history of Americans “reading for the bar” dating to the 19<sup>th</sup> century and before. That apprenticeship process was an accepted path to practicing law.<sup>330</sup> This was likely modelled on tradition inherited from the English, and adapted here in the colonial era.<sup>331</sup> There were exceptions, such as Abraham Lincoln, who were said to engage in self-study and enterprise sufficient to gain admittance to practice without a mentor.<sup>332</sup> But, regardless of the manner in which law was learned, admission was historically dependent upon “an oral examination” and was described as “moderately effective and highly economical.”<sup>333</sup>

The practice of law in Florida largely lacks documentation in the colonial, territorial, and early statehood eras. According to The Florida Bar, “recorded history of the bar in Florida dates from 1889.”<sup>334</sup> However, the voluntary Florida State Bar Association was founded only in 1907. Undoubtedly, there were lawyers in Florida from the colonial period and since. Nonetheless, the practice evolved and grew through the early 20<sup>th</sup> century, as did Florida’s population and economy. Contemporary with the 1935 enactment of workers’ compensation, discussions began of mandatory bar membership, a “unified” or “integrated” association structure. This was not associated with the idea of workers’ compensation, but the coincidence of timing is instructive as regards the time period and various legal and societal reforms that were evolving.

This is relevant because the Florida workmen’s compensation system did not originally contemplate attorney involvement. There was an intention for the law to be “self-executing.” The Florida Supreme Court, about 30 years after legislative adoption noted that “The Act ‘was pitched on the theory that the claimant could litigate his own cause, but the original intention of the Act has not been practical in many instances.” *Lee Eng’g & Const. Co. v. Fellows*, 209 So. 2d 454, 456–57 (Fla. 1968). Though the Court recognized that “original intention” in 1968, it perhaps contradicted it in 2016. *Castellanos v. Next Door Co. Inc.*, 192 So. 3d 431, 435 (Fla. 2016)(“a reasonable attorney’s fee has always been the linchpin to the

constitutionality of the workers' compensation law"). In 1968, it concluded that the law had evolved and that "some of the deviations may be attributable to the award of attorneys' fees in such amounts that representation of claimants has become a lucrative law practice on both sides of the controversies." *Id.*

And there are historical indicia of lawyers focused on workmen's compensation. Notably, by the 1960s, The Florida Bar had a workmen's compensation committee. In the evolution of the bar, there were first committees focused on various substantive law categories, which later evolved into the present "section" structure of the Bar. Despite the negative perceptions expressed regarding Florida adjudicators in the 1970s (*see* Chapter 17), The Florida Bar Committee passed "a resolution to the Commission" in 1967 "citing outstanding and efficient (adjudicator) service."<sup>335</sup> Whenever members of the bar provide praise or awards to the bench, there must be some degree of dubiety. Nonetheless, one is left to wonder about the perspectives about the deputies in the late 1960s, before the transition to the Commerce Department and new Judge of Industrial Claims title.

Thus, legal education and practice is intertwined in Florida workmen's compensation. The earliest American law school in existence today is Marshall-Wythe in Williamsburg, Virginia (William and Mary University, 1779),<sup>336</sup> though Litchfield Law School is credited with being the first American law school.<sup>337</sup> Harvard was founded significantly later, in 1817.<sup>338</sup> According to the American Bar Association, a voluntary organization to which many lawyers belong, its accreditation of law schools began only in 1923 with 41 American law schools.<sup>339</sup>

Despite the existence of law schools, earning a law degree was once not a prerequisite to practicing law, *see* discussion of "reading" and apprenticeship *above*. This is illustrated by multiple Florida workers' compensation adjudicators (Appendix A) who chose the "reading" path. Furthermore, there is evidence of lawyers attending law schools in lieu of college, and of attending short-duration institutions. For example, Frederick P. Cone (1937-1941) was "Florida's 27<sup>th</sup> Governor" and was responsible for appointing FIC Commissioners in the earliest of statutory reforms in 1937. He attended college, and "despite never graduating with a law degree,"<sup>340</sup> Cone passed the Florida Bar Exam and...practice(ed) law in Lake City."<sup>341</sup>

In another significant example, FIC Commissioner James Vocelle (*see* Page 339) apparently did not attend college but instead earned

his law degree from “the Atlanta Law School” and was “admitted to the Georgia Bar in 1916 at 19 years old.”<sup>342</sup> Another example attended an early joint degree program earning Bachelors and Law degrees simultaneously (*see* Page 255). The adjudicator biographies also include a great many that followed a path that was consistent with the modern four-year college followed by three-year law school pattern. Despite their more traditional path, there are various examples in which individual’s education paths were interrupted by military service.

In early legal education, there were Bachelor’s degrees in law awarded by various schools, labelled by most “LLB” for *Legum Baccalaureus*. As the paradigm trended to studying law after undergraduate school, law degrees morphed in the 1960s to “JD” for Juris Doctor. Many schools then retroactively awarded JD designations for previously conveyed LLBs. In the biographies here (Appendix A), both are used as reflected in source materials and no distinction is intended between LLB and JD.

Stetson University established Florida’s first school of law in 1900<sup>343</sup> (121 years after the first at William and Mary). The University of Florida College of Law was founded in 1909,<sup>344</sup> and by September 1926, the University of Florida was staffed by seven faculty.<sup>345</sup> The Law School of the University of Miami opened in 1922. It graduated its first class in June 1926,<sup>346</sup> “graduating thirteen young men, who were directly admitted to the practice of law in Florida without further law examinations.”<sup>347</sup> There was another institution, called the “V.E. Cline Law Class, Miami, Florida,” which was in “its fifth year of existence” in 1926. *Id.* That school also “exist(ed) under the name of the South Florida College of Law,” *Id.* and was “organized primarily to enable students to pursue the study of law at night.” *Id.* Thus, there were three accredited Florida law schools by 1935, and some unaccredited schools in the early 20<sup>th</sup> century had come and perhaps gone by that time.

In the initial era of formal legal education, the licensure to practice law in Florida was a function of the Executive branch. There was significant evolution to come regarding separation of powers. This is inextricably intertwined with the workers’ compensation adjudication evolution, rulemaking, the involvement of lawyers, their training, and their expertise. Some of those sentiments are perhaps expressed in various statutory changes since the creation of workers’ compensation in 1935.

The fourth Florida law school, focusing upon established colleges gaining such programs and ignoring the night school (Cline, *above*),

was started by Florida Agricultural and Mechanical University (FAMU) in 1949, in Tallahassee. FAMU was a “school for African Americans” (*sic n.23*), created by the legislature in 1884<sup>348</sup> (during Reconstruction, and before the adoption of the state’s fifth constitution in 1885, *see* Chapter 4). The original legislative authority in 1884 “established a white normal school in Gainesville and a school for African Americans in Jacksonville” (*sic n.23*). *Id.* The “normal school” was later absorbed by the University of Florida.

Despite the specific legislation, what became FAMU was moved from Jacksonville instead to Tallahassee. The timing of this law school founding in 1949 and its first entering class in 1951<sup>349</sup> is perhaps significant considering later statutory changes (*see below*). FAMU was not initially prolific; “between 1949 and 1968, the College of Law graduated 57 students.”<sup>350</sup> The FAMU law school was not accredited by the ABA in the 1950s, but a second iteration of the school was later accredited in 2004.<sup>351</sup> Despite the relatively low volume of 57 graduates, there are multiple FAMU foundations in the evolution of workers’ compensation adjudicators, including IRC Commissioners McCrary (*see* Page 333) and Shaw (*see* Page 336), and Judge Wilkie Ferguson (*see* Page 222).

Credence was lent to Stetson by the state legislature almost immediately upon its founding in 1900. Admission to practice law in Florida was automatic for Stetson graduates in 1901.<sup>352</sup> By 1909, that privilege had been “extended to other law schools chartered by the state and approved by the Supreme Court of Florida,” a reasonably obvious nod to the University of Florida law school founded the same year. *Id.* This practice was called the “diploma privilege” and was common in the U.S. However, the practice was not favored by the American Bar Association (a private, voluntary group for lawyers). Wisconsin claims to be “one of the only states in the country that offers diploma privilege”<sup>353</sup> in 2024, though various states conferred such privilege on an interim basis during the 2019 pandemic.

Until the integration of the Bar in the 1950s, “the admission of attorneys to The Florida Bar was governed by Chapter 10175, Laws of Florida (1925).” *See LaBossiere v. Fla. Bd. of Bar Examiners*, 279 So. 2d 288 (Fla. 1973). The licensing of attorneys was a legislative function, and the law created “a Florida Board of Law Examiners, consisting of nine ‘attorneys of distinction in the law for their learning and character.’” *LaBossiere*. Pursuant to that law, the Supreme Court defined the subjects to be studied in becoming a lawyer. There was thus Legislative authority with a degree of statutory delegation to the judiciary.



In 1955, following the constitutional transition to render attorney admission “exclusively a judicial function,” the Court created The Florida Board of Bar Examiners. *LaBossiere*. In that decision, the Court explained its logic in carrying on the Board of Law Examiners’ process of diploma privilege for graduates of Florida law schools. The Court also explained its decision, in support of “uniform and measurable standards by which to assess the qualifications of applicants,” to “require() all applicants to be graduates of law schools approved by the American Bar Association or members of the Association of American Law Schools” (AALS). In addition to the perceived merits of uniformity and transparency, the Court candidly admitted it was simply “unequipped to make such a determination (of school’s sufficiency) ourselves because of financial limitations and the press of judicial business.”

In short, the ABA accreditation delegation was thus a matter of expediency to some degree. And, notably, it was not exclusive. Accreditation or approval of the AALS was similarly effective. The Florida Supreme Court later decried accusation that it was “abdicating responsibility” or “unlawfully delegating” to these organizations, explaining essentially that the Minnesota Supreme Court had concluded it was not acting inappropriately in its deferral to these private organizations. Thus, it was “rational for a state supreme court to conclude that the ABA is best equipped to perform the function of accrediting law schools.” The record evidence on that point is not explained significantly in the opinion. *Fla. Bd. of Bar Examiners In re Hale*, 433 So. 2d 969 (Fla. 1983). Therefore, some might perceive the *Hale* decision as thin on rational or reasoning and predominantly an adoption of what is good enough for Minnesota is good enough for Florida.

Today there are 11 law schools in Florida, and one accredited school has come and gone in the 21<sup>st</sup> century, Florida Coastal School of Law in Jacksonville.<sup>354</sup> The current schools, with ABA accreditation dates<sup>355</sup> are:

1. University of Florida Law School (1925)
2. Stetson Law School (1930)
3. FSU Law (1968)
4. NSU Shepard Broad College of Law (1975)
5. University of Miami School of Law (1941)
6. St. Thomas Law School (1988)
7. Barry University School of Law (2002)

8. Ave Maria University (2002)
9. FAMU Law School (2004)
10. Florida International University Law School (2004)
11. Jacksonville University (provisional in 2024)

Those who have served as workers' compensation adjudicators have attended some of these and a broad spectrum of other American law schools. The biographies in Appendix A demonstrate some Floridians traveling from Florida to distant schools, but also illustrates the migration of graduates to Florida that has been a hallmark of the 20<sup>th</sup> century. That said, many of Florida workers' compensation adjudicators certainly graduated from the University of Florida (50), University of Miami (25), Stetson (12), and Florida State (9)(over one-third from these schools).

The licensing of lawyers thus illustrates issues of separation of powers and evolution of Florida law. It is fair to say that through the territorial era and early statehood there was some degree of dispute or confusion regarding the Florida legislative and judicial roles in that regard. This is further demonstrated in the challenges and delays with the Florida Supreme Court adopting procedural court rules.<sup>356</sup> Various rule adoption attempts by the bar were rebuffed by the Court in 1940 and 1945, perhaps on constitutional grounds. The Court's rejections, however, might be viewed as purposeful or merely indecisive. The leadership of the bar was persistent, however, and the authority of the Court was clarified with the 1952 Amendments to the state constitution. *Id.*, see also Art. V, sect. 2, Fla. Const. (1952) Amendment 2. This authority brought clarity regarding licensure and more.

Thus, in the early 20<sup>th</sup> century there was a combination of legislative and judicial authority regarding the practice of law in Florida. One scholar has concluded that admission processes might be viewed then as "exercised concurrently"<sup>357</sup> by the two branches. He describes three potential views of constitutional authority on the admission to practice law and concluded about the early 20<sup>th</sup> century that "which of these theories most closely depicts the position taken by the Supreme Court of Florida is not readily apparent." *Id.* Though one might view this as a product of Florida's relative youth in the early 20<sup>th</sup> century, the authorities cited by that scholar suggests that the Florida evolution of separation of powers in that era was neither exceptional nor uncommon.

By the 1920s, there was a growing consensus about requiring law school education, and an increased formality. The ABA published its recommendation, the result of a “special committee” effort, in 1922:

“(2) The American Bar Association is of the opinion that graduation from a law school should not confer the right of admission to the bar, and that every candidate should be subjected to an examination by public authority to determine his fitness.”<sup>358</sup>

By that time, Florida required “all applicants for admission to the bar” to have studied specific law books including BLACKSTONE’S COMMENTARIES, EATON ON EQUITY, COOLEY’S CONSTITUTIONAL LIMITATIONS, AND THAYER’S PRELIMINARY TREATISE ON EVIDENCE.<sup>359</sup> Admission had been somewhat formalized, and a bar exam was administered “in the Supreme Court rooms on the third Tuesday in April and October of each year.” *Id.* Despite this requirement, Florida had a formal “diploma privilege” in the 1920s, which was common during the advent of law schools in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries. These privileges incentivized law school completion in their era of novelty and beyond.

Florida’s privilege provided that any

“graduate of any law school chartered by and existing in this state, or any graduate of the law department of any chartered university in this state, which school or department shall maintain the course of study prescribed by the Supreme Court...shall, at any regular examination, receive a license or permission to practice law in all the courts of this state without examination as to legal attainments, upon producing to the Supreme Court his diploma.” *Id.*

Furthermore, a privilege existed for those migrating to Florida in the early 20<sup>th</sup> century as the economy and the state evolved. This provided:

“any person ...who has practiced law for five years next preceding the date of his application, and has been admitted to practice in the Supreme Court of the state from which he comes, shall be admitted to practice in this state, without examination as to legal attainments, provided that attorneys who have been

admitted to practice in this state are admitted without examination in the state from which he comes.” *Id.*

Some will note the genderist presumption here of “his” and “he” despite the “any person.” The entry of women into legal practice evolved during the 20<sup>th</sup> century. This privilege was a “reciprocity” that allowed licensed attorneys significant flexibility in their careers and facilitated migration to and from Florida. The history of Florida had been less generous. In the territorial period (1822-1844), “foreign attorneys were not admitted without examination”<sup>360</sup> generally, although reciprocity was afforded specifically to Alabama and Georgia lawyers in 1829. *Id.* Following statehood, “the Constitution of 1868 extended this privilege to all foreign attorneys.” *Id.* Evolution continued with legislative initiatives and judicial interpretations. In 1925 a statute strove for greater clarity with some success. This law also provided the precursor to *pro hac vice* appearance in Florida courts, providing “that attorneys from other states could appear in a specific case in Florida courts by permission.” *Id.*

Well after workmen’s compensation was adopted, Florida’s diploma privilege was eliminated in 1951. *Id.* Coincidentally, or not, the fourth Florida law school, FAMU, admitted its initial class in 1951. It was the era of separate but equal, begun with *Plessy v. Ferguson*, 163 U.S. 537 (1896), and well before the changes that would soon facilitate the civil rights movement, arguably with *Brown v. Bd. of Ed. of Topeka*, 347 U.S. 483 (1954). In the coincidence of 1951, some may see pure happenstance or progress toward uniformity. Others may instead perceive evidence of racial animus.

In reasonably short order, in 1965, the Legislature closed the FAMU law school and authorized the establishment of a law school blocks away in Tallahassee at The Florida State University.<sup>361</sup> Florida State School of Law was accredited by the American Bar Association in 1968. Nonetheless, neither “diploma privilege” nor reciprocity returned to Florida. Depending on perspective, that the privilege did not return might negate arguments of animus in the 1951 coincidence. Despite this history, the FAMU name would eventually return to legal education 32 years later when the Florida Legislature authorized new law schools in 2000,<sup>362</sup> at FAMU and Florida International University. Each was accredited in 2004.<sup>363</sup> The impact of these varied regulations may be perceived in the education backgrounds of the adjudicators. Regardless of education credentials, it is likely that various deputies never sat for the Florida bar examination.

Legal education was therefore a topic of governmental interest throughout the workers' compensation history. It is notable that there were initially no deputy qualifications in the 1935 statute. Section 5966(43)(b) authorized and enabled "deputies," but lacked definition or description. Despite the unsettled and evolving nature of legal education and licensure, Florida mandated attorney licensure as a deputy qualification seven years later, in 1942, immediately after the start of World War II. One year before, Florida pioneered a mandate that deputies conduct all hearings (*see* Chapter 15), rather than commissioners. Intriguingly, there was discussion of female deputies in the 1940s. However, there were few women lawyers in those days, and with the end of World War II, there were many returning soldiers looking for work.<sup>364</sup> The brother of Florida's first female deputy expressed disappointment that appointment of the first female took so long (*see* Page 271).

It is likely fair to perceive parallels in Florida's general and economic evolution, and the state and national formalization of legal education. The legal profession evolved, and Florida's reliance upon it is illustrated in the adoption of workmen's compensation in 1935 as well as in the evolution of Chapter 440 and other legal maxims thereafter. Some involvement of attorneys in this system was perhaps inevitable, and likely predictable despite the original intent of self-execution and simplicity.



*Curtiss aircraft crewmen - Naval Air Station Pensacola. Credit Florida Memory, Florida Secretary of State, State Archives.*

# XI.

## Chapter Eleven: The Florida Bar

The importance of attorney licensure is clear in the 1942 requirement that all Deputy Commissioners were licensed attorneys (*see* Chapter 8). Furthermore, though the law was intended to be self-executing, the involvement of lawyers became pervasive in workmen's compensation. *See Lee Eng'g & Const. Co. v. Fellows*, 209 So. 2d 454, 456 (Fla. 1968) ("representation of claimants has become a lucrative law practice on both sides"). The pervasiveness and symbiosis of attorneys in Florida workers' compensation is longstanding and clear. The evolution of attorneys and the bar is therefore integral to workers' compensation and the adjudicators.

The "recorded history of a bar in Florida dates from 1889."<sup>365</sup> It began as a collegial and voluntary association and began calling itself "the Florida State Bar Association in 1907." *Id.* Membership seems to have been a maximum of perhaps 66% of Florida lawyers in the pre-World War II era. Lawyers were then licensed by the "Florida...State Board of Law Examiners,"<sup>366</sup> Chapter 10175 (No. 153).<sup>367</sup>

In 1951, the Florida Legislature passed two laws, Chapter 26655 and 26993 related to attorney regulation. Chapter 26655 granted "the Supreme Court...the power to prescribe...the requirements, qualifications and standards to be met and procedures to be followed by all persons for admission to practice law" in Florida. *Barr v. Watts*, 70 So. 2d 347, 349 (Fla. 1953). The Court there noted also that "there can be no doubt that this court has inherent power to regulate the practice in the courts." *Id.* This legislative delegation and Supreme Court assertion illustrate the uncertainty of regulatory construct and separation of powers in that era. Supporting that conclusion, it is notable three justices dissented. Nonetheless, there is an appearance there of each branch eschewing conflict. The Legislature acquiesced by statute and the Courts assumed based on inherent power it had previously denied in 1940 and 1945, when there were debates about the Court adopting rules of procedure in the state courts. Langham, Chapter 30, §30.1 History of Procedural Rules (n. 152).

The voluntary bar association had unsuccessfully sought a membership mandate in the 1930s. There were then similarly discussions of separation of powers and constitutional authority of the

judicial branch. Nonetheless, the group was persistent and unsuccessfully sought “compulsory membership”<sup>368</sup> again in 1947. The Supreme Court provided support and direction in 1949, and, in 1950, “The Florida Bar” was formed as a foundation to the modern compulsory bar. At its inception, there was the hope for “a uniform discipline system,” *Id.* and the premise for “assuring the public that only those with high standards would be allowed in practice.” *Id.* That inspirational and aspirational foundation, some might concede, has fallen short of absolute success. The most critical might use stronger terms.

Thus, it is possible that an attorney in the early days of workmen’s compensation, between 1935 and 1950, might be licensed in Florida and yet not appear in the records of the Florida Bar Association. A few of the adjudicators included below (Appendix A), are not currently listed in the online records of The Florida Bar. Nonetheless, some for who no bar membership has been found were clearly practicing law according to contemporary news reports or reported appellate opinions. Thus, there is some room to doubt the Bar historical records online are necessarily exhaustive.

Additionally, some early adjudicators were not attorneys; it was not until 1942 that the statute required all deputy commissioners to be attorneys. Thus, there is room for some questions and curiosity regarding the early history of some Florida Industrial Commission adjudicators, and their relationship with the bar. For example, it is reasonably clear that Carl E. Beck was never an attorney (*see* Page 194).

The intertwining of the bar and the world of workers’ compensation was inevitable. It must be remembered that until 1935 employees had sued employers under the common law. The involvement of attorneys with workplace injuries predated workmen’s compensation and involvement thereafter could not have been unexpected. Nonetheless, the early proponents of this socialistic safety net envisioned a semi-utopian, “self-executing” system in which there would be fluid and seamless transfers of wealth in an eternal circuit: labor generates value, business organizes and markets, consumers exchange value for the production, and, when there is an injury, the cost is borne by that cycle just as various other societal costs are borne by the attendant taxation on those exchanges. In fairness, some persist today in labelling the cost of workers’ compensation a “tax” despite its circuitous, private, yet notably regulated path.



The belief in self-execution cannot be labelled naïve or innocent. The vast majority of work injuries are in fact compensated in precisely that manner. A smaller subset involves disputes, and fewer still involve attorneys; somewhat less involve a mediator, and a very small subset involves adjudicators. That said, there is a population of work injuries that devolve into significant disputes and disagreements. Those require navigation of a process for resolution of the questions and friction. Dispute resolution processes require consideration of the competing statutory rights and obligations, as well as protection of the fundamental rights enjoyed by Americans, such as due process, equal protection, and more.

It is noteworthy however, that equal protection has rarely been of import in workers' compensation decisions, while other constitutional principles have been argued more successfully. Over the decades of Florida workers' compensation, there have been a significant volume of constitutional challenges regarding this statute, but a far greater volume review has focused on broader statutory interpretation disputes that required legal acumen, education, and study.

As the parties' rights and responsibilities conflicted, dispute resolution processes became complicated and at times complex. The protection of the rights of various participants is not an easy binary decision of right and wrong, good and bad, or yes and no. There is nuance, conflict, and challenge. The decisions' complexity soon brought recognition of the potential need for attorneys in some cases, for an increasingly sophisticated adjudicator, and thus the evolution of disputes followed. Too often, unexpected and anecdotal interpretations at the edges of workers' compensation, untoward or unpalatable, have led to statutory reform using a "broad brush" to forestall recurrence. These have all combined to build a statute of subtlety and complexity. That in turn likely expanded the involvement and sophistication of attorneys.

The earliest sign of complexity came first as to Deputy Commissioners, with a 1942 mandate that those who adjudicated disputes, Deputies, must be attorneys. This was decades before county judges were required to be attorneys (*see* Chapter 8). And, there was persistent dissonance after the Deputy mandate, because the commissioners of the FIC were not all attorneys until 1971.<sup>369</sup> Thus, for decades, able attorneys made reasoned legal trial decisions, but the first tier of appellate review was conducted by non-attorneys. Many then perceived a degree of equity and perhaps avoidance of law in FIC decisions. That appearance or perception was perhaps predestined by the FIC composition that intentionally included "a

representative of ‘employers’” and one of “employees.” Section 440.44, Fla. Stat. (1937). It is difficult to imagine that mandated viewpoint predisposition was ever intended to yield dispassionate, logical, legal appellate review. Partisanship and perspective were specifically and intentionally infused in the appellate process. Would any rational person mandate that one of three referees for the Super Bowl must be affiliated with the AFC Champion and one affiliated with the NFC Champion? Or, instead, would one be surprised at internecine conflict among such a panel of referees?

The efficacy of appellate review in the commission era was undoubtedly also influenced by the persistent turnover of FIC members, fueled by the constitutional constraint on Florida governors and therefore persistent quadrennial changes in leadership (*see* Chapter 4). Some contend that the progression from FIC to Department of Commerce/IRC, to Department of Labor, and to the exclusive appellate jurisdiction of the Florida First District has brought Florida to epitomize effective dispute processing. However, few today ever practiced before the IRC, and likely none today practiced before the FIC. The praise for today’s process may thus be born of familiarity and comfort more than rationality.

Despite some tendency to praise the current District Court paradigm, some nonetheless find fault still in that appellate court. At times there have been efforts to reverse course to the structure of yesteryear.<sup>370</sup> Similar appellate processes that would have bypassed the district court were discussed in the debates of “Fair Care” in 2003 and in various other back rooms over the years. That legislative proposal was likewise critical of the adjudicators and strove to likewise bypass them. In short, the involvement of attorneys has been pervasive, but criticism of attorneys, adjudicators, and more has persisted even following significant process evolution. One might conclude that attorney involvement has been a benefit to many, a burden to others, but in no event a panacea.

With the attorney came the challenge of their compensation. But, that discussion had begun before workers’ compensation or an integrated bar came to Florida. As early as the 1920s, those who regulated Florida lawyers noted the challenge that might be presented by contingency fees, noting in the 1922 Code of Ethics:

“13. Contingent fees, where sanctioned by law, should be under the supervision of the Court, in order that clients may be protected from unjust charges.”<sup>371</sup>

In the greater realm of litigation, in torts specifically, that concern seemingly softened as years grew into decades. And yet, the concern remained in the statutory realm of workers' compensation. There were disputes over attorney fees, and various attempts at regulation and legislation.

The Florida Industrial Commission strove to regulate through rules in the era before the Administrative Procedures Act (APA)(*see* Chapter 12). Voluntary bar associations strove for consistency and sufficiency through locally mandated minimum fees. *See Tampa Aluminum Prod. Co. v. Watts*, 132 So. 2d 414 (Fla. 1961). The courts rendered decisions using various Florida statutes other than workers' compensation, *Id.*, and the Legislature eventually sought to regulate fees in Chapter 440. Langham, Chapter 51 (note 152). It is a history rife with disputes, conflicting authorities, and jurisdictional disputes. In time, the Court noted in the 1960s that the "representation of claimants has become a lucrative law practice on both sides of the controversies." *Lee Eng'g & Const. Co. v. Fellows*, 209 So. 2d 454, 457 (Fla. 1968); *see also* Langham, §39.1, Page 301 (note 152). The view of the bar was similar.

By 1979, there was discontent regarding workers' compensation. What had begun with the National Commission on Workers' Compensation (*see* Chapter 23), and its 1972 report, had ended with legislative benefit expansion in 1974. The cost of insuring workplace injury risk, the insurance premiums, was decried and reform returned to the news.<sup>372</sup> Reform persisted, and the 1979 revisions brought the end of the Industrial Relations Commission, the oft-maligned "wage loss" benefit for permanent partial disability, and a variety of other changes. *See* Langham, Chapter 6, Statutory Evolution (note 152).

The Miami Herald featured attorneys in a series of articles about workers' compensation in 1979. It noted the amount of fees paid to various attorneys through workers' compensation, and described some gathering for an "elegant evening...(at) the Doral Country Club and Hotel."<sup>373</sup> The sponsor was the Friends of 440 (a local association of workmen's compensation lawyers), and the story noted that "for more than two decades, these lawyers have quietly gotten rich from Florida's failing workmen's compensation system." *Id.* The news accused that attorneys had "methodically mined it for fees that totaled \$19.9 million in 1978." *Id.* There were allegations that "attorneys have been too greedy for too long" levelled by Senator MacKay, then the "chairman of the Joint Committee on Workmen's Compensation," and later a U.S. Representative and Florida Lieutenant Governor. One press report concluded that the lawyers were "a small fraternity, who

make their living jacking up the price tag for pain.” *Id.* Richard Sicking, a claimant’s attorney in south Florida, responded, “I’m an expeditor. I’m the most expensive type of expeditor you can buy. But, in Florida, there’s no one else to do it.” *Id.* The press reported that his firm “earned comp fees of \$270,214”<sup>374</sup> in 1978 (\$1.28 million in 2024 dollars).

One attorney representing injured workers, and a member of the Legislature noted that workers’ compensation was “all a game” in that era; he noted that “the carrier sends a claimant to an incredibly conservative doctor. I send him to a very liberal doctor. The judge comes down somewhere in the middle.” *Id.* There was simultaneously a variety of complaints about employers not complying with the statutory coverage mandate. One report noted that “inspectors in 1978 found 2,525 firms that were ignoring the requirement to carry the insurance and another 5,608 new businesses that had not bought it yet. Judges...noted in their orders on 273 cases that there was no insurance coverage for the accident.”<sup>375</sup> Criticisms were seemingly somewhat common, based on the volume of news coverage devoted to workers’ compensation.

Reform did pass in 1979, and there were attorneys who lamented the change as disastrous. Some left the workers’ compensation field. But, those reforms did not curb premiums, and reformers returned to workers’ compensation again in 1989, 1990, 1991, 1994, 2001, and 2003. *See* Langham, Chapter 6 (note 152). The 1979 changes returned the adjudicator title to Deputy Commissioners (*see* Chapter 8), and 1990 reforms brought the current Judge of Compensation Claims title. The 1979 law ended the Industrial Relations Commission and ensconced appellate review of the newly renamed workers’ compensation (the genderist “workmen’s” then relegated to history) in the more broadly focused Florida First District Court of Appeal. And, despite the reforms, the costs and criticisms for workers’ compensation and attorneys persisted.

# XII.

## Chapter Twelve: The Birth and Relationship of Administrative Law

Administrative law allows Executive Branch officials to make decisions instead of the Judicial Branch. It is based on powers statutorily delegated by the Legislature, creating a hybrid process. Before workers' compensation came to America in the early 20<sup>th</sup> century, there was already administrative law in a broader context.<sup>376</sup> Some scholars contend that it began in the 18<sup>th</sup> century. *Id.* However, the “conventional” conclusion is that “administrative law...began in 1887 when Congress created the Interstate Commerce Commission,” *Id.* by enacting the Interstate Commerce Act. The purpose was to “oversee the conduct of the railroad industry.”<sup>377</sup> The Act provided restriction and framework within which the railroads would operate, and empowered an agency to interpret and enforce the law. The “seven-member ICC adjudicated disputes between railroads and shippers to regulate rates railroads could charge.”<sup>378</sup> Similar agencies use delegated legislative authority to “issue regulations that carry the force of law,” and to interpret and enforce those regulations. *Id.*

The perception is that federal administrative law thereafter “expanded decade by decade as Congress created and enabled more such agencies.”<sup>379</sup> There are now dozens of Federal agencies that make administrative adjudications, both formal and informal. States paralleled that path, creating state executive agencies with authority to both investigate and adjudicate disputes.

Administrative law is founded on expertise. The stated belief is that our elected representatives have neither the time nor expertise to manage the day-to-day of our modern world. Therefore, the legislative branch exercises the authority constitutionally granted to it by the People through enumerated powers, to create executive branch agencies of varying degrees of independence.<sup>380</sup> Both the extent of independence and constraints on agency action have been a subject of political disagreement and discourse in both federal and state government. This delegation is typically through an “enabling statute,”<sup>381</sup> like the Interstate Commerce Act, that both creates an agency and defines the scope of the authority delegated. Often, that authority includes the power to adjudicate issues within the scope and

expertise of the created agency. To some degree, courts deferred to the expertise of such agencies, but deference is perhaps waning as regards federal administrative action. *See Chevron U.S.A. Inc. v. National Resources Defense Council*, 467 U.S. 837 (1984); *but see Loper Bright Enterprises v. Raimondo, Sect. of Comm.*, \_\_\_ U.S. \_\_\_; No. 22-451 (June 28, 2024).

Arguably, the first administrative agency in Florida dates to the establishment of the Department of State. The function of that office was originally undertaken by “territorial secretaries...appointed by the President and confirmed by Congress,” thus a local product of federal law dating to territorial status in 1821.<sup>382</sup> Certainly, the creation of the Florida Industrial Commission was related to a specialized topic and contemplated adjudication of disputes. Some would argue with characterizing it as administrative *per se*, but it was undoubtedly an administrative agency.

Administrative law has a storied Florida history with various examples. As it evolved, in the mid-20<sup>th</sup> century, there was advocacy for standardized process and procedure for administrative disputes. To that end, “Florida followed the example of the federal government and other states by adopting its first extensive APA (Administrative Procedures Act) in 1961.”<sup>383</sup> The Federal government had adopted its APA in 1946.<sup>384</sup> The intent of the Florida statute was limiting agency action through “increase(ed) administrative agency accountability to the Legislature and Florida’s citizens.”<sup>385</sup> There have been various statutory amendments since.

Of major significance were the APA amendments in 1974, which created the Division of Administrative Hearings.<sup>386</sup> According to Administrative Law Judge Gar Chisenhall, this was an illustration of “Floridians...longstanding distrust of executive power,” dating to Reconstruction (*see* Chapter 4). He notes in support of this argument the distribution of “executive authority” among elected officials individually and others “jointly controlled by the governor and ...cabinet.” This is seen as creating a variety of checks and balances on administrative authority and burdens.

The creation of an agency, the Division of Administrative Hearings (DOAH), devoted to Administrative Law and the staffing of professional Administrative Law Judges (ALJ) perhaps answered that distrust, with an independent agency providing adjudication of the various disputes in the administrative realm. *See* Chapter 120, Fla. Stat. Some might view that perception as somewhat illusory because many of those adjudications are “recommended,” leaving the ultimate resolution of the dispute to an agency head that may accept or reject

the ALJ conclusion(s). Nonetheless there is similarity in process and procedure.

Soon after the 1974 amendments, the Legislature adopted an oversight process for administrative actions. In 1976, section 11.60, Fla. Stat. “created a joint standing committee of the Legislature designated as the ‘Administrative Procedures Committee,’” which provides both review of proposed administrative rules, and a “continuous review of the statutory authority on which each administrative rule is based.” This innovation similarly instigated a new era in administrative law. It is difficult, in retrospect, to discern which of these statutory changes has had the most profound impact on Florida.

Nonetheless, before DOAH, there were strong arguments for a significant history of administrative law in Florida, of which the Florida Industrial Commission (FIC) must be considered a prime example. The Administrative Procedures Act of 1961 was distinctly and notably amended in 1974. Nonetheless, almost 40 years before, the FIC was specifically empowered “to make...rules and regulations.” Section 5966(42)(c)(1), Fla. Stat. (1935). And it did so. For example, in 1937, the FIC promulgated rules for valuing “board, lodging, or any other payment in kind,”<sup>387</sup> in part interpreting the unemployment compensation statute but, in effect, legislating administratively. The rule fixed values applicable to all cases, without reference to the evidence in a particular case:

|                             |        |        |
|-----------------------------|--------|--------|
| Full Board and room, weekly |        | \$7.00 |
| Meals, per week             | \$4.50 |        |
| per day                     | \$.75  |        |
| per meal                    | \$.25  |        |
| Lodging, per week           |        | \$2.50 |
| per day                     | \$.40  |        |

In another example, the FIC legislated for workmen’s compensation a schedule of “reasonable attorney fees.” See *Tampa Aluminum Prod. Co. v. Watts*, 132 So. 2d 414, 416 (Fla. 1961). Thus, before there was a Florida APA, there were agencies to which authority and responsibility were legislatively delegated. One can only speculate as to the hue and cry that would result from an administrative agency attorney fee schedule dictated by an Executive Branch authority in the 21<sup>st</sup> century.

Workers’ compensation in Florida evolved through two significantly independent commissions: the FIC (1935-1968) and the

Florida Industrial Relations Commission (1969-1979). These agencies interpreted statutes, enacted administrative rules, supervised adjudicators of disputes nominally or actually, and provided the first level of appellate review regarding adjudications. In short, for 44 years, these administrative agencies exercised centralized and in many respects near plenary control over workplace safety, injuries, and compensation. Thus, administrative law predated the Chapter 120 APA and was certainly part of Florida workmen's compensation from its inception.

Without question, Florida's history supports an evolution of administrative law. There are sound arguments supporting a transition to increasing formality and structure in the early 1970s. As the commission model lost favor in workers' compensation, the benefits schedules came under scrutiny and more formalized Administrative Procedure was considered. This timing is also generally coincident with national criticisms of workers' compensation, enhanced focus on workplace safety, and sweeping national statutory reform efforts in workers' compensation. Langham, §45.13 Wage Loss Experiment (note 152). Federal involvement was furthered with the Occupational Safety and Health Act of 1970. This created the Occupational Safety and Health Administration with direct impact on workplace safety and broader indirect effects. The new agency began a federal administrative process that directly impacted Florida business, in parallel with workmen's compensation.

The 1970 Act also mandated a federal commission which issued a final report in 1972, raising various incongruities and criticisms of state workmen's compensation laws. Langham, §6.4 The Progressive 1970s (note 152). The report resulted in legislative scrutiny of state laws across the country and various attempts by jurisdictions to adjust processes and benefits. Caught up in the spirit of the commission's criticisms, Florida passed significant workmen's compensation changes in 1974 and 1979, with less than admirable results. As these evolutions occurred, the jurisdiction of Florida workers' compensation adjudicators (then called Judges of Industrial Claims, *see* Page 107) changed, particularly as to settlement of future benefits. As legislative reforms later responded to the untoward impacts of those 1970s reactions, the jurisdiction of Florida's workers' compensation adjudicators over settlements diminished.

In addition, the responsibility for determining disputes over medical provider reimbursement was perceived as more amenable to the broader administrative process. The Legislature amended section 440.13(2)(i)1., Fla. Stat. (1990), *see also* Langham, §5.5 Jurisdiction



(note 152), and vested the authority for such disputes with the Division of Workers' Compensation, then a part of the Department of Commerce (*see* Chapter 22). At times, the Division has engaged the services of ALJs for the purpose of hearings and proposed orders. Thus, for over 30 years since, in the context of such reimbursement disputes, one could validly label the Administrative Law Judges of the Division of Administrative Hearings as "workers' compensation adjudicators." Despite that, such involvement is ancillary to the authority of the Division. The service of the ALJs has benefitted Florida and has touched workers' compensation. However, they are not "workers' compensation adjudicators" and are not included in the appendices of this text.

In the event one included ALJs in the "workers' compensation adjudicators" category, it would be logical to recognize certain distinctions. First, ALJs are hired by the DOAH, not appointed. As a consequence, they serve in a protected employment class and are terminable only for cause. The ALJs face no reappointment process or significant potential of non-retention. Another noteworthy distinction is in the application of Chapter 120, the APA, which is specific as to the ALJs. Conversely, "workers' compensation adjudications by judges of compensation claims (sic) are exempt from chapter 120." Section 440.021, Fla. Stat. Clearly, the path of evolution in Florida administrative law thus crosses paths with the adjudication of workers' compensation claims in various instances, but distinctions remain.

Another historic example occurred in the 1970s. In 1973, the Florida Supreme Court elected to promulgate rules for workers' compensation procedure. *Fla. Work. Comp. Rules of Proc.*, 285 So. 2d 601 (Fla. 1973). In its 1973 annual report, the Department of Commerce noted that adoption action "established an administrative law landmark."<sup>388</sup> This was hailed as a "historic collaboration of the Commission and The Florida Bar." Despite being collaborative and seemingly progressive, this administrative landmark was unconstitutional. It was an encroachment on the authority of the Commission and broadly on administrative law. However, the Florida Supreme Court did not realize that for over 30 years.

Notably, though those rules were lauded, and though the Commerce Department participated in their adoption, they were not subjected any APA analysis. They were court rules, and as such, not subject the original APA. Some might see intent to avoid the APA, and others may see only a drive for improved function and consistency. The actual motivations are likely lost to history.

In another example, when tort reform was passed in 1988 establishing the Florida Birth-Related Neurological Injury Compensation Plan, the Legislature initially vested jurisdiction for any related disputes with the Judges of Compensation Claims. Section 766.303, Fla. Stat. (1988). And with that jurisdiction came the authority of the Supreme Court procedural rules. Jurisdiction of those claims was transferred to the ALJs in 1993, likely due to the delays inherent with Judges of Compensation Claims in that era. *Fla. Birth-Related Neurological Inj. Comp. Ass'n v. DeMarko*, 640 So. 2d 181 (Fla. 1st DCA 1994). This alleviated any impact of court rules on those disputes.

As an aside, the volume of workers' compensation claims has historically been significant, though some struggle with the challenges of categorizing and quantifying workload. It was perceived as a difficult workload in 1988. The logic of assigning that new responsibility to the Judges of Compensation Claims in 1988 was therefore at best curious. However, that legislative action perhaps further illustrates some perception of similarities in the two judicial roles, and the potential for impact of administrative procedure.

Florida workmen's compensation was undeniably intertwined in administrative law as that evolved. The statutory and practical histories demonstrate interaction and similarities. That the Office of Judges of Compensation Claims would end up within the Division of Administrative Hearings since 2001 perhaps amplifies the perceptions of congruity or similarity. That said, there have been various frictions and challenges from the two programs striving to cohabitate within a single Division. It would be naïve to expect an absence of friction, and despite friction, much has been accomplished in the DOAH era.

# XIII.

## **Chapter Thirteen: Judicial Appointment and Terms**<sup>389</sup>

The 21<sup>st</sup>-century Florida Judges of Compensation Claims (JCC) are each appointed by the Governor for a four-year term but may be removed during that term for good cause. Section 440.45(2)(c), Fla. Stat. The appointment process has been significantly similar since 1990. Removal of judges is rare but is not unprecedented. A judge who was arrested was removed by Governor Robert Martinez and another was suspended by Governor Lawton Chiles likely due to behavior issues. That judge avoided permanent removal morbidly.<sup>390</sup> These two instances are believed to be the only removals for cause in the history of Florida workers' compensation adjudicators, although others have been found to have violated the Code of Judicial Conduct for which there were consequences.

Similarly, there is evidence that a member of the Florida Industrial Commission was in danger of removal for misfeasance at the time of his resignation. There are multiple examples of commissioners resigning, and one striking example of a resignation controversy early in the FIC history (*see* Page 136 regarding Judge Wendell Heaton, the first FIC Chair, and E.T. Lay). Additionally, there have been various deputies and judges who were not reappointed. The biographies in Appendix A document various turnovers in the deputies, and illustrate that transitions were somewhat commonplace as governors took office in the era of part-time deputies that ended in 1961. Various deputies served a year or less. Nonetheless, there is ample evidence of such periodic turnover in the "modern era" since 1990 as well.

In the original law, section 5966(43)(b), Fla. Stat. (1935), the appointment of deputies was up to the FIC: "may delegate to such deputy commissioners such powers and authority as may be necessary." The commission's apparent (or illusory) autonomy remained for over 25 years. That evolved in 1961 toward gubernatorial appointment but began instead somewhat suggestively. Section 440.45(1), Fla. Stat. (1961) changed the authority empowering "the commission *with the approval of the governor* shall appoint as many full-time deputy commissioners." (Emphasis added). This change is coincident with the transition to full-time adjudicators.

Some would argue that this 1961 change merely added transparency and that Gubernatorial influence had persisted since the beginning. Nonetheless, the “with approval” process remained until the criticisms and focus of the early 1970s (*see* Chapter 23), after Florida’s 1968 adoption of constitution amendments enabling re-election of the Governor (*see* Chapter 23). Those amendments also changed the structure of Florida’s courts (*see* Chapter 8).

In 1974, as the federal interest peaked with OSHA and the National Commission (*see* Chapter 23) various Florida amendments were passed. These have been characterized as liberalizing benefits. The amendments also placed the Governor in the primary role of choosing adjudicators. Section 440.45(1), Fla. Stat. (1974)(“the Governor shall appoint as many...”). This is not likely a significant change, as the Commissioners since 1937 were all Gubernatorial appointees. It is likely that the Governor’s office made recommendations or gave directions before and after the 1961 evolution. As Chairman Vocelle noted in 1954, “deputy commissioners’ appointments ‘always have been a matter of political patronage.’”<sup>391</sup>

But, in 1974 the authority was more patent and notable in the broader scheme of Florida Government. The Florida Constitution had just been amended in 1968 to allow gubernatorial re-election and add a Lieutenant for succession (Chapter 22). The state had just elected its first two-term Governor. The federal government was turning its eyes to workmen’s compensation, however fleetingly. And the change to section 440.45 unmistakably demonstrates a diminishment in the historic distrust of the executive dating to Reconstruction (*see* Chapter 4).

In addition to the broad appointment authority, the Governor may appoint temporary judges in Florida. Section 440.45(2)(d)(“*pro hac vice* in the absence or disqualification of any full-time judge of compensation claims or to serve temporarily as an additional judge of compensation claims”). The current statute limits such *pro hac vice* terms to no “more than 120 successive days.” That power has been exercised sparingly over the years but has occurred. Notable examples include Israel Abrams (*see* Page 185), Elwyin Akins (*see* Page 186), John Brooks (later a member of the statewide nominating commission and an OJCC mediator), Burton Cohen (*see* Page 208), Robert Cooper (former partner in the firm that became the Rissman firm), John McQuigg (1993, later associated with Judge Stephen Rosen (*see* Page 289), Nolan Winn (*see* Page 319), and more. The most recent was appointed in 2005 to serve in Miami following

Kathryn Pecko (*see* Page 280) and before the (second) appointment of Judge Henry Harnage (*see* Page 236) after his service in the Circuit Court. The service of temporary judges has historically been brief. That there has not been a *pro hac vice* appointed in almost 20 years is a compliment to the judges of the modern era and the teamwork they embody.

The authority for such temporary assignments was originally vested in the Florida Industrial Commission, included in its broad discretion to appoint deputies. Section 5966(43)(b). When the deputy positions became full-time in 1961, the statute provided that the FIC could “designate any attorney employed by it to serve as a deputy commissioner *pro hac vice*” whether to replace a deputy for reason of “absence or disqualification” or if “a need exists therefore.” Section 440.45(4), Fla. Stat. (1961). In that era, the Commission had multiple attorney employees who could be relied upon in such instances.

The appointment authority was granted specifically to the Governor in 1974, and limited such a *pro hac* appointments to no more than “sixty successive days.” Section 440.45(4), Fla. Stat. 1974. In later defining the Chief Judge position, the Legislature specifically designated the Chief was authorized “to serve as a *pro hac vice*.” Section 440.45(3)(g), Fla. Stat. (1990). That specificity was later removed, and the Chief or Deputy Chief was instead included in the definition of judge with the authority common to all JCCs.

In 1994, there was consternation in the press that the authority to make such *pro hac vice* appointments had been withdrawn in the 1993 statutory amendments. The issue was highlighted with a “Judge’s pregnancy,” which resulted in unfortunate and frankly unnecessary publication of the Judge’s personal circumstances. The point expressed was that she was the only judge for a four-county district and was medically precluded from work. The fear was that there would be no judge to attend to that docket, and Chief Judge Walker lamented “we never know when that type of need will arise.”<sup>392</sup> The tone of her comments suggested that such temporary appointments may have been commonplace prior to 1994.

However, the Chief Judge was clearly empowered to step in and oversee that docket in 1994. Further, any JCC in the state, or any combination of them, could likewise have been designated to cover that docket. There was no emergency, no crisis, only challenge. However, that challenge was exacerbated by the spirit of the era in which each JCC seemed to believe her/himself an island rather than a team member. Judges rarely filled in for each other, covered calendars, or otherwise focused on the broad concerns of the state

system. Nonetheless, the needs of the public were not impeded by the absence of *pro hac vice* removal in 1994. The *pro hac vice* provision was returned to the statute quietly in 1996.

The statute currently provides that whenever a judge is not reappointed, “the judge shall remain in office until the Governor has appointed a successor judge.” Section 440.45(2)(c), Fla. Stat. (2024). That proviso has been in the statute since Florida’s transition to full-time judges in 1961, stating “each full-time deputy commissioner shall be appointed for a term of four years and until his successor is appointed and qualified.” The 1961 statute also included the qualification that Deputies could “be removed by the (industrial) commission for cause.” Section 440.45(3), Fla. Stat. (1961). These provisions have been consistent for the duration of Florida’s full-time adjudicators, 63 years, which is also the vast majority of the almost 90 years of Florida workers’ compensation.

Though the appointment term is only four years, JCCs may be reappointed successively. The longest serving trial adjudicator was appointed to 10 such terms, serving approximately 40 years (Alan Kuker, MIA, 1973-2013, *see* Page 257). Such longevity is assuredly exceptional. Even so, the longest-serving judge presently has been a JCC for over 36 years (Daniel Lewis, 1988-present, *see* Page 261).

In the OJCC’s history, about 257 are known to have served as a workers’ compensation trial adjudicator (Deputy Commissioners, Judges of Industrial Claims, and Judges of Compensation Claims - Appendix A, Page 185, *see also* Chapter 15). To date, only 22 are believed to have served 20 years or more, about 9%.<sup>393</sup> (Appendix B, Page 343). Additionally, 29 appellate adjudicators/regulators served in the Florida Industrial Commission era (1935 to 1968), and another 12 as appellate adjudicators in the Florida Industrial Relations Commission era (1968 to 1979)(*see* Appendices C and D). Their terms of service were far shorter as a rule, though there were exceptions such as Commissioner Lightsey (*see* Page 332) who served over a dozen years.

# XIV.

## **Chapter Fourteen: The Nominating Commission Era**

The 1970s were a time of significant focus on the Florida judiciary generally. Governor Askew, by executive order, instigated the nominating commissions for the Judicial branch. That was followed by constitutional amendment in 1972, and evolution in 1976 as judicial branch elections changed.<sup>394</sup>

There are sound arguments for the appointment or election of judges. Neither is a perfect selection method and each involves politics. The commission process was intended as a compromise between the two methods, a check and balance. Overall, it has been reasonably effective. The main defect in the judicial branch is the ability and willingness of those commissions to operate in private and to largely avoid transparency. Some see significant grounds for distrust in those commissions meeting and working out of the sunshine.

The broad focus on judicial service in the 1970s brought similar scrutiny to workmen's compensation. The workmen's compensation adjudicator (re)appointment process became more public with the instigation of a Judicial nominating commission system in Chapter 440. This came in the early 1970s with a vague statutory reference to a process that lacked both definition and implementation (who or how). In 1978, the Legislature clarified and delegated the Deputy nominating process to the courts, employing the various District Court of Appeal commissions. This was undoubtedly recognition of the disparity of so many OJCC district locations throughout the state. In retrospect that delegation was also a clear violation of separation of powers. *Amends. to the Fla. Rules of Workers' Comp. Proc.*, 891 So. 2d 474 (Fla. 2004) ("not a court").

In 1990, the first "dedicated" workers compensation nominating commission was legislated. This coincided with the shift from "deputies" to Judges of Compensation Claims." That commission was soon significantly populated by partisans with specific perceptions or beliefs, some might say biases. The members tended to be frequent workers' compensation practitioners with significant knowledge of the judges, and deeply held beliefs. There were times that the members were evenly divided on a candidate, and required the

Chair's vote to proceed. Judge Rosen (*see* Page 289) was Chairman, and presided at the meeting regarding Judge John Paul Jones (*see* Page 252), which led to litigation. He cast the tie-breaking vote in that nomination for reappointment. Had he voted "no," Judge Jones' tenure would have ended, and a successor would have been appointed. It is possible that both litigation and the 1994 changes to the nominating commission process would never have occurred, or at least would have awaited the next instance of gubernatorial desire for personnel change. History clearly demonstrates that there were complaints, criticisms, and doubts about the nominating process in that era. Nonetheless, the commission was an improvement.

The first nominating commission was followed in 1994 by a refined version that largely eschewed workers' compensation lawyers. That change was contemporaneous with the Supreme Court's conclusion of gubernatorial discretion in *Jones v. Chiles*, 638 So. 2d 48 (Fla. 1994); *see also* Langham, §5.2 and §5.3 (note 152). That process has remained for 30 years. The current commission structure has been periodically criticized with the inverse logic of that directed at the 1990 commission. The original was criticized for having members who knew too much of workers' compensation, and the latter to include members who allegedly know too little of it. Both criticisms have been thoroughly discussed. There is consensus only that no perfect system exists, but that the current restriction on membership strikes a fair and appropriate balance of the various challenges and interests.

Though there were various judges in the "modern era" who were not reappointed by some particular Governor, there have been few instances in which the Commission did not re-nominate a sitting judge. Candidly, that has not been any shortcoming of the Commission. Notably, few lawyers choose to oppose a sitting judge. And when there is notice of such opposition, judges have been effective in preparing and presenting responses. The Commission has been open, patient, and diligent in providing both a transparent forum and careful consideration.

In the "modern era" of the 1994 nominating commission there have been a few lawyers who made significant efforts to impugn and oppose various judges in the reappointment process. Some brought negative perceptions and innuendo, others brought specific trial and/or appellate decisions. One was even accused of paying a private investigator to follow and document habits of a judge. In these, there were accusations, responses, deliberations, and votes, but in most instances the commission nonetheless voted to recommend



reappointment. Perspectives on this history obviously differ, and that is likely true in any selection process. Perceptions will necessarily differ and perfection will remain elusive. Nonetheless, the current process has worked with efficiency and effectiveness for three decades.

In another curiosity, 1994 began a period in which the Nominating Commission was required to either recommend reappointment or not, but nominations for reappointment were required to

include a list of three candidates for appointment. The candidates shall include the judge whose term is expiring, if that judge desires reappointment. Section 440.45(2)(c), Fla. Stat. (1994).

This was intended to facilitate replacement in the event the Governor did not choose to reappoint. This process expedited consideration of alternative candidates. However, there were practical challenges that the Legislative process did not foresee. Few practicing lawyers were willing to apply for a position in opposition to an incumbent judge. As a result, there soon evolved a practice of “straw” applicants who would place their name in consideration before the Commission but who had no real interest in that particular appointment. Often, these straw applicants lived significant distance from the particular position and were clear in their disinclination to relocating. Some, such as Nolan Winn (*see* Page 319) applied multiple times for the accommodating purpose of allowing the Commission sufficient applicants to submit a nomination for reappointment that complied with this statutory requirement.

The alternative process was enacted in 1998, eliminating the requirement for three names with each reappointment. This created the opposite challenge in the event a Governor chose to not reappoint. In that setting, post-1998, a sitting judge might possibly be advised by the Governor that she/he would not be reappointed. Then the process of advertising a vacancy, a commission meeting and interview, and that particular Governor’s interview or selection process would perhaps result in the non-reappointed judge serving for months after the non-reappointment decision.

Thus, the Legislature’s process in one instance required a parade of disinterested straw applicants to fulfill an artificial panel requirement but was expedient. In the other, it defined a simpler process in which non-reappointed judges continued to serve extensive times. There is no inherent benefit or detriment to either, but the two

approaches bear study, and each attracts criticism. They each illustrate a particular legislative intent, but also the law of unintended consequences. A significant point is that no process would likely be perfect in all circumstances, and any process would thus have strengths and weaknesses, fans and critics.

The OJCC Commission process is public and transparent. The proceedings before the nominating commission are open to the public, including any debate and the voting. This is a result of the Sunshine Law, applicable because the Statewide Nominating Commission is part of the Executive branch. Chapter 286, Fla. Stat. Despite the openness of the Statewide Nominating Commission, it remains possible that any judge might historically have doubted her or his chances of reappointment. Thus, some population of historic retirements might be conjectured to be anticipatory non-reappointment. However, such conclusions or suggestions lack factual foundation, and are the stuff of rumor and innuendo that is both distasteful and challenging.



*Industrial Commission  
Chair Walter L. Lightsey,  
Credit Florida Memory,  
Florida Secretary of State,  
State Archives.*

# XV.

## Chapter Fifteen: the Adjudicators

Certainly, many other adjudicators have interpreted workers' compensation issues in Florida. This includes Circuit Judges who were confronted with exclusive remedy and immunity defenses in civil suits, as well as contract issues, lien distribution issues, and more. And various judges of the First District Court of Appeal and Supreme Court have left an indelible mark on the adjudication of benefit entitlement under Chapter 440. As discussed in Chapter 12, the Administrative Law Judges (ALJ) of the Division of Administrative Hearings periodically hear workers' compensation reimbursement disputes. However, their histories are separate and distinct, and this is a history of the administrative adjudicators of substantive disputes.

The historical Florida workers' compensation trial adjudicator titles, years, and notable changes are:

- 1935 - Commissioners (Florida Industrial Commission)
- 1935 - Deputy Commissioners
  - 1941 - Deputy Commissioners mandated
  - 1942 - All Deputies required to be lawyers
  - 1955 - Deputies (all commission employees) at least two-year Florida residents
  - 1961 - Deputy Commissioners full time  
Gubernatorial appointee approval codified
- 1970 - Judges of Industrial Claims
  - 1974 - Gubernatorial appointment of judges codified
  - 1978 - Code of Judicial Conduct Imposed,<sup>395</sup> and first unique nominating commission
- 1979 - Deputy Commissioners
- 1990 - Judges of Compensation Claims
  - 1990 - First dedicated nominating commission
  - 1994 - Present unique nominating commission

This illustrates how the Florida adjudicatory process has evolved. The original Industrial Commission, formed in 1935 with the creation of Florida workers' compensation, served as both trial and appellate adjudicators until about 1939. By then, the commission focused on its

appellate responsibility and relied consistently on deputies to perform trial functions. Deputies were used, and in 1941, they were mandated. Those part-time deputy positions were largely viewed as political patronage as were the positions on the commission itself. Morill, *WORKERS' COMPENSATION* (1995), at 176 (*see* Chapter 4).

Initially, the Deputies “were required to spend two days a week hearing workers’ compensation cases” and largely practiced law with their remaining time though not in the workers’ compensation practice. Morill, *Id.* There are examples noted in which some deputies may have seemed less productive than their peers. There were instances of “special project” assignments cited to explain workload disparity. In some instances, there was at least the potential for an appearance of patronage over performance.

In 1950, the press noted that “the number of deputy commissioners...has been increased this year,” 12 instead of 10 in 1949, “and the year before, there were eight.”<sup>396</sup> That exposé included analysis of claims volume, and discussion of the Deputies’ salaries increasing from “\$3,000 a month” to \$4,325 for a part-time job (that figure was for all Deputies combined, and equated to a change from \$38,629.79 to \$55,691.28 per month in 2024 dollars). *Id.* In 1950, there were 12 deputies, and “all except two of the deputy districts had one deputy commissioner.” *Id.* The exceptions were Miami and Orlando. There was some curiosity or criticism about Orlando. The press noted “Deputy Hodges, of Orlando, disposed of 161 cases” in “the first eight months of 1949.” *Id.* During that same time, “Deputy Segal, of Orlando, disposed of a total of 34 cases.” *Id.* The press mentioned that Deputy Segal was “a former law association of Commission Chairman Raymond E. Barnes.” *Id.* However, Deputy Segal was said to “be doing other work for the division under the personal direction of Barnes.”<sup>397</sup> Whatever the facts, the appearance was troublesome.

Another example in that decade saw a “lame duck” appointment of Deputy Dandelake (*see* Page 212). He served as campaign treasurer for Acting Governor Johns. This was an odd circumstance because Governors in that era could only serve one term. However, due to Governor McCarty’s untimely death, the Senate President, Charlie Johns, had become Acting Governor. He was striving to succeed himself in that next election. When he was unsuccessful, in November, campaign treasurer Dandelake was named a Deputy in Jacksonville, but served a matter of weeks until the inauguration of the new Governor. It is doubtful that he contributed significantly to

decrease the workload of the existing deputy in those weeks. It is unknown if he ever heard a case or entered an order.

Certainly, there were persistent workload disparities across the state. Throughout the existence of Florida workmen's/workers' compensation, Florida has evolved, grown, and matured. Portions of the state that were barely inhabited in 1935 have become population centers by the 21<sup>st</sup> century. With the growth and evolution, any expectation of organically maintaining workload parity is at best naïve. Despite the probability of workload disparity, there was little investment in equalizing workload, beyond the sporadic deployment of additional judicial positions. There were occasions when a particular county was shifted from one District to another, but such efforts were essentially the only viable management tool available. Once the OJCC was subordinated to the Division of Administrative Hearings in 2001, the video technology already in use there afforded a novel opportunity for redistribution of workload to the advantage of judges and litigants alike (*see* Chapter 26).

From oral history, it has also been suggested that these Deputy positions were seen as “stepping stones” and not careers.<sup>398</sup> That too is borne out in the biographies here. Many adjudicators from this system were appointed or elected to other adjudicatory roles or evolved into other occupations. That seems particularly noteworthy in the first Deputy era. All but three of those who are noted above as serving over 20 years each began service after 1970,<sup>399</sup> supporting that the trend toward career adjudicators began then, at the end of the FIC era and after the positions had become full-time. Notably, only two adjudicators are known to have held all four workmen's compensation titles (*see* Pages 186 and 224, footnotes 1 and 4).

The adjudication process in the first 25 to 35 years of Florida workers' compensation simply tended to shorter-term adjudicators in a part-time process. There was an accepted and apparent patronage character to those appointments, and no expectation of a career in this administrative system. Informality and transience were hallmarks of that era. The changes in 1961 marked recognition of the workload and system challenges, while those in the 1970s reflected a desire for increased professionalism and standards. The absence of significant statutory change regarding adjudicators in the “modern era” since 1994 might signal satisfaction. Alternatively, it might reflect a level of Legislative or community acquiescence in a regulatory environment that has other more pressing issues and challenges.

Historically, the locations for workmen's compensation adjudicators were not permanent. While the FIC operated and staffed

offices in various Florida cities, those were primarily intertwined with the unemployment compensation, workplace safety, and other responsibilities. It is notable that unemployment compensation was adopted in Florida soon after workmen's compensation. It was an imperative of the depression era, related to a variety of federal efforts at economic stimulation, public works, and was largely funded by federal largesse. Governors of the era recognized the impact of those programs, and the federal tax dollars they drew to Florida (*see* Chapter 4). Unemployment was predominant in this regard. Compared to the unemployment system, the workmen's compensation adjudicators were relegated to less formalized locations and accommodations. While one might view that as disparity, the part-time nature of Deputy service cannot be discounted. In the part-time era, full-time, staffed offices were neither necessary nor provided for the workers' compensation adjudicator. The transition to staffed judicial offices likely coincided with the 1961 evolution to full-time Deputies. There is evidence of "new" offices opening in the decade thereafter.

The passage of workmen's compensation did not come with outside (federal) funds attached. Workmen's compensation was to be funded through assessments to be self-supporting. The magnitude of the federal unemployment funds, and the comparisons to the workmen's compensation system, were aptly illustrated in a 1967 article following the election of Claude Kirk, the first Republican Florida Governor since Reconstruction. The newly-named Commission Chairman made various staffing and organizational changes, and noted that "\$200 million of the commission's budget (came) from federal unemployment tax collections," about 83.5%.<sup>400</sup> An additional 1.7% came "from state funds," and "the balance (came) from workmen's compensation levies." *Id.* From this, the total commission budget of \$239 million can be extrapolated (\$239 million = \$200 million/.835). The 1.7% that came from "state funds" was thus likely about \$4.1 million. Therefore, the workmen's compensation portion of the Industrial Commission budget was about \$35 million or about 15% of the total.

The Legislature recognized the challenges of launching a new organization in 1935. In an effort to enable and support the fledgling Industrial Relations Commission, it delegated burden to "all branches of county, city, and town governments" requiring that they "shall assist in the administration of this law." Section 5966(43), Fla. Stat. (1935). That requirement persisted into the 1950s. Various news reports of that time make reference to the county-specificity. Deputies

were referred to periodically as “judges” of the “county industrial commission”<sup>401</sup> or the “Industrial Commission Court in and for” a particular county.<sup>402</sup> These references are difficult to reconcile with the statute, but may reflect the contemporaneous perceptions of local government support for those Deputies. Appearances may have indeed mattered.

Perceptions and personality have been noted even in the “modern era” of full-time judges. One judge notably renovated a state office, at personal expense, to have a bench, witness stand, and similar accoutrements. That judge would frequently have the office security, when they were State Troopers, leave the office entrance unattended to stand in the makeshift “courtroom” just as a bailiff might in a court (*see below*). Similarly, various workers’ compensation judges have persisted in affixing the state seal to orders as if that action affords some imprimatur or efficacy not conveyed by a judicial signature (it does not). That practice wasted many hours of time and effort. And some have persisted in wearing robes in order to convey or express authority or prestige. Just as the administrative judges are not a “court” and cannot become one through such vestiges, neither were yesterday’s Deputies appropriately called “judges” or an “industrial court.” Nonetheless, there is the appearance or the inference that might be drawn from such decisions or references.

Thus, the location of the Deputy Commissioners was somewhat fluid, and districts or offices shifted and adjusted as various Governors and Deputies came and went. In the early history, resources were nominal, and the Deputies utilized personal law offices and local government facilities for hearings. Inference may be drawn that other government buildings and facilities were also used. The history regarding office locations also demonstrates shifts and adjustments as the historical predominance of north Florida eroded and population, industry, and tourism expanded in central and southern Florida. That evolution is apparent in the various adjudicator biographies (Appendix A, Page 185 and in Appendix B, Page 323).

Over the course of this history, for about 60 years, there was little concern regarding security or safety in workmen’s/workers’ compensation proceedings. Undoubtedly, there were angry individuals periodically involved in these proceedings. Nonetheless, the various OJCC district offices were reasonably open until 1996. That year, an angry worker made his feelings known by presenting at the office of the lawyers defending against his workers’ compensation claims. He took hostages and discharged a weapon. Attorney Kennie Edwards was killed and a partner in the firm, Arthur Pumpian (a

former adjudicator, *see* Page 285), was wounded.<sup>403</sup> The tragedy was a communal shock. In its aftermath, some expressed utter surprise. Others quietly recalled prior moments of anxiety or even fear during proceedings. There were immediate questions regarding safety, and in the next legislative session an appropriation was added for District Office security. This was provided by the Florida Highway Patrol until 2002 when a contract with a private security company was substituted. The focus on safety has remained since that tragic event, and many law firms similarly undertook preventative measures. The Palm Beach County Bar Association presents an annual Kennie Edwards Professionalism Award in recognition of this profound tragedy and the exemplary bravery of that lawyer. The attack literally re-shaped the environment of Florida workers' compensation adjudication.

Deputies have consistently been located in Jacksonville, Miami, Orlando, St. Petersburg, Tallahassee, and Tampa since the beginning. Pensacola has been reasonably consistent since that time, though there was some early vacillation with periods in which the nearest Deputy was in Panama City or Marianna.

Lakeland was added in the 1940s, and Daytona, Ft. Lauderdale, Gainesville, and West Palm Beach in the 1950s. Those locations remained reasonably static for years, before Ft. Myers and Melbourne were added in the 1970s. The late 1980s brought locations in Panama City, Port St. Lucie, and Sarasota. These offices all persisted through the 30 years that ended in 2019. For much of that period, the existence of those offices was required by section 440.44(5), Fla. Stat. (2001). The requirement to maintain district offices was codified when the OJCC became part of the DOAH, and the requirement answered a community concern that all adjudications would be centralized as the DOAH ALJ staffing had traditionally been, a "central panel."

In the spring of 2020, a worldwide pandemic slowed the world of work and business, and in some instances ground it to a halt. There were various adjudicatory systems that halted operations, closed offices, and sent staff home. The OJCC persisted through that time without any significant office closures (for more than cleaning). Mediations were shifted to a telephonic paradigm, and judicial discretion allowed judges to hold many hearings on various internet video platforms. Prior to the pandemic, telephonic mediation had been allowed for claims adjusters and others could be allowed to appear telephonically with mediator permission upon specific request. When the emergency subsided, the telephonic mediation mandate was



twice rescinded, leading each time to an avalanche of filings seeking specific telephonic permission in particular cases. The negative community reaction regarding the second attempt to return to presumptively in-person mediations was early in 2021.

Coincident with the onset of the pandemic (Sars-CoV-2; “COVID-19”), a decades-long effort to address Judge of Compensation Claims salary stagnation (*see* Chapter 8) successfully passed the Legislature. However, in the deepening concerns of the pandemic, the Governor vetoed the bill. As district office operation progressed to normal after the pandemic, and in recognition of the many efforts to leverage technology (*see* Chapter 26), district staff was reduced from three per judge to two in 2021. This led to cost savings. And in the 2021 legislative session, section 440.44 was quietly amended in the budget process to remove the 2001 requirement for district office operations of the OJCC. Whether influenced by those cost savings or otherwise, there was a significant adjustment in adjudicator salary in 2022.

The closure of offices soon began in earnest. In fiscal 2021-22, offices were closed in Lakeland (largely consolidated into Tampa), Melbourne (consolidated into West Palm Beach and Daytona), and Port St. Lucie (consolidated into West Palm Beach). In 2022-23, offices were closed in Daytona (consolidated into Orlando), Gainesville (consolidated into Jacksonville), and Sarasota (consolidated into St. Petersburg). In 2023-24, Panama City was closed (consolidated into Pensacola and Tallahassee). Additionally, plans were finalized that year for the eventual closure of St. Petersburg (consolidating into Tampa), and for the consolidation of the free-standing Tallahassee district office into the DOAH space.

Thus, the workers’ compensation adjudicators have served in a historically diverse physical setting. From a very informal beginning, physical locations have evolved to a growing regional distribution, to a statutorily-mandated seventeen locations, to a more compact ten-office, largely regional, approach.



*Damage from the 1926 hurricane - Miami, Florida.* Credit Florida Memory, Florida Secretary of State, State Archives.

# XVI.

## Chapter Sixteen: Judicial Independence

The adjudicator positions evolved into full-time positions in 1961. Despite being full-time, and perhaps with a diminishing appearance of patronage, there remained perceptions of bias in the system. There was arguably influence from the top downward, at least from the Florida Supreme Court's interpretations of "the liberal construction" premise in favor of injured workers. *See* Langham, Chapter 69, Presumptions (note 152). That interpretation or presumption was not in the statutory language and was wholly court-created. The statutory correction for that historic misconception and judicial legislation came only after about 60 years of Florida workmen's compensation.

Admittedly, the early years also included tangential pressure from the federal government. It was an age of growing federal intervention, broadening interpretations of the Commerce Clause, and expanding socialism in American society. With expanding federal intervention and partnership came pressures for "Merit Selection" and diminished patronage (*see* Chapters 4 and 16). Intriguingly, however, when Merit Selection was statutorily mandated, the adjudicators were specifically exempted.

In addition to the apparent liberal lean of the Court, there were at least allegations of suggestion, direction, or subtle pressure on adjudicators from the executive branch leadership. Rumor and innuendo suggest such criticisms early in the "full time" era. But in the wage-loss era after 1979, criticisms were better recollected or documented. The outspoken Judge John Paul Jones (Page 252), who was later not reappointed by Governor Chiles, made such accusations openly in the press. Some perceive his comments as hyperbole, particularly in light of his singular willingness to speak out. Others have suggested that any singularity resulted from Judge Jones unique bravery or naiveté, but that a broader and unspoken pattern of influence existed. The press reinforced the perception of influence, noting in 1992:

"Judges were told how to rule in cases and were often required to make political contributions for their reappointments. Applicants for judge positions were

often asked to make contributions before they were appointed.”<sup>404</sup>

Any debate of those perceptions or allegations is now largely lost to first-hand history. Those who might substantiate or disavow such a practice of influence have largely passed on. Nonetheless, there are press reports that substantiate such patronage, some directly from iconic judges such as Gustavo Fontaine (*see* Page 224). In the present, we are therefore largely dependent upon the press coverage of the era and left to our own analyses.

Notably, the Florida Secretary of Labor, Frank Scruggs, strove to return control of judicial appointment to the Governor in 1992. There were perceptions, at least, that the shift to a nominating commission paradigm in the 1970s had inappropriately constrained gubernatorial discretion. However, critics of Secretary Scruggs’ efforts, such as Judge Joe Willis (*see* Page 318), characterized that effort as “a great step backwards.” There is the suggestion that this referenced instruction or direction from Tallahassee. In the press coverage of that era, one may perceive at least innuendo regarding feelings of top-down pressure or influence. It is fair to conclude that various perspectives persisted regarding the public commission, the reappointment process, and retention generally.

That said, the historic perceptions about the ability of the early Deputy Commissioners may be gleaned elsewhere, at least inferentially. The Industrial Relations Commission (IRC) of the 1970s described its perceptions of the part-time adjudicators of the Florida Industrial Commission (FIC) era when addressing a question of jurisdiction. It conceded the challenge with jurisdiction and cautioned:

We must remember, though, that these procedures, and much of the jurisprudence surrounding them, are not far removed in time, nor completely in fact, from ‘yesterday’ when the trial was not really a trial as is now known, but more of a hearing before a part-time employee of an administrative commission whose qualifications were not necessarily legal or judicial in nature. *McDonald’s Drive-In v. Shrewsberry*, IRC Ord. 2-3013 (August 2, 1976).

That ignores that Deputy Commissioners were attorneys since 1942. And perhaps, in that, this critique may have been directed more toward the predecessor FIC itself as an appellate body. Nonetheless,

15 years after the adjudicators had become full-time, there was a remnant of credibility questions about the adjudication process (“not really a trial”) that prevailed between 1935 and at least 1961 (full-time judges) and perhaps 1968 (the end of the FIC). There remained perception of the process being less than a trial, less than a full measure of due process in the sense we now enjoy and appreciate. Thus, one might view 1961 as a watershed moment in the evolution of workers’ compensation adjudications, but the ongoing evolution afterward is as worthy of examination and appreciation, as is the perceptions of those involved in the 1970s changes.

In 1970, Steve Slepín was appointed Commission Chairman and was directed to “professionalize” it. Morrill, *WORKERS COMPENSATION IN FLORIDA 1935-1995*, (1995), at 179. Chairman Slepín perceived that judges and commissioners viewed their roles politically, and the judges “tried to adhere to what they took to be the directions of their political superiors.” *Id.* at 180. That perception may be directed more at the appointing authority, the Governor, but might also include the Court (“liberal interpretation, *above*) and the Commission. However, there is evidence supporting that his criticism was targeted at the executive.

Commissioner Slepín concluded “that the judges were having to buy their offices and they were having to buy their retention in office and were lackeys of the administration in power.” *Id.* From the foundation of his contemporary perceptions, Mr. Slepín is credited with doing much to enhance the professionalism of the workmen’s compensation bench and to modernize the litigation process. It is notable that he is widely credited with facilitating the adoption of the first Supreme Court procedural rules for practice in this field.

Though that credit is appropriate for the accomplishment and progress it brought, those who credit him more absolutely with adopting “the first rules” somewhat overstate the premise. There were various rules adopted before the Florida Supreme Court entered the field in 1973. *Florida Workmen’s Compensation Rules of Procedure*, 285 So. 2d 601, 601 (Fla. 1973)(*See also* Langham, Chapter 30, Rules, note 152). Even after Mr. Slepín departed, professionalism remained a management focus. A prime example was the Legislature incorporating standards for judges by adopting the Code of Judicial Conduct for JCCs. Section 440.442, Fla. Stat. (1978), *See* Langham, Chapter 25, Code of Judicial Conduct, (note 152).

While much of the day-to-day of that era is now archived beyond the reach of any but a full-time researcher, there are critical examples of somewhat blatant top-down interference with adjudicator

independence in workers' compensation after the 1970s, and through the end of the 20<sup>th</sup> century. Chief Judge Shirley Walker published Administrative Order I to the judges in 1994, concluding that the statutory mandate for approval of "attorney fees" in section 440.105 (1994) did not apply to defense attorney fees. Another notable example was her memorandum in March 2000 that established a *de facto* rule presumption regarding recoupment of child support arrearages when settling workers' compensation cases. Each of these illustrates blatant and inappropriate "top down" interference with judicial independence.

Both examples demonstrate that efficiency or conformity may result from such interference. But, expediency does not justify or excuse such interference. Each of those memos has drawn criticism and conversation in the 21<sup>st</sup> century with some advocating for a similar extra-judicial repeal of these actions on the undeniable basis that they were extra-judicial. The irony of those calls, the advocacy for a second wrong to be added to the first in hopes of equaling a right, is seemingly lost on many. Nonetheless, no such top-down efforts have occurred with the adjudicators in the 21<sup>st</sup> century.

Historically, it is worth noting that there is this evidence of such pressure in the noted allegations and examples in the 20<sup>th</sup> century. One must therefore admit the potential exists. Notably, the two documented examples (*above*) involved Judge Walker, an appointee of Governor Chiles. She was considered by all to be a dear person and a popular choice for Chief. However, she came to workers' compensation leadership having never served as a trial judge, or an administrator. She came without significant experience in workers' compensation. Some believe that the constraining language later added to the law was an indirect reference to perceptions of skillsets perceived as historically underdeveloped or undervalued in the earlier Chief Judge process ("knowledgeable in the law of workers' compensation," section 440.45, Fla. Stat. (2001) and "The Deputy Chief Judge must demonstrate prior administrative experience and possess the same qualifications for appointment as a judge of compensation claims," section 440.45(1)(a), Fla. Stat. (2001)).

The historically voiced allegations of "top down" influence have been perceived by some as having returned in the 21<sup>st</sup> century. In recent history, various attorneys have expressed what may be seen as derogatory opinions regarding subjective beliefs and conjectures. Others have concluded that those perceptions and opinions have been expressed without evidence. Nonetheless, some have not hesitated to expound or opine<sup>405</sup> with personal perceptions, theories, and

allegations. In any event, it is fair to admit that the potential for inappropriate top-down pressure or direction exists, and that history certainly supports untoward occurrences above that are worthy of study and consideration.



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*Meeting friends along the Dixie Highway in Florida.* Credit Florida Memory, Florida Secretary of State, State Archives.



# XVII.

## **Chapter Seventeen: Judicial Performance and Perceptions**

In considering the earlier historic perceptions, Florida's constitutional and gubernatorial history bears further consideration. Following Reconstruction (1865 to 1877), Florida Governors were predominantly Democrats, with Republican administrations only in 1967 to 1971 (Claude Kirk) and 1987 to 1991 (Robert Martinez), until late in the waning days of the 20<sup>th</sup> century when the election of John "Jeb" Bush in 1999 began a different trend.<sup>406</sup> Thus, regarding appointments and reappointments, some might draw conclusions linked to politics. Others might suggest that early perceptions of influence were simply a product of an immature and evolving adjudicatory system. They would likely point to the absence of statutory clarity regarding judicial standards, until the 1978 application of the Code of Judicial Conduct, though application of that benchmark also had its challenges.

The Code was never intended for executive branch judges, as evidenced by its focus on subjects such as campaigning and election. In 1994, the Legislature sought to address the overbreadth and instead restated applicable parts of the Code of Judicial Conduct in the statute. This was perhaps for clarity as to which Code sections were imperatives in the executive branch. However, this was also seen as highlighting its importance, "emphasiz(ing) the point."<sup>407</sup> *See also* Langham, Chapter 25 (note 152).

It is notable that debate ensued following the 1994 reforms that clarified the Code, with one judge noting in response "as far as we know we were always under the Code of Judicial Conduct," *Id.* even before that was legislated in 1978. Ironically, the same judge reportedly "once called an attorney 'scum bag' for speaking against his reappointment," and some attributed parts of the 1994 reforms to that judge, John Jones (*see* Page 252), and perceptions of his behavior.<sup>408</sup> Additionally, that immature system argument would likely also rely largely on the part-time nature of the adjudicator role until 1961, and the absence of a public input apparatus, the nominating commission, until 1974 or more realistically 1978.

It is worth noting that the Code of Judicial Conduct did not have an immediate and pervasive impact, even when the statute was

clarified in 1978. The press noted in 1979 that “the court of Industrial Claims is not a real court.”<sup>409</sup> This oxymoronic statement ignored that there never was any “court of Industrial Claims.” *Amends. to the Fla. Rules of Workers' Comp. Proc.*, 891 So. 2d 474 (Fla. 2004). The failure of the press to note this contemporaneously is lamentable, but not inconsistent with pervasive historical, informal mislabeling of the adjudicators as “court.” This press criticism noted that the workers’ compensation law was tilted toward workers, but provided no insight or criticism into the judicially created “tilt” in that direction. Thus, while there was criticism, it involved seemingly minimal study or foundation.

That particular 1979 criticism was somewhat localized. It noted that the “new Orlando offices, serving a clientele of many black farmworkers, included three Confederate flags on the walls.” *Id.* There were allegations that “a number of the senior judges are products of patronage appointments,” *Id.* and that newer judges lacked experience in workers’ compensation.

A blatant informality was perceived in office “bulletin boards (that) carr(ied) invitations to cocktail parties sponsored by the attorneys who practice(d)” there. *Id.* Summarizing the criticism, one claims professional was quoted noting “the majority of JICs are incompetent attorneys. That’s why they’re JICs.” That commenter described that it was difficult “to find a good attorney that wants the job.”<sup>410</sup> That was not a unanimous sentiment, with attorney Robert McAliley (*see* Page 267) quoted there complimenting specifically “south Florida judges.” *Id.*

Thus, there was criticism for the patronage, but also for the JIC’s lack of constitutional powers, enforcement authority, and more. There seem sentiments both about some judge’s behavior and shortcomings, but coupled with lamentation that they were not more powerful. This illustrates a broad dissatisfaction with the adjudication process, but also specifically with some judges. It also demonstrates a somewhat shallow analysis. And the press reporting perhaps leaves the reader wondering what solution the press supported. Nonetheless, the criticism in that era likely fed the portions of reform that would soon “strip the JICs of what judicial trappings they have, call them deputy commissioners again and make them clearly answerable to the Secretary of Labor.” *Id.* This was notably coincidental with the “Supreme Court commission...(suggestion to) eliminate the JICs and turn their functions over to circuit judges” *Id.* (*see* Chapter 8).

Reform came in 1979. Nonetheless, workers’ compensation judges were back in the news in 1992. Judge Alpert, by then having left the

bench to practice law, noted “you’re dealing with a process that’s defective.”<sup>411</sup> The Labor Secretary complained that judges could be “perpetuated in office without involvement by the electorate.” *Id.* He characterized Judge of Compensation Claims as “a lifetime appointment.” *Id.* That, of course, was hyperbole that is readily contradicted by the fact that very few have made a career as a Florida workmen’s/workers’ compensation adjudicator. Only a handful have ever served over 20 years (*see* Appendix B).

These 1990s criticisms referenced the then recent arrest and conviction of Judge Louis Tidwell (*see* Page 306) on charges of “lewd and lascivious act(s) upon a minor” *Id.* and more. The leadership in 1992 was Chief Judge Walker. She responded that there had “been some bad apples,” and argued misbehavior must be minimal because no judge has “ever been removed.” *Id.* While perhaps technically accurate in her perspective and lacking the benefit of this deeper foundation in the history of workers’ compensation, there is ample evidence in this text of trial adjudicators being replaced and the significantly short terms of office historically.

Pointing to the then recent reappointment of Judge Jones by Governor Martinez, the Secretary of Labor at that time alleged that there could be an appearance of “politics” in the process that would not exist in a process of “reappointment by the committee” (nominating commission, *see* Chapter 103). *Id.* That perception is curious since such reappointment was precisely what existed in 1992, which led to the litigation and statutory amendment in 1994. Whether his perceptions were misconstrued or whether he did not appreciate the existing process is less than clear. Nonetheless, it is fair to say that the Office of Judges of Compensation Claims had critics in the early 1990s, with fears of patronage, examples of extremely poor judicial and personal character, and political friction between the Executive and Legislative branches as regards the (re)appointment process.

The Secretary might well have had a point regarding reducing or minimizing the appearance of politics. However, after the appointment process was litigated and re-legislated in 1994, further criticism soon surfaced, including more allegations of politics. The second time Judge Joseph Willis (*see* Page 318) was not reappointed, the press insinuated dissatisfaction. Governor Chiles had first chosen not to reappoint Judge Willis in Sarasota. *Jones v. Chiles*, 638 So. 2d 48 (Fla. 1994). However, he later appointed Judge Willis in Orlando. When Judge Willis was recommended for reappointment there in 1997, he was again denied. Allegations of patronage and politics were made regarding Governor Chiles’ earlier decision regarding Judge

Willis and “two other highly respected jurists” and his most recent decision not to reappoint Judge Willis in Orlando. The Governor instead appointed Judge Thurman in Orlando. The press was critical of Judge Thurman’s lack of workers’ compensation experience and his recent reelection defeat for the Circuit bench in Dunellon. There was discussion of his long commute from there to serve in Orlando, almost 100 miles one-way. The press noted that “Thurman’s wife, Karen, is a powerful Democratic congresswoman - (which) played no part” in the appointment. Governor Chiles’ general counsel, Dexter Douglas, noted at the time, “I guess any time you make an appointment, those who don’t get the appointment say it’s politics. I don’t know what you do about that.”<sup>412</sup>

Despite significant efforts and achievements, the OJCC has periodically been perceived as lacking professionalism even after the Code was adopted in 1978. For example, there have been “full-time” judges that allegedly failed to devote full time to the job. Anecdotal recollections abound among seasoned practitioners related to judges who would truncate hearings mid-stream to accommodate personal errands; a favorite legend regards a manicure appointment. There were routine instances of trials starting very late due to a judge’s inexplicable tardiness; a favorite legend regards a judge’s Christmas shopping. At one time, parties were accustomed to waiting a year after trial for a determination; that frustration persisted even in the “modern” era of the 1990s. Even when trial adjudications were so tardy, the judge’s decision was then usually only a letter instructing one of the parties to do the judicial work of preparing an order.

Orders were thus the work product of prevailing attorneys, often with little perceived input or participation by the assigned judge. This caused consternation among parties, and occasionally appellate review. *See Dade Cnty. v. Turnbull*, 572 So. 2d 540 (Fla. 1st DCA 1990). In one instance, the appellate court eventually intervened in a dispute between a JCC insisting on proposed orders and an attorney declining to submit one. That analysis clarified “a JCC may request that each party submit a proposed order, but (that) opportunity...is one which a party...may elect to forgo.” The appellate court granted *Mandamus* and told the JCC to prepare and enter an order. *Valdes v. Galco Const.*, 883 So. 2d 359, 361 (Fla. 1st DCA 2004)(“the JCC is directed to issue an order”).

In the 1990s, petitions often languished in inventory, unaddressed and unresolved. Even after the statutory changes requiring a ruling within 30 days of trial, some judges would simply not “close” the trial record despite all evidence being adduced. Instead, those judges

would procrastinate and recall the parties periodically after trial had concluded for serial “status conferences,” purportedly to discuss the case. Some perceived this was intentional delay to encourage settlement while others perceived it as sloth. In any case, there were few that ever spoke of their frustrations and fewer still that did so publicly. Some instances were documented in which many years passed without entry of a final order.<sup>413</sup>

There was a general perception of malaise among some of the OJCC judges in the 1990s, and the pursuit of timeliness and efficiency struggled to take root. There was a reluctant acceptance of the existing timeliness paradigm, with many expressing dissatisfaction and disrespect related to various judges but always outside those judge’s earshot. Some judge’s practices and delays resulted in both late orders and large pending petition inventories. Dockets managed some judges when the inverse should have been true. At the end of 2006, one judge had a year-end inventory of almost 6,000 pending petitions. 2005-06 OJCC ANNUAL REPORT, page 11. For the entire OJCC in 2006, only 57% of final trial orders were entered within 30 days and only 86% within 100 days. *Id* at page 31. For comparison, in 2020, 94% were entered within 30 days and 99.6% within 100 days. 2019-20 OJCC ANNUAL REPORT, page 43.

As years passed, anecdotal examples of tardy orders continued, with some judges perhaps returning sporadically to the ambivalence of the 1990s. Nonetheless, the OJCC has come a long way in the 21<sup>st</sup> century and currently enjoys a well-deserved reputation for efficiency and dedication. This by no means suggests the bench is perfect; room for improvement always remains. Too many trial orders are still entered after the 30-day statutory requirement. Undoubtedly, there are current judges who too often struggle with timeliness. Nonetheless, the workers’ compensation bench today is far more effective than it has ever been.

There have also been ethical concerns with the Florida bench. Judges have been perceived as accepting, and even soliciting, gifts from lawyers and others. One newly appointed judge, in clearing out an office space, found many bottles of expensive alcohol with gift cards to the former judge from local attorneys, rehabilitation expert witnesses, and others. Alcohol in state offices is at best inappropriate and is likely illegal. Beyond that, however, the acceptance of gifts is clearly illegal and accepting them from those with an interest in the judge’s adjudications is frankly unforgivable.

Another judge was said to have posted a “bridal shower” registry list in a district office, related to a family member’s impending

marriage. The oral history about that posting says that list included many expensive items, including even furniture and appliances.

Another judge was said to actively engage in fundraising for a charity in a district office by advertising and holding raffle drawings there. While that example dates early in the 21<sup>st</sup> century, it was not singular. The news supported that fundraising was alleged even in the infancy of workmen's compensation, with a Deputy in 1939 pushing \$2.50 (\$55.81 in 2024 dollars) Jackson Day Celebration (a political fund-raiser) tickets on those who appeared before him.<sup>414</sup>

Other legends recount stories of judges at social events in unflattering circumstances, inebriated, disheveled, and otherwise inappropriate. There are various stories and legends, some less egregious than others, but many clearly inappropriate under the Code, and its broad "appearance of impropriety" and "integrity" standards.

Before the Code was statutorily imposed on the workers' compensation adjudicators in 1978,<sup>415</sup> there were reports of open participation in partisan politics by Deputy Commissioners.<sup>416</sup> And, until the 21<sup>st</sup> century, there was a perception of a spirit of largely ignoring the Code of Judicial Conduct, despite its statutory application beginning in 1978. Through the 1990s and into the next century, there persisted perceptions of *ex parte* communication, favoritism in decisions, concocted or conspiratorial disputes focused on contriving legal interpretations, and more.

Some OJCC staff was accused of performing personal work for pay on state time and property and misusing state resources in the process. Those instances were allegedly known to, and in some examples allegedly accommodated by judges.

Each holiday season in the 1990s, lavish gifts from law firms would flow into various district offices despite various legal prohibitions. There was a suspicion that practitioners who did not send gifts might not enjoy favorable treatment in that district thereafter. Some perceived unwritten expectations for such gifts, of escalating value and even gaudiness.

Rebounding from this past, the OJCC turned a corner in the 21<sup>st</sup> century, and now has a reputation befitting its responsibility to the community. There was no corresponding statutory change in standards, gifts prohibitions, or the Code. There was a change in expectations, however, beginning with the OJCC transfer to the DOAH, leadership, and focus on the challenges of both impropriety and the appearance of it. *See* Langham, Chapter 25, Code of Judicial Conduct (note 152).

# XVIII.

## Chapter Eighteen: Initial Workers' Compensation Leadership

Regulation and adjudication regarding Florida workers' compensation began with the Florida Industrial Commission (FIC) in 1935. Each of the three commissioners was appointed pursuant to section 5966(42). In the initial statute, one might perceive various conclusions. The most obvious is that the initial staffing might seem ambitious, perhaps underestimating the potential volume of disputes and management challenges. The Chair was a full-time job with broad responsibilities to start, staff, and run a new agency. The other two Commissioners were selected by the Governor from the elected cabinet. Those individuals already had fulltime responsibilities elsewhere in state government.

In that era, those Cabinet officers were more likely to be politically entrenched through the ability to repeatedly run for reelection (*see* Chapter 4). Thus, they likely possessed significant political influence, but would be engaged in this Commission only through gubernatorial delegation. This certainly lent some gravitas to the new agency and its mission. Nonetheless, asking cabinet members with existing commitments and responsibilities to serve as Commissioners in the launch of a new agency is intriguing, and frankly ambitious. It seems likely that the Legislature underestimated just how pervasive and important this innovation would be. History demonstrates that it evolved thereafter into a billion-dollar undertaking. *See* Langham, Chapter 3 (note 152).

The workers' compensation law currently requires an annual report regarding litigation. This is to be directed "to the Governor, the House of Representatives, the Senate, The Florida Bar, and the statewide nominating commission." Section 440.45(5), Fla. Stat. There have been mentions of the length and "granularity" of those reports in the 21<sup>st</sup> Century. At times, determining if those comments are compliment or criticism has been taxing. However, it is noteworthy that the first report of the Florida Industrial Commission was 898 pages long and provided minute details regarding injury, locality, industry, disability, claims, and resolution.<sup>417</sup> The effort borders on encyclopedic, with specificity that is admirable in the

computer age but more so in the age of protractors, pencils, and ledgers. That initial report likely fueled the early changes in process and built appreciation for the breadth and scope of workplace safety and injury.

The initial statute provides significant direction to the Commission. However, it provides no mandate or guidance on where and how to operate in the state. *See* section 5966(42), Fla. Stat. (1935). In the enabling statute, there is some ambiguity. The Commission was broadly allowed to “appoint and fix the compensation of employees,” but there is no mandate for, nor stated qualifications of, deputies or others. While there is clarification that the “deputy commissioner may hold sessions and conduct hearings at any place within the State,” there is no statutory clarity as to Deputy qualifications, number, or other details.

The statute preceded Florida’s adoption of any uniform administrative procedure law (*see* Chapter 12), but the Legislature nonetheless delegated the authority “to make such rules and regulations.” The scope of this delegation is seemingly boundless, and the FIC delved into legislative rule-making that defined rights on at least two occasions (*see* Chapter 12). The comparison to section 440.45, Fla. Stat. (2024) is illustrative:

Rules to carry out the purposes of this section. Such rules must include procedural rules applicable to workers’ compensation claim resolution,...and uniform criteria for measuring the performance of the office.

This modern specificity is important in the consideration of the historic rulemaking by the Florida Industrial Commission.

When Florida workmen’s compensation was born, there was no integrated bar in Florida (*see* Chapter 11). Ninety years into statehood, Florida was still maturing, and the practice of law was largely governed legislatively instead of judicially. The Florida Supreme Court’s assumption of regulatory authority remained almost two decades away in 1935. It is absolutely clear that various non-lawyers served as Florida Industrial Commissioners until the Commission was dissolved in 1968. The appellate review function continued under lay commissioners with the Industrial Relations Commission until it first became “all-lawyer” in 1971,<sup>418</sup> 36 years into Florida workmen’s compensation’s history. The struggles and obstacles to a “professional” agency are notable.



It is apparent that some non-lawyers may have also served as Deputies to the FIC in the early years. For example, thorough research has not produced any evidence, or even suggestion, that Carl E. Beck (*see* Page 194) was a licensed attorney. Press reports first began referring to the attorney mandate for deputies in the 1950s - “under the law all deputies must be practicing attorneys.”<sup>419</sup> However, that requirement was in section 440.44(4)(b)(1942)(“no person shall be appointed as director or deputy commissioner who is not an attorney at law, admitted to practice in this state”). Therefore, it is a near certainty that only lawyers served in that capacity during all but the very early (7) years of workmen’s compensation.

In 1937, the participation by commissioners “selected by the Governor from his cabinet” had been removed. It is likely that the time demands of the FIC were a burden on the participating full-time cabinet-level officers. Instead, two Gubernatorial appointees were added. They served without salary, though they were entitled to a *per diem* “when actually engaged.” That structure revision must be considered in light of the Constitutional Gubernatorial constraints on service, the elected status of the cabinet member Commissioners before 1937, and the “patronage” power of the Governor (*see* Chapter 4). The 1937 structure yielded more Gubernatorial power over workmen’s compensation specifically, and two additional patronage appointments.

Anecdotally, some will perceive the primacy of north Florida and the evolution of Florida’s population in the geographic ties of the Commission members, *see* Appendix E, Page 351. Interestingly, the 1937 statute sought some balance in perspectives, requiring that one of those appointees would be a representative of “employers” and the other of “employees.” This marks an early change in the Florida Industrial Commission, and an infusion of intended partisanship. However, there was no similar effort at any geographic diversity.

The statute, and commission, were markedly amended in 1941. In this, there persisted a purposeful partisanship in the membership. It is notable that the Chairman’s salary was explicit in 1935, but is not mentioned in 1941. Many in the workers’ compensation community remember that salaries for Judges of Compensation Claims were similarly statutorily defined between 1989 and 1994. Section 440.45(4)(1989). There has been significant criticism of the Legislature’s removal of that standard in 1994, but an objective reflection would highlight that connection existed for a very brief five years. And the earliest history of workmen’s compensation illustrates

the potential or probability for such statutory changes. Explicit statutory salary definitions came and went.

Similar to the Legislative change regarding salary, the ten dollars per day *per diem* was removed from the statute after 1941, and the “two other members” were instead paid \$1,200 per year<sup>420</sup> (\$25,496.49 inflation adjusted to 2024).<sup>421</sup> By 1955, the ten dollars *per diem* had been restored and was “in addition to” the \$1,200 annual salary (the value of which inflation had by then reduced). History supports that pay may not have received frequent attention or inflation adjustment. Whether the removal of the *per diem* had initially been intended or oversight is unknown, but its deletion and restoration anecdotally illustrate the potential for vacillating legislation and impacts on the system.

Also, by 1955, the Legislature had relieved the Chairman of various day-to-day challenges with the addition of an Executive Director. Section 440.44(3), Fla. Stat. (1955). That this was 20 years into the FIC’s existence is intriguing in light of the systemic growth in the Commission’s two predominant programs: workmen’s compensation and unemployment compensation. The growth of a bureaucracy perhaps should have been more readily and earlier anticipated but seemingly was not. Certainly, the Commission evolved, but whether that was planned in any measure, or purely reactive, remains unclear from the modern vantage point.

The issue of FIC composition, and specified partisanship, led to at least three challenges. The first occurred early in the FIC history, with the 1939 appointment of Leo Hill of Jacksonville (*see* Page 330). He was “designated as a representative of labor,” but Chairman Wendell Heaton (*see* Page 329) was also from a labor background. The perception was that Commissioner Hill’s appointment skewed the Commission in favor of labor. That was likely of contemporaneous significance because workmen’s compensation was seen as “taking” from employers when enacted in 1935. There were news outlets that perceived the nascent system as generally skewed toward labor. Therefore, any concrete example that might support such conceptions were perhaps subject to overemphasis.

Nonetheless, Chairman Heaton “resigned” (*see* Page 136). Following Heaton’s resignation, Harold Wall was appointed Chairman. He was involved in the insurance industry and served with Commissioners Wolfe and Hill. One might see imbalance there with both Commissioners Wall and Wolfe seemingly industry-related. For whatever reason, that leaning does not seem to have contemporaneously generated a similar criticism. Nonetheless, early

in its history, there was struggle with both definition and function under the specific statutory categorization.

The second challenge occurred in 1946 when raised by Jephtha “Marchant, Miami lawyer, at a hearing before the commission”<sup>422</sup> regarding a dismissal of an FIC employee. The press did not mention that attorney Marchant had recently been a Deputy Commissioner of the FIC (*see* Page 264, 1943-1944). Mr. Marchant reportedly “wanted to put into the record ‘the formal suggestion’ that (Chairman Carl B.) Smith is ‘in effect a representative of employers rather than the public.’” *Id.* On that basis, Mr. Marchant asserted that “the commission is not duly constituted according to the laws of Florida.” *Id.* Chairman Smith reportedly accepted the feedback. It is not clear that this challenge was pursued beyond being a “formal suggestion,” or that any consequence ensued beyond the press coverage. This is an interesting example of system criticism and suggestion. Lawyers often make arguments, identify issues, and in the process they seek to persuade. However, all such issues do not proceed to litigation or necessarily to trial and adjudication.

The third, and most critical challenge, occurred in 1967 when Circuit Judge Guyte McCord concluded the FIC was “not legally constituted with power and jurisdiction to review” an appeal. Though, again, not noted by the press, Judge McCord was also a former Deputy Commissioner (*see* Page 269, 1945-1946). Some might find the Judge presiding in a case against his former employer as intriguing. Others would note that his service as a Deputy was by then 20 years past.

Judge McCord’s conclusion in 1967 followed a challenge based on the appointment of “former Winter Park insurance executive” Thomas Johnston as Chairman. The judge concluded that appointment “gave the commission two employer representatives in violation of the legislative intent to balance the commission.”<sup>423</sup> Judge McCord seemed acutely aware of the potential separation of powers issues. To that end, he noted that the courts, his ruling, were not directing the executive branch as to appointment(s) but concluded:

“once he (Johnston) was performing his duty as a member of the Industrial Commission, the court then, in the exercise of its power and duty, can determine whether or not the commission (is) legally constituted under the law.” *Id.*

This novel conclusion was affirmed by the District Court. *Fla. Indus. Comm'n v. Neal*, 224 So. 2d 774 (Fla. 1st DCA 1969). This decision had the potential of stalling the Commission's work, and some might have viewed it as even a crisis. Notably, at that time, "the commission process(ed) about 200,000 workmen's compensation cases each year...(but) only about 2,000 of those cases actually (wound) up in a hearing before the three-member commission." While definitions might impact any comparison, those numbers are likely reasonably consistent with the 2024 frequency of work injury and judicial determination, despite the incredible increase in state population (Florida population was about seven million in 1970 and is over 23 million in 2024). Nonetheless, any slowing or impediment to Commission operation by Judge McCord's decision was potentially critical as regards timely outcomes. A change of commissioner alleviated the potential impacts of Judge McCord's conclusion.

In the press, there was some sense of frustration about the Commission in 1968 with various legislators asking questions, and one "urging that control of the agency be taken away from the Governor and given to the State Cabinet."<sup>424</sup> That has to be viewed through the broader change happening in 1968 as regards Florida's courts and more (*see* Chapter 8). Therefore, the potential exists that discussions about the composition of the Commission was not novel in 1968. Perhaps there were various other periods in which the backgrounds of its members may have failed a strict examination of the statutory member requirements yet evaded scrutiny through community ambivalence or acquiescence. Nonetheless, in 1968, the time was apparently ripe for seeking judicial interpretation regarding the composition that had persisted since 1937, and the intentional insertion of partisanship.

In this regard, it is also perhaps worthwhile to more broadly consider the Commission members. Some were clearly entrepreneurs and business owners. Others were employed as managers or officers of corporate businesses. And, there were those who were officers and officials of labor unions. In that *mélange* of specifics, it is possible that one might see a variety of "management" and "employee" perspectives or labels. Even a vice president of a corporation, though clearly management is likewise nonetheless an employee. With the somewhat vague statutory requirements of the time, some express surprise that the Circuit Court could ascribe or infer a particular attribute to a commissioner. Others might question how there were not more challenges regarding Commission composition.

There may have been some degree of ambiguity in the process, or misperception of roles. In the press' perceptions of the FIC composition in 1959. Upon the appointment of Commissioner Stuart Moore (*see* Page 334), the press noted he would “serve as representative of industry,” and that Walter Lightsey of Lutz represents the public.”<sup>425</sup> However, Commissioner Lightsey (*see* Page 332) was clearly affiliated with organized labor, a union member and one-time official. It is possible that the press was in error, but nonetheless, its expressed perceptions are instructive.



*Floridagold citrus employees picking oranges.* Credit Florida Memory, Florida Secretary of State, State Archives.

# XIX.

## Chapter Nineteen: Foundations for Change

The early 20<sup>th</sup> century was a time of legal precedent evolution. There had been a federal primacy regarding interstate commerce since early in the 19<sup>th</sup> century with the Supreme Court's analysis in *Gibbons v. Ogden*, 22 U.S. 1 (1824). From that steamboat navigation case had come the analysis of federal jurisdiction that would control questions for decades. The Court concluded that the application of the Commerce Clause, Art. I., Section 8, U.S. Const. afforded the federal government some authority over intrastate commerce. However, that extended to even local commerce when that activity affected or involved interstate commerce.

The scope of that intrastate regulation regressed early in the 20<sup>th</sup> century with the Court's decision in *Lochner v. New York*, 198 US 45 (1905). The years thereafter were labeled "the *Lochner* era," which is said to have concluded with *NLRB v. Jones & Laughlin Steel Corp.*, 301 U.S. 1 (1937). Thus, there was a period of some judicial restraint regarding intrastate regulation by the federal government, and that began liberalizing about the time workmen's compensation came to Florida.

The authority of the federal government was expanded further by *Wickard v. Filburn*, 317 U.S. 111 (1942). Thus, when the Great Depression began, as discussed in Chapter 6, a period of state autonomy was drawing to a close, whether states realized it or not. For example, a "federal wage-hour law" (Fair Labor Standards Act<sup>426</sup>) in 1938 "provide(d) for a minimum 25 cents hourly wage and a standard 44-hour work week for all workers producing a product going into interstate commerce."<sup>427</sup> FIC member Ewell Lay made comments in that era about how the changes might impact business generally and mentioned major Florida business interests such as citrus, agricultural canners, lumber, and cigars. As workers' compensation developed in Florida, federal intervention under the auspices of the Commerce Clause was increasing.

Another early concern, one too often possible in the real world, was that there may have been some degree of nepotism in the beginning of Florida's workers' compensation system. Some evidence suggests that one of the three FIC commissioners during the

Cone administration (1937-1941) may have been the Governor's nephew.<sup>428</sup> Another commission at that time, the State Racing Commission, coincidentally had a "state steward, Charles E. Cone."<sup>429</sup> In fairness, there was no statutory constraint that forbids such appointments, and the Governor's patronage power was among the few powers of the post-Reconstruction executives (*see* Chapter 4). However, there was a New Deal at work with increasingly pernicious influence exerted by the federal government, and patronage was seemingly dimly viewed by Washington.

Following the stock market crash and other economic challenges, federal money was being spent in new ways and with local impacts. One such impact was the manner in which federal dollars were tied to criteria or constraints. Of particular note in this context was the federal imposition of "civil service" and "merit selection." Governor Cone's contempt for these affronts to his patronage was illustrated in his less-than-veiled efforts to override decisions. He exerted pressure on the hiring processes, and when unsuccessful he sought to remove officials that resisted his will (*see*, Chapter 27). This perhaps illustrates his protection of his power, or may reflect a broader animosity to federal interference. On another issue, he complained publicly of federal legislation noting "we are bitterly opposed to the government running our State affairs."<sup>430</sup>

Politically, there was a general practice that newly elected Governors "called for resignations from department heads"<sup>431</sup> and such a call was not necessarily limited to times of administration change. This was true despite the "term" of office that might be referenced in an appointment. The practice touched the Florida Industrial Commission relatively early. When the law was passed in 1935, the president of the Florida Federation of Labor, Wendell Heaton, was appointed Chairman by Governor David Sholtz.

Governor Cone was elected 1937, and because the 1937 Legislature changed the FIC composition, composing it of three appointees without any cabinet members, Governor Cone was faced with appointing three commissioners to four-year terms. He re-appointed Heaton, which seemingly afforded him tenure until 1941. However, in 1939, Governor Cone somewhat unceremoniously replaced Heaton despite Heaton's contention that he never resigned. He had reportedly been out of town, and during his absence from Tallahassee, the news broke that Heaton had resigned. However, the purported resignation relied on by Governor Cone was typed, undated, and Heaton denied the validity of the signature.



Chairman Heaton did not protest being replaced, however, noting instead “if it is impossible to work in harmony and do a good job with this administration, I will be much happier out of office.” *Id.* There was some conjecture at the time that Cone viewed Heaton as a political rival, but in an era of single-term Governors, that is difficult to understand unless Governor Cone had a specific preference for successor. About a month later, Commissioner Lay also resigned without explanation despite similarly being only two years into a four-year term.<sup>432</sup>

There was ample indication that the original FIC was less than perfect. It was composed of part-time commissioners, and enabled by a statute that was at least arguably unclear. There were criticisms of process and people, and the system itself was struggling to mature and gain acceptance.

Nonetheless, in an era of expanding federal authority and significant federal spending, this new social safety net was put in place and it began to establish itself.



# XX.

## Chapter Twenty: War Years Leadership

The early 1940s, with World War II and its impacts, marked an interesting time for significant change in the nascent FIC. Governor Holland appointed Boyce Williams (*see* Page 341) as chair of the FIC. One commentator contended that his “toughest job as chairman was weeding out those FIC pay rollers who regarded themselves as working for a political big-wig or some labor union.”<sup>433</sup> Due to the very brief period workers’ compensation existed under Governor Sholtz (1933-1937), these perceptions were likely leveled at Governor Cone (1937-1941). The critic continued that the “FIC was considered by some until the advent of Williams as sort of an annex of the Florida Federation of Labor, with employers getting the dirty end of the stick.” *Id.*

Reportedly, Williams concluded that the future of the FIC depended upon it being “run on a square-deal foundation.” *Id.* The Fair Labor Standards Act had been amended in 1940 to set a standard 40-hour work week.<sup>434</sup> Nonetheless, Mr. Williams notably increased the normal workweek for Commission employees during World War II, adding “one full hour to each day except Saturday”<sup>435</sup>; the 5 extra hours extended the normal work week to “a 44 hour week,” replacing the “present 39-hour week.” *Id.* That was consistent with “the Federal Employment Service” *Id.* at the time, and reflects a war-time reality of a strained workforce.

The requesting of resignations somewhat faded under Governor Spessard Holland (1941-1945<sup>436</sup>) who signed a law to have all “little cabinet” terms expire on January 2, uniformly.<sup>437</sup> The unique constitutional structure of the Florida executive branch included a strong, elected Cabinet (*see* Chapter 4). The agency heads appointed by the Governor were therefore colloquially called the “little cabinet.” This alteration in its expirations provided a coincidence in terms for the Governors and Commissioners and somewhat ameliorated the resignation practice. The impact on requesting resignations seems apparent. However, later events would suggest that patronage continued thereafter (*see* Page 196)(“special work”). And, certainly, there have been examples of Governors requesting resignations since that time.

The Holland administration saw two significant legislative changes that have impacted the adjudication of workers' compensation disputes in Florida and beyond. First, the statute was amended in 1941 to require adjudicatory proceedings to be conducted by Deputy Commissioners. Deputies had been enabled from the outset, and by all accounts widely used. However, this change mandated their use and created the structured trial and appellate review paradigm that has existed since, albeit with different reviewing bodies.

In that, one might see the very foundation for Executive branch adjudicators and thus administrative law (*see* Chapter 12). Since 1941, the Florida workers' compensation system has remained dependent on administrative hearing officers of various titles (*see* Chapter 15). The mandate for Deputies was followed in 1942 by a seemingly minor change requiring those deputies to be licensed attorneys. At the time, attorney licensure was pursuant to statute, and governed by the Executive branch. However, less than 20 years later the licensing of Florida attorneys would shift to the Courts (*see* Chapter 8).

The 1941 amendments were also illustrative of administrative struggles for the nascent agency. The Legislature directed local government to provide assistance. That, of course, presented some potential for conflict when Deputy Commissioners were called upon to adjudicate claims that involved those local governments. This was required by Section 440.45(2), Fla. Stat. (1955):

For such work that cannot be conveniently performed by county, city and town governments, the Commission may, with the approval of the Governor, appoint and fix the salaries of necessary Deputy Commissioners and may delegate to such Deputy Commissioners such powers and authority as may be necessary to enable them to effectively perform their duties.

This was a clear Legislative sentiment to leverage existing resources to the extent practical. In this, some may perceive similarities to modern Florida courts in which county and state funds each contribute to courthouses and similar facilities. Some might also perceive similarity to other efforts in which such state/local cooperation persists, such as the modern Department of Health. This is not to draw direct parallels, but to suggest that such cooperative arrangements are neither uncommon nor necessarily only recent.

The war years were marked with notable deprivation in the U.S. There were impositions on the people in terms of commodity rationing, and a vast number of young men were either in the service or engaged in industries supporting the war effort. The contemporaneous news reports support sentiments of sacrifice, difficulty, and subsistence. Workmen's compensation remained voluntary through that era, and due to its relative novelty in Florida was likely influenced by the emotion and challenges of the war effort years.

Later, in the late 1940s, under the leadership of Chairman Carl B. Smith, the FIC built "the Caldwell Building..., home of the state Industrial Commission."<sup>438</sup> It was named after Governor Millard F. Caldwell (1945-1949). The perception was that "the building cost the state nothing." *Id.* This suggests that the project was completed at least in part with the funds assessed from the insurance of work injuries and budget afforded by the federal funds associated with unemployment compensation (*see* Chapter 4). That is consistent with the significant contribution of these to the FIC budget and the minimal general revenue involved. The Caldwell Building persists in Tallahassee today, the home of the Florida Department of Economic Opportunity, which remains responsible for unemployment compensation. The historical intertwining of workmen's compensation (1935) and unemployment compensation (1937) is undeniable. The first was supported by assessments on business and the second brought revenue from the federal government and the New Deal.



*Aerial view looking west along Flagler St. at the intersection with Biscayne Blvd. in Miami, Florida. 1931. Credit Florida Memory, Florida Secretary of State, State Archives.*

# XXI.

## **Chapter Twenty-One: Leadership in the “Atomic Age”**

In 1951, the FIC Chair was given a raise from \$9,500 to \$12,000<sup>439</sup> (\$114,121 to \$144,153 inflation-adjusted to 2024).<sup>440</sup> The amendments in 1953 also brought more specific authority for the FIC to make rules:

Section 440.45(4), Fla. Stat. (1953): It shall be the duty of the Commission, or their legal representatives under rules adopted by the Commission, to hear and determine claims for compensation and to conduct such hearings and investigations and to make such orders, decisions and determinations as may be required by the commission in accordance with the provisions of this chapter.

This suggests some correction from the earlier and broader delegation of rule-making authority (*see* Chapter 18). In 1953, the delegation was specifically for “rules...to hear and determine claims.”

Additionally, there was evidence of employment positions at the Commission being filled for undefined or under-defined purposes. In 1952, Florida Senators discussed probing FIC expenditures, with emphasis on payroll. It was reported somewhat provocatively that one FIC employee then was a “former football star for the University of Florida.”<sup>441</sup> There were allegations that various “investigators” of the FIC were “trooping on and off the payroll,” including employees of other state agencies and “the governor’s press secretary.” The subject of the “merit system” was noted in those criticisms. There were similar other examples of terminations of “investigators” at the FIC when administrations changed.<sup>442</sup>

Notably, the press focused there on three years of accident volumes and benefit amounts. Despite significant congruity in 1948, 1949, and 1950, the press noted that “there was an average of eight deputy commissioners on the payroll in 1948, and the number ranged from 10 to 12 in 1949 and 1950. Some questioned whether the workload or patronage was driving the appointment decisions.

Many misperceive that the first procedural rules in workers’ compensation were those adopted by the Florida Supreme Court in 1973. This error has been compounded over the years by a tendency

to label the 1973 rules as “the first rules.” Those were the first promulgated by the Supreme Court. It is important that the Supreme Court did not foray into procedural rules for court proceedings generally until 1954. Langham, §30.1 (note 152). Thus, in 1973, the Court’s recognition of rule-making authority remained reasonably recent in the broadest context. Characterizing those Court rules as “first” is clearly not accurate. The Commission had promulgated rules of practice and procedure in workmen’s compensation cases by at least 1955. Rules of Procedure in Workmen’s Compensation Cases before the Florida Industrial Commission.<sup>443</sup> By 1973, the Florida Supreme Court had long recognized the status of that administrative executive agency as an appellate body, and the efficacy of its rules.

Intriguingly, despite the more specific rule authority, the FIC went beyond the clearly procedural and adopted a schedule for Claimant attorney fees in the 1950s. *Tampa Aluminum Products v. Watts*, 132 So. 2d 414 (Fla 1961); some would certainly see that as substantive law, or at least beyond the regulatory authority delegated by the Legislature in Section 440.45(4), Fla. Stat. (1955). But, this was prior to the imposition of the Code of Judicial Conduct in 1978 (section 440.442, Fla. Stat.).

Furthermore, there was no Administrative Procedures Act (APA) in 1955. Challenging such Executive action was relegated to the then-existing arguments of separation of powers more so than the modern balancing of powers enshrined in the APA. The first Florida APA effort was in 1961, Ch. 61-280, but the APA, *per se*, was adopted in 1974.<sup>444</sup> (See Chapter 12). Both were after the Commission enactment of its fee schedule in the 1950s and the litigation over it. *Watts*. In that evolutionary history, there is evidence of divergent views, shifting sentiments, clear regulatory overreaching, judicial acquiescence, and a somewhat convoluted path to the present day.

The 1935 adoption of workmen’s compensation was fortuitous. Despite the various adjustments and challenges noted above, the concept had some opportunity for acceptance and roots before the distracting challenges of the war. In its adolescent years, it became better known and accepted while criticisms of the workplace were seemingly somewhat muted by the solidarity of the demands of war. And workmen’s compensation was reasonably established as the post-war boom brought change and growth to the Florida economy.

In the Atomic Age, workplace injuries remained a persistent challenge. The frequency of injury was increasing in the 1950s. In 1951, the state recorded over 100,000 injuries to covered employees and predicted the annual total would be a “new record of as high as



120,000 injuries for the whole of 1951.”<sup>445</sup> It is notable that participation in workers’ compensation remained at least nominally voluntary between 1935 and 1970. *See* Langham, §42.1 (note 152). Nonetheless, participation in workmen’s compensation was significant due to the presumptions of participation in the act in that time, but this remains a footnote worthy of consideration in any comparison of those increasing accident volumes to figures after the system became more stringently mandatory in 1970.

The late 1940s had brought the election of Governor Fuller Warren, and his selection of FIC Chairman Charles Vocelle. Chairman Vocelle (*see* Page 339) was a colorful and purposeful leader who gained great notoriety through his service to Florida. Under his leadership, the FIC began publishing its opinions by “mimeograph() for distribution.” FLORIDA COMPENSATION REPORTS, Vol. 1 (1958)(mimeograph was a duplication process patented in 1876 by Thomas Edison,<sup>446</sup> an inexpensive and popular precursor to the photocopy invented in 1937<sup>447</sup>). By 1958, that practice had evolved to published opinions in book form, the FLORIDA COMPENSATION REPORTS, a decisional reporter produced by the FIC for the benefit of those who practiced workmen’s compensation. Few remnant copies of the REPORTS remain today, a tribute to a bygone era, and hoarded by only a few collectors.

The Warren administration was also notable for the appointment of Florida’s first woman Deputy Commissioner, Elizabeth Miller (*see* Page 271), in Jacksonville. She was not Florida’s first female judge, but she was reportedly the second. In the 1950s, women attorneys were exceptionally rare (3% of all lawyers<sup>448</sup>), and judges more so. Governor Warren certainly deserves recognition for that forward-thinking appointment.

Nonetheless, there are indicia that the FIC was perhaps not ideally managed during the Warren era. Charles Vocelle remained Chairman after Governor Daniel McCarty was inaugurated in January 1953, replacing Governor Warren, but Governor McCarty’s term was notably brief. He was inaugurated in January 1953 and passed away September 28, 1953. Nonetheless, his influence on the workmen’s compensation system and its evolution is important.

Following McCarty’s inauguration, changes came rapidly at the FIC as Chairman Vocelle set about reorganizing workmen’s compensation processes. The system was just ending its second decade. In the Commission’s first meeting under Governor McCarty, the FIC “ripped apart its high command in a reorganization move designed to carry out...orders to conduct state government as

efficiently and economically as possible.”<sup>449</sup> The elimination of those posts resulted in a “net savings of \$21,000 annually” (\$244,076 in 2024 dollars). One of the jobs eliminated was “supervisor of office supplies, paying \$5,670” *Id.* (\$66,326 in 2024 dollars). There were notable volumes of workplace injuries, but Chairman Vocelle nonetheless “reorganized its workmen’s compensation districts and cut the number of Deputy Commissioners from 15 to 13.”<sup>450</sup> This was designed to “save about \$10,000 a year and permit more efficient disposition of workmen’s compensation claims” *Id.* (\$116,978 in 2024 dollars).

That action may raise questions as to efficiency and management in the prior administration; was the agency overstaffed? This reorganization marked the end of workmen’s compensation offices in various towns, including “Marianna, Apalachicola, Port St. Joe, Palatka, and Bradenton.” *Id.* Notably, these locations markedly aligned with perceptions of the primacy of north Florida, and their closure perhaps foreshadowed or recognized the evolving and growing economies to the south. It is possible that these locations were, or had been, logical in light of the injury volume, but that population had shifted southward and locations such as Marianna might validly be questioned. These changes brought “new offices...at Pensacola, Lake City, and St. Petersburg,” *Id.* which nonetheless maintained a somewhat northern slant but in towns of greater populations. It is interesting that the 1953 realignment increased Jacksonville to two Deputies (adding Paul E. Speh, *see* Page 298), and reduced Orlando from 2 Deputies to 1. *Id.* The impetus for such changes was hopefully based upon workload and necessity. Regardless, the rapidity of these changes, within a month of Governor McCarty’s inauguration, is notable.

In any event, the Deputy reorganization changes were not Chairman Vocelle’s first 1953 actions. In the earliest days of the McCarty administration, the FIC (Chairman James Vocelle, *see* Page 339, Herbert E. Wolfe, *see* Page 341, and Leroy R. Weston, *see* Page 340) “ousted former Governor Warren’s personal barber...from the space in the commission building that he occupied rent-free since 1949.”<sup>451</sup> They discussed pursuing back rent from the tenant but with skepticism. There was vocal criticism not only of the rent issue, but of the perception that state employees were attending to personal grooming during work hours. Additionally, in sweeping actions, multiple leadership positions were eliminated, responsibilities consolidated, and payroll reduced.

In a curious and interesting example, the commission “fir(ed) several operators of the automatic building elevators.” *Id.* The press reported this, but no contemporaneous record has been located justifying why automatic elevators would have been staffed by operators.

Nonetheless, this example possibly provides some perspective on the way technology has impacted work and more. The “driverless elevator” dated to 1900, but had not enjoyed immediate and universal acceptance. The press notes that public resistance persisted through a 1945 operator’s strike in New York, and that efforts continued thereafter to “convince people to rethink” the operator role.<sup>452</sup> This has been likened by some to the modern skeptical public view of driverless automobiles in the 21<sup>st</sup> century, perhaps a similar distrust of innovation. Thus, it is possible that operators in 1953 were a remnant of public resistance or reluctance regarding the automation and progress of the era. Or, it is possible that those positions were some manner of patronage or unnecessary vestigial waste. The contemporary press reports do not note any allegation that those positions had been instigated during the Warren administration, only that they were eliminated during the McCarty term. Possibly those employees had persisted since the Caldwell Building was constructed in the late 1940s.

There is likewise no explanation found for the rent-free accommodation of the barber. In all, however, the trend toward efficiency and fiscal constraint are admirable. It is possible that further innovation would have followed under Governor McCarty, absent his untimely passing. He was replaced by Charley Johns, the Senate President, because Florida had no office of Lieutenant Governor (*see* Chapter 4). Governor Johns exerted his patronage power at least once in his administration, instructing the FIC to dismiss Deputy Roger Barker in Orlando.<sup>453</sup> This illustrates the challenges of gubernatorial structure generally, and the vicissitudes of the politics and patronage that characterized the era of part-time Deputies.



*The Caldwell Building*; Credit Florida Memory, Florida Secretary of State; Photo located and provided by Judge John Lazzara (*see* Page 260).

# XXII.

## **Chapter Twenty-Two: Leadership in “the Age of Aquarius”**

Change was in the minds of some in the 1960s. A statutory amendment in 1961 recognized the increasing workload of hearings. The Deputy Commissioner position became a full-time appointment. A. Worley Brown was Chairman of the FIC in 1963, when he addressed the Miami Beach gathering of the International Association of Accident Boards and Commissions (IAIABC), of which he was President. That group was once an influential and critical part of American workers' compensation systems (its modern decline has many possible explanations, but the most plausible is its leadership challenges beginning as the 20<sup>th</sup> century ended). However, at its acme, the IAIABC was known for consensus building, critical thinking, and collegiality that connected state systems. Notably, the listing of attendees at the 1963 convention spanned 17 pages,<sup>454</sup> which contrasts the far smaller attendance at modern IAIABC events. In 1963, President/Chairman Brown expressed perceived threats to workmen's compensation. He noted that “present workmen's compensation systems are being eroded away.” He noted the threats as “continued expansion of social security (sic) disability provisions, quasi-legislation by the process of judicial construction, and other forms of Federal legislative encroachment.” *Id.*

In this regard, it is critical to remember that workmen's compensation is admittedly a very old concept, with roots as early perhaps as 3000 B.C., well before the “Norman Conquest around 1066, and the birth of the ‘common law.’”<sup>455</sup> That said, modern workmen's compensation grew out of the Industrial Revolution, and “only began in earnest in the 19th century, first in Germany and then the United Kingdom. *Id.* See also Langham, §1.1 (note 152). The birth in America was in the 20<sup>th</sup> century, with the first statutes to survive constitutional review dating to 1910. *New York Cent. Railroad v. White*, 243 U.S. 188 (1917); see also Langham, §2.2 (note 152).

Thus, as America entered the national turbulence of the 1960s, the oldest American workmen's systems were 50 years old, and Florida's was only 25. Coincidentally, Social Security shared the 1935 inception with Florida workmen's compensation, and the 1960s would bring increased federal workplace involvement with the enactment of Medicare and Medicaid (1965) and the Age Discrimination in Employment Act (ADEA)(1967). One must concede that President/Chairman Brown's 1963 premonitions were prescient.

In that era of legal and social evolution, there were general criticisms of the FIC, including complaints of timeliness. Some were also critical of the intentional and inherent partisanship of “employer” and “employee” commissioners codified since 1937 *see* Chapter 22.

The predicted change soon came, but largely precipitated by amendments to state law that were perhaps less apparent to Chairman Brown. The Florida Industrial Commission was abolished in 1969, and the functions of workmen’s compensation, unemployment, and other regulatory responsibilities were transitioned to the new Commerce Department. *Deel Motors, Inc. v. Dep’t of Com.*, 252 So. 2d 389, 393 (Fla. 1st DCA 1971) (“By the Governmental Reorganization Act of 1969, the functions of the Florida Industrial Commission theretofore existing under the provisions of F.S. chapter 440, F.S.A., were transferred to the Department of Commerce”). The Department of Commerce was created in section 20.17, Fla. Stat. (1969). This specified that the “head of the department...is the secretary of commerce.” Nonetheless, in an apparent nod to the recent return by constitutional amendment of the Florida’s Lieutenant Governor office, the statute allowed the Governor to “assign the lieutenant governor the duty of serving as head of the department of commerce.” *Id.* That potential for the Lt. Governor to serve was removed in 1977. Some were so assigned in that eight-year period, but there was not consistency in that regard.

Contemporaneously, the Industrial Relations Commission (IRC) was created. Section 440.44, Fla. Stat. (1969). However, it remained titled “Florida Industrial Commission” until passage of a “reviser’s bill” in the next session. *See* ch. 71-80, ch. 71-377. The necessity of a reviser’s bill suggests that the 1969 amendments were perhaps not comprehensively planned or fully anticipated in advance. This transition also changed the trial adjudicator titles from “Deputy Commissioner” to “Judge of Industrial Claims,” and vested authority for their appointment in “the division,” under the supervision of the “director.” Section 440.44(3), Fla. Stat. (1969). Some see this as an elevation of the adjudicators, recognition, and a compliment. Others see the transfer from gubernatorial appointment as a diminution of the adjudicator’s status.

And there was more to The Governmental Reorganization Act in 1969. It specifically provided that “all executive departments of the government and units thereof shall be subject to the requirements of the Administrative Procedure Act, F.S. chapter 120, F.S.A.” That is facially contrary to the common misperception that Florida administrative law dates only to 1974, *see* Chapter 12. In fact, Florida’s Administrative Procedure Act dated to 1961, but was significantly changed and strengthened in 1974. *See* Laws 1974, c. 74-310, § 4; *see also Deel Motors*. The application of that law in the transition of workmen’s compensation is noteworthy. It is also interesting that the significant

1974 changes to administrative law were paralleled that year with similarly momentous changes in the workmen's compensation law.

The original APA was applicable to "all executive departments of the government and units thereof," and that specifically included the Department of Commerce and therefore the Judges of Industrial Claims and Industrial Relations Commission that were "units thereof." *John Gaul Const. Co. v. Harbin*, 247 So. 2d 33, 34 (Fla. 1971). However, that was not to last. In 1977, the Legislature specifically excluded the Judges of Industrial Claims from the APA with adoption of section 440.021:

Workmen's compensation adjudication by judges of industrial claims and the Industrial Relations Commission is exempt from chapter 120, and neither the judges of industrial claims nor the Industrial Relations Commission shall be considered as an agency or a part thereof.

Section 15, ch. 77-290. That exemption language has persisted to this day.

With the transition from the FIC to the IRC, appellate decisions were soon referred to as "IRC Orders." For a time they still published these in the FLORIDA COMPENSATION REPORTS (*see* Chapter 21). However, that publication came to an end within a few years (1976). Thereafter the IRC Orders were distributed in a loose-leaf manner and kept by practitioners in three-ring binders, and instead of being cited in a volume and page format, were commonly referred to by IRC Order number. Few collections of those orders remain, but digitized versions have been archived in a searchable format on the OJCC internet page.

Thus, the decade after that 1963 IAIABC convention progressed seemingly as predicted by Chairman Brown, with significant changes in both federal and Florida law. The world was changing. Florida's economy continued to evolve, and the national government was increasingly involved in what had long been local issues.



*Looking down one of Florida's early brick highways Orange County, Florida.*  
Credit Florida Memory, Florida Secretary of State, State Archives.



# XXIII.

## Chapter Twenty-Three: Leadership in the “Me Decade”

Though the 1960s had been a decade of momentous change, the 1970s would be more so. That is somewhat illustrated in the procedural changes noted above. Additionally, there was criticism of the Legislature in the early 1970s and a perceived “refusal to transform the commission from a part-time lay agency into a full-time professional one.”<sup>456</sup> This referred to a proposal in 1971 championed by Lt. Governor Tom Adams which would have “separate(d) the quasi-judicial and administrative functions of the commission and make it a full-time, *professional* commission” *Id.* (emphasis added). When the Commerce Department was later created, it was headed by the secretary, potentially a designated role of the recently created office of Lieutenant Governor (Art. II, § 2, Fla. Const., 1968);<sup>457</sup> *see also*, Commerce Department Annual Report 1969.

This was a notable return to the Reconstruction Constitution in having a Lieutenant Governor, and seemingly recognition of the importance of commerce to Florida’s existence. Under the permissive statute creating the Commerce Department, Lt. Governor Adams served concurrently as the Secretary of Commerce. This reform attempt regarding a “professional” commission may have been the first Legislative effort of the first post-Reconstruction Lt. Governor. These legislative proposals included the “creation of an Appellate Court of Industrial Claims” (though clearly only a constitutional amendment could create additional “courts”), changes to judicial salaries, increased benefits for injured workers, provision for “dismissal of claims for lack of prosecution,” and attorney fees for representing injured workers.<sup>458</sup>

It may have been Lt. Governor (Secretary) Adams’ perspective that drove these efforts, or the National Commission efforts that were then underway (*see below*). The proposals were nonetheless deferred by the Legislature, and Governor Reubin “Askew’s call for a special session following the regular 1971 session”<sup>459</sup> was not heeded (Gov. Askew, 1971-1979; notably Florida’s first two-term Governor, *see* Chapter 23).

The proposals for a “professional commission” and an “Appellate Court of Industrial Claims” was focused significantly on

“improv(ing) the commission’s decisions and reduc(ing) the number of appeals to the state Supreme Court.”<sup>460</sup> Others cited case backlogs and the potential for them to “cause anguish and grief to the human being seeking” to recover benefits. *Id.* Coincidentally or not, when those early 1970s discussions occurred, significant federal interest in workers’ compensation was underway. This stemmed from concerns about workplace safety, but the resulting interest was broader. From the enactment of the Occupational Safety and Health Act of 1970 came the “administration” that came to be known as OSHA. There was thus effect to the federal interest in workplace safety.

More pertinent to workmen’s compensation *per se*, the law also created the National Commission on State Workmen’s Compensation Laws. The “National Commission” dove deeply into the various state systems, ideologies, procedures, and benefits. In an amazingly rapid manner, the National Commission issued a 1972 report that significantly criticized much of the social safety net that is workers’ compensation.<sup>461</sup> Stephen Slepín, “Director, Division of Labor, Florida Department of Commerce and Chair of the” IRC appeared before the National Commission in 1972,<sup>462</sup> he characterized “Florida’s approach to workmen’s compensation as one of the most advanced and enlightened despite some serious defects in the law.” *Id.* The “most obvious” defect he identified was the “\$56 maximum weekly benefit” *Id.* (\$418 in 2024 dollars); he also noted issues with the coverage of agricultural workers, and the “exemption” for employers with “less than three” employees. *Id.* Additionally, he was critical that the IRC was “in session only four days a month,” though that was an improvement over the “two day(s) a month” prior to his leadership. *Id.*

Thus, internal Florida criticisms deferred from the 1960s were placed in the national focus in the 1970s. What will remain unknown is whether the 1960s criticisms in Florida’s press contributed to the 1970 federal attention, and the nationwide calls for reform. It is possible that Florida’s press for reform in that era was coincidental with the national movement; or, there is the potential that Florida’s 1960s criticism fed some of the federal angst and inquiry leading to the OSHA and National Commission.

Nonetheless, as the criticism did not drive immediate Legislative action in Florida, Governor Askew apparently therefore sought to push in that direction through his appointment power. In 1971, he “appointed two attorneys” to the IRC to join Chairman Steve Slepín (*see* Page 337). “Former assistant state attorney general Jesse McCrary, Jr., of Miami” (*see* Page 333) replaced Commissioner

Frank Nelson (*see* Page 334), and “former industrial commission attorney Burnis Coleman (*see* Page 327) of Tallahassee” replaced Walter Lightsey (*see* Page 332). It is believed that the appointment of Commissioner McCrary was Florida’s first black workmen’s compensation adjudicator, though an appellate commissioner rather than trial adjudicator. In this, Governor Askew is notable for progress similar to Governor Warren’s appointment of the first woman (*see* Chapter 21). It is fair to characterize the 1970s as a time of broad national introspection including workers’ compensation, and these changes reflect that.

The 1971 statute brought an important change that might have signaled angst regarding professionalism and the coming discussions of a judicial code. A prohibition was added in section 440.44(4)(b), Fla. Stat. (1971) on political involvement by trial adjudicators:

With the exception of the members of the commission appointed by the governor, no full time employee of the division shall, during his or her service under the division, actively engage in any other business or professions; serve as the representative of any political party, or any executive committee of other governing body thereof....

Such involvements had persisted in the part-time Deputy era, and this statutory amendment supports that at least a perception of it continued following the 1961 transition to full-time adjudicators. That statute also “created, within the division of labor and employment opportunities of the department of commerce, a bureau of workmen’s compensation.” This changed the status of the leadership and provided additional definition to organization and responsibility. Though Commerce was created in 1968, it was in the 1971 statute that the term “industrial relations commission” first appears in the statute. Section 440.44(2), Fla. Stat. (1971).

Governor Askew’s move toward a “professional” leadership for workers compensation, and the appointment of an all-attorney IRC, notably provided progress. The significant benefit and process changes of the 1974 statute were likewise important. But, criticism of the social safety net continued generally. In 1975, the press asked, openly, “Workmen’s Comp: Is it Working?”<sup>463</sup> There was criticism for the system, particularly the adjudicatory and appellate processes, using an anecdotal example as illustration. Reportedly, “390,000 persons in Florida filed claims” in 1973, and while the

“overwhelming majority, better than 90 percent, were paid quickly with no complications and no lawyers,” there was litigation “in approximately 17,000 cases.” *Id.* The press noted there were then “26 judges of industrial claims” who were “scattered in districts throughout Florida.” *Id.* There were allegations that the litigation and appeal process “move(d) with unnecessary slowness - to the disadvantage of the injured persons.” *Id.* Adjudication delays were mentioned, noting the time “to get an initial judge’s ruling on disputed ...cases has nearly doubled in the past 10 years from 4.1 to 7.8 months.” *Id.*

Beyond the complaints about speed, some criticized the IRC for “overstepping its authority as an appellate body” and instead “becoming triers of the cases themselves.” *Id.* In fairness, that criticism of appellate judges would later persist by some even after the IRC was abolished. In 1975, there was an unsuccessful legislative effort to abolish the IRC and transfer appellate responsibility “to the state’s district courts of appeal.” *Id.* Thus, despite the 1971 shift to an “all-lawyer board,”<sup>464</sup> criticism of the IRC persisted. There were many appeals in that era, with the IRC Chair noting the Commission considering about 136 cases each month.<sup>465</sup> It is fair to say that volume remained similar when the responsibility was transferred to the District Court (*see* Chapter 23). Notably, though there were broad criticisms, the press coverage of that legislative effort suggested the potential that some may have engaged surreptitiously in the production or provision of an anonymous, likely erroneous, and perhaps partisan critique of the system. *Id.* Notably, it was an era in which anonymous sources were glamorized by the Watergate investigation, which coincidentally involved a former Florida adjudicator (*see* Page 311).

There was criticism of the “part-time commission” in the 1970s. Judge John Paul Jones (*see* Page 252) complained to the press that cases were preemptively decided by the IRC. He alleged “commissioners used to make decisions before hearings were held.” He said that “commissioner(s) would appoint a judge or somebody else to summarize the case.” Then the Commission would “get together on Sunday night to make Monday’s decisions.” *Id.* That is somewhat consistent with some observer’s recollections of Sunday night social gatherings when they travelled to Tallahassee for IRC hearings.

Judge Jones insisted that he “used to get calls from Tallahassee and memoranda on how to rule on certain kinds of cases.” *Id.* Though complaining of that in the mid-1970s, he conceded that “they quit that

a few years ago because it was contrary to all legal and judicial principles.” *Id.* He argued that “the judicial formula is supposed to be: law plus facts equals decision.” *Id.* Instead, he alleged that the officials in Tallahassee added “one more ingredient: law plus fact plus memos from Tallahassee equals decision.” *Id.* These criticisms seem focused on the appellate body, the IRC. However, some might note parallels between Judge Jones’ pointed criticism and Chief Judge Walker’s actions two decades later about defense attorney fees and the collection of child support arrearages (*see* Chapter 16). The extent to which such perceptions of calls or memoranda might involve the IRC or the Chief Commissioner/Judge is now largely lost to first-hand recollection.

Further progress came with the distinction of workers’ compensation when the Legislature passed SB 1240 in 1978 and created the Department of Labor and Employment Security (DLES). This new “department” designation created a peer organization to the status of the Commerce Department from which responsibility was transferred, at least in terms of the “department status.”<sup>466</sup> The new DLES agency included unemployment compensation, labor, and other divisions. In the more significant workers’ compensation reforms in 1979, the statute clarified that the Division of Workers’ Compensation was part of the new DLES. Though a Commerce peer, the move was economically disproportionate; the new DLES had “a budget of \$316 million and 3,300 employees,” *Id.* and the Commerce Department from which it was taken was left with a budget of “\$6 million and 190 workers.” *Id.*

It is fair to characterize the DLES independence as a significant transition back to the labor-focused primacy that had existed under the FIC, prior to the 1969 FIC demise and the creation of the Industrial Relations Commission within the Department of Commerce.<sup>467</sup> The new DLES combined various employment categories including the “Public Employees Relations Commission (PERC), the Industrial Relations Commission (IRC), and the Unemployment Appeals Commission” (UAC). “Associated Industries of Florida...intensely (but unsuccessfully) fought the legislation.”<sup>468</sup> The DLES persisted from 1978 until the reorganization of Florida’s Cabinet in 2001, leading to the Department of Financial Services subsuming the Division of Workers’ Compensation (regulatory) from the DLES and the transfer of the Office of Judges of Compensation Claims (adjudicatory) from DLES to the Division of Administrative Hearings in 2001.

Thus, the oversight of Florida workmen's/workers' compensation adjudicators over the history since 1935 has been:

- 1935-1969 Florida Industrial Commission (34 years).
- 1969-1979 Florida Department of Commerce (10 years).  
The Industrial Relations Commission was part of this until 1978 (section 20.171, Fla. Stat. 1978).
- 1979-2001 Florida Department of Labor and Employment Security (22 years)  
The Industrial Relations Commission was part of this 1978-1979 (section 20.171, Fla. Stat. 1979).
- 2001- Florida Department of Management Services, Division of Administrative Hearings (23 years).

It is notable that the modern DOAH era is second in duration only to the original FIC paradigm. This likely demonstrates some level of endorsement for the current management organization. Some might argue instead it is an ambivalence regarding structure, sustained by largely stable and uneventful contemporary workers' compensation processes.

# XXIV.

## **Chapter Twenty-Four: Leadership in the Great Reform Era**

The 1980s were relatively calm. The 1979 statutory amendments had eliminated the Industrial Relations Commission (IRC). Its leadership role regarding trial adjudications had already been largely supplanted a decade before in the creation of the Department of Commerce, while its appellate review function and purpose had remained. Thus, it is accurate to refer to the Florida Industrial Commission as leading workmen's compensation adjudication in the early years, in addition to its appellate role and regulatory roles. However, the role of the IRC for its decade of existence (1968-1979) instead demonstrated evolution from leadership and regulation to a more purely appellate review role. Nonetheless, the involvement of the IRC Chair, Stephen Slepín (*see* Page 337), in the 1973 Court rules adoption illustrates the ongoing leadership early during the IRC era, and is a contrast to the end of the decade. It is notable that strong lobby efforts came in 1990 to reanimate the IRC ten years after its demise (*See* Chapter 25).

The 1979 law had provided clarity to the role of "Chief Commissioner," and exempted that leader from much of the definition and qualification of section 440.45, Fla. Stat. (1979). The Chief was for "coordination of the deputy commissioners," and served as a "liaison between" them and the DLES. There were specific responsibilities as to "personnel, office space, equipment, supplies," and more. The Chief was to "determine consensus of deputy commissioners" and to bring "concern(s)" and "views to the division" for them. *Id.* There was a statutory empowerment of the judges as a collective body, a committee, or self-governance collective. From that likely grew a collegial body, the "conference of judges of compensation claims." Though it acted at times like an entity, it was never authorized by statute or regulation, never incorporated, and never officially sanctioned. *See* Chapter 16.

The Chief Commissioner position created in 1979 was not subject to the nominating commission process, but was "appointed directly by the Governor." The only qualification was that the Chief had to "have had three years' experience in the practice of law." In this, the primacy of the Department was clear, as was that of the division of

workers' compensation. The adjudicators were intertwined with the regulatory workers' compensation agency, as they had been throughout Florida workers' compensation history, but with arguably more distinction and separation. Thomas J. Carroll (*see* Page 326), one of the five IRC Commissioners when it was disbanded, was appointed Chief Commissioner in 1979, when the position was created.<sup>469</sup> He served two terms until 1987. He was succeeded by Shirley Walker<sup>470</sup> (*see* Page 312).

Though not subject to the regular appointment process, the Chief was able "to serve as 'pro hac vice' deputy commissioner," and was responsible for "the training and orientation of new deputy commissioners." Section 440.25(3)(i), Fla. Stat. (1979). In a very broad grant of authority, the statute concluded that the Chief's authority included "any and all other matters which he or she deems necessary for the efficient handling of workers' compensation cases." Section 440.25(3)(k), Fla. Stat. (1979).

There was thus statutory imprimatur for consensus building and also perhaps boundless authority. Judge Walker was prone to consensus building, but whether that was primarily driven by statute or personality is less clear. The affinity for consensus was illustrated in the progression of rule-making that later ensued in the wake of the Supreme Court's 1973 entrance into that process. *See* Langham § 30.4 (note 152). When the Court began rulemaking, with the encouragement of the IRC, in 1973, the statute was silent regarding rules. The Court elected to exercise "its constitutional authority to 'adopt rules for the practice and procedure in all courts...'" *Id.* This was based on the conclusion that the trial adjudicator's, "the judge of industrial claim's" process was "more judicial than quasi-judicial." *Id.* The Legislature acquiesced and perhaps even endorsed that view in 1974 when chapter 440 was amended to specifically, and coincidentally unconstitutionally, delegate the rule authority to the Court that had already usurped it. Those rules persisted through the 1980s.

The 1980s was thus a period of adjustment to the post-commission Executive leadership and agency paradigm. The leadership history since the 1979 amendments has been reasonably stable in this regard, with the exception of the somewhat cataclysmic merger with the Division of Administrative Hearings. That transition to DOAH was minimally planned, and left the OJCC momentarily somewhat adrift and rudderless (*see* Chapter 26).

Finances were an apparent issue. In 1985, the Florida Supreme Court addressed the question of budgetary changes to the adjudicator



workforce. The Legislature had “eliminate(ed)...one (Deputy Commissioner) from District J and three from District K” by the end of 1983 (J was Ft. Lauderdale and K was Miami; District designations traditionally used letter designations until the OJCC became a part of DOAH in 2001). *Orr v. Trask*, 464 So. 2d 131, 132–33 (Fla. 1985). The result was elimination of Judge Trask’s position in Miami, though he had previously been issued a commission that had not yet expired. Judge Trask sought judicial review, and the Court concluded that “the legislature cannot abolish a statutory office through an appropriations act which amends or nullifies substantive law.” *Id.* Thus, the Legislature may abolish a judicial position in which an incumbent serves, but not in the budget process. (Secretary Orr was represented by the Division’s Assistant General Counsel, Dan Turnbull (*see* Page 308). This litigation about the gubernatorial appointment authority and the separation of powers was later discussed further in the reappointment issues about Judge Jones (*see* Chapter 14).

The legislative reforms of 1979 were vast. Florida workers’ compensation was materially and significantly altered. It is fair to conclude that was driven in part by national politics and shifting perceptions. Some recount that Professor John Burton (Chair of the 1972 National Commission on Workers’ Compensation) played a significant role in the birth of Wage Loss, and the further benefit enhancements in 1979. Others contend that his proposal and the law as eventually adopted were only vaguely similar. Nonetheless, the 1980s were a period of acclimation to the new Executive branch management paradigm and the direct review by Florida’s First District Court. It was a time of rising insurance premiums, growing disenchantment with the 1970s reforms, and swelling calls for reform. Despite those sentiments and complaints, reform did not come in the 1980s to any appreciable extent.

The law, which had begun life in what might have appeared some balance of interests, had been shifted over time to favor injured workers. Those shifts were largely judicial, with the courts inferring or importing legal conclusions that created a “liberal construction” tradition. *See* Langham, Chapter 21 (note 152). The courts had somewhat abandoned the role of interpreting statute and undertaken the role of making policy that they deemed fair or equitable. Despite judicially created benefit presumptions and expansions of statutory coverage, the atmosphere of the late 1970s was to further statutory system and benefit expansion.

The 1980s was a period in which workers' compensation adjusted to those changes generally while the adjudicators adjusted to their roles in a non-commission structure within the Executive branch. It was a time of acclimation and relative legislative calm.



*Orlando skyline looking north across Lake Eola. 1962. Credit Florida Memory, Florida Secretary of State, State Archives.*

# XXV.

## **Chapter Twenty-Five: Leadership in the Retreat Decade**

The great benefit expansion of 1979 had been predicted to be a panacea. The proponents promised that injured workers would get more and employers would pay less. The utopian dream was seductive and soon proven false. The reality of economics brought difficult lessons in the 1980s, the “retreat decade.” Though this decade brought lessons, it did not bring significant reform, until very late. The Legislature returned to workers’ compensation in 1989, 1990, and 1991, and various benefits and burdens were adjusted. The end of the 1980s decade brought the introduction of mediation, the second abandonment of the Deputy Commissioner title, and set the stage for broader reforms in the 1990s.

The rules paradigm remained when Chief Judge Walker was appointed in 1987, specifying the delegation to the Supreme Court, Section 440.29(3), Fla. Stat. (1986). The late 1980s and early 1990s were a tumultuous time for workers’ compensation generally, *see* Chapter 21, and for the adjudicators. There had been specific allegations of poorly qualified judges and subpar performance. The end of the 20<sup>th</sup> century was destined to be a time of change. Despite the writing on the wall, legal practitioners did not contemporaneously appreciate the magnitude of change on the horizon.

Associated Industries’ lobbyist Jon Shebel strove hard to include a new IRC in the 1990 statutory amendments. All appearances support that this was driven by a desire for greater control or uniformity in appellate decisions, and dissatisfaction with the First District Court. Notably, the 1990 legislation resulted from the efforts of “representative Bruce McEwan...a former attorney who specialized in workers’ comp cases.”<sup>471</sup> The contemporary press coverage did not note Representative McEwan’s former service as an adjudicator (*see* Page 270). He contended that a new IRC “would help stabilize the law because it would be comprised of five workers’ comp experts.” *Id.* There was conjecture that the proposal was killed by legislators who objected to the eventuality that such a commission would be filled by appointees of Governor Martinez, a Republican Governor, and one of the first such Governors since Reconstruction (*see* Chapter

17). In truth, it is very challenging to ever ascertain why legislation succeeds or fails; many bills fail each legislative session.

In 1993, the Legislature amended the statute significantly, and there were those who perceived both organized labor and the injured workers' bar as less effective in that session than in earlier years. Some felt The Florida Bar took less interest or role in the special session that year. In those statute changes, the Legislature instead delegated authority to make rules to the "Office of Judges of Compensation Claims (OJCC)," then still a part of the Department of Labor and Employment Security (DLES) *Id.* This corrected the unconstitutional delegation to the courts.

Unfortunately, there remained consensus or complacency regarding the Supreme Court rules. Chief Judge Walker elected not to address the rule question or to promulgate rules in 1993. Instead, the individual judges adopted "local rules," without complying with the Florida Administrative Procedures Act, Chapter 120, Fla. Stat. Some have cited section 440.021, Fla. Stat. in arguing that such disregard for Chapter 120 was both appropriate and intended (*see* Chapter 12). However, concluding that the judges could appropriately adopt rules outside the rulemaking process is a dubious proposition at best.

Incredibly, there were no significant challenges to the Supreme Court rule process following this legislative change. Following the 1993 amendment, the OJCC eventually formed a committee, whose recommendations were accepted and published as the Uniform Practices and Procedures ("U.P.P") in November 2000; the U.P.P were supplemental to, not replacements for, the Supreme Court's rules. Rather than eliminate "local rules," and instigate administrative rules, the OJCC deferred to the unconstitutional court rules and enacted, essentially, "uniform" local rules in the U.P.P. The introduction to them in the 2001 FLORIDA WORKERS' COMPENSATION REFERENCE MANUAL describes a development and deployment process beginning with multiple committee meetings in 1999, six years after the legislative delegation; *Id.*, 449-50. Regardless of how the U.P.P. might be perceived, the OJCC did not adopt rules as the Legislature instructed. Some perceive the relocation of the OJCC to DOAH in 2001, rather than to an independent agency status, as a criticism of that decision.

The 1993 amendments were also pertinent as to the Chief Judge. There remained clarity in section 440.45, Fla. Stat. regarding the Chief's role supporting the Secretary. However, those amendments ended the litany of instructions and suggestions of judicial self-rule (*see* Chapter 15). The specific era of "coordination," "consensus,"

and “views” (*see* Chapter 14) was formally closed, and the Legislature mandated time requirements for petition processing, mediation procedures, and the adoption of “uniform local rules” of procedure. Section 440.25 Fla. Stat. (1994). Notably, there was judicial resistance to the timing constraints, and in some instances there were reasonable grounds for criticism. But as the eras turned, and centralization of leadership loomed, there would have likely been resistance to any constraints or constructs purporting to limit the somewhat boundless judicial discretion of the prior 25 years.

In the late 20<sup>th</sup> century, there was a long-standing challenge with the maintenance of records. Proceedings were conducted throughout Florida in various district offices, courthouses, and other facilities. Volumes of documents were generated by parties on paper, and filed with the division of workers’ compensation in Tallahassee. When litigation occurred, significant pleadings, discovery, and evidence were printed by the parties on paper, and submitted to the presiding judge. The age of the word processor, cut-and-paste, and photocopier had facilitated significant escalation of document volume and repetition. There were record-keeping requirements, and a notably distributed adjudication system.

The solution for many years was transporting and storing paper files. The “division file” would be shipped from Tallahassee to a district office when a hearing was necessary. It was frequently incomplete and practitioners would thus review files to assure the presence of previously filed documents. Through the hearing process, the division file would also be supplemented with filings, orders, and correspondence. When a specific issue or hearing concluded, the file would often be transported back to Tallahassee, or held in the district office if further proceedings were anticipated. District offices had significant storage space, filing cabinets, and yet the paper persistently seemed to outpace storage. When files were eventually returned to Tallahassee, they were stored until needed again.

Efforts were made to assure that items filed in Tallahassee while the file was in the field were joined to the file upon its return. However, there were periodically instances that demonstrated failure in that regard. The volume of documents was simply overwhelming. In the 1980s, the division began scanning those files and storing their content instead on microfiche. That process reduced images in size and stored up to 100 pages on a small transparent plastic film card. This modernized storage, and somewhat answered volume challenges.

However, challenges persisted in the 1990s with files remaining current as the paper file travelled to and from Districts, to and from

the micro-scanning function, and as documents continued to be filed in both the District and Tallahassee. Additionally, there were logistical challenges with the transport of those files to and from Tallahassee. Various courier services fulfilled the shipping requirements, including one named The Pony Express. The humor in that is obvious, as a seeming reference to more ancient history. Lawyers in the new millennium have quipped about their advancing age with “I remember when the OJCC used the Pony Express.” However, the point remains that transport, storage, and memorialization had grown over the decades, and innovation was a persistent challenge.

Through that process, and the many personnel challenges, the OJCC was perceived as inefficient at best and as simply ineffective by many. Trials would often be continued repeatedly. The claims process was not designed for expeditious adjudication, and the judges viewed themselves as minor lords or barons with extensive autonomy and only nominal fealty to Tallahassee and the leadership there. That provincial and territorial view was likely largely the product of the previous statutory “coordination,” “consensus,” and “views,” *see* Chapter 14. It was likely also encouraged by the laissez fair leadership that prevailed from 1978 through the end of the 20<sup>th</sup> century. At the least, there was a perception that Chief Judge Walker was not a frequent visitor to any of the District Offices, nor an eager agent of change with regards to process or modernization. Nonetheless, technology was rapidly evolving. Computers were becoming ubiquitous. As the 20<sup>th</sup> century closed, a new era was dawning.

# XXVI.

## **Chapter Twenty-Six: Leadership in the New Millennia**

In 2001, with the reorganization of state government, the position of “Chief Judge” was eliminated when the OJCC was subordinated into the Division of Administrative Hearings (DOAH). The legislation specified the end of “the current” Chief Judge and created the new Deputy Chief Judge position. Section 440.45(1)(b), Fla. Stat. (2001). There were conversations about organizational discipline, OJCC management in the era of local rules, and the various proposals for adjudicatory change since 1979. Critics then remembered the Court committee proposal for abolishing the JCCs and absorbing those disputes into the Circuit Court jurisdiction (*see* Chapter 8). There were also reminders of previous proposals to absorb the OJCC into the DOAH. As the 2001 session progressed, many options and alternatives were discussed in terms of housing the adjudicators. However, it was apparent to many that in the effort to disassemble and reassign all that the Department of Labor and Employment Security had become, the OJCC had not seemingly been a primary consideration or concern.

Discussions largely centered on two distinct paths. The first was the OJCC as an independent agency within the Department of Management Services, under leadership of the Chief Judge. The second was transferring the OJCC into another agency as a subservient and dependent part. In that regard, there were several candidates mentioned but the DOAH was a persistent conversation point. Historians will remind that there had been discussions of combining the executive branch adjudicators there as early as the 1970s.

In the end, the subservient role in DOAH was selected. Some perceive that being motivated by DOAH efficiency and modernity. Others see that as influenced significantly by perceptions of ineffective OJCC leadership and doubts about success as an independent agency. It is impractical to conjecture what actually drove the move to DOAH, and in the end the outcome may be more attributable to limited legislative time than any other cause.

As noted in Chapter 14, the merger with DOAH was somewhat cataclysmic. While transfer of the district offices and staff was

reasonably straightforward, central staff realignment was initially nothing short of chaotic. The OJCC had never had or needed a clerk's office. Filings were historically directed by law to the FIC, and later the Division of Workers' Compensation, along with many regulatory filings and reports unassociated with the adjudication process. Many litigation documents had also been traditionally filed in the district offices.

In 2001, the responsibility for receiving, docketing, and managing filings passed to the OJCC and DOAH, but the responsibility came with no personnel, computers, existing process, or other accoutrement. Paper was still king, and mail arrived at a significant pace. That was initially exacerbated when DOAH naively proclaimed all mail was to be sent to Tallahassee rather than the various districts. One astonished DOAH employee soon compellingly expressed the volume: "nine to ten feet of mail each day!" The volume was surprising and perhaps shocking. The DOAH leadership struggled to comprehend the complexity and breadth of the OJCC. Like the "dog that catches the car," some expressed consternation at the challenges that came from DOAH striving to absorb and manage an OJCC that was two times larger than DOAH, housed in 17 locations throughout Florida. Others accurately pointed out that DOAH leadership had never sought the OJCC relocation, and some had opposed it.

Urgent equipment procurement was undertaken. Temporary staff (called "other personnel services," or OPS) employees soon occupied various hearing rooms, conference rooms and other DOAH facilities. Mail was stacked and piled on chairs, benches, and tables. A tsunami of workload and complications nearly swamped the unsuspecting and frankly unprepared DOAH. Within weeks, the "all mail to Tallahassee" proclamation was rescinded and mail delivery to the districts resumed. It is noteworthy that the situation with mail was also exacerbated by fears of anthrax following the terrorist attacks in 2001,<sup>472</sup> when the opening and processing of mail became complicated, and for some, uncomfortable or scary. In its defense, the DOAH leadership in that era was nothing if not dynamic, flexible, and committed. Challenges were plentiful, and yet the leadership team was never known to express a moment of doubt.

DOAH already had a "chief judge." With the transfer of the OJCC to DOAH, the OJCC Chief Judge position was eliminated. In its place came the "Deputy Chief Judge," with designated roles and responsibilities. Various statutory amendments in 2001 substituted "Deputy Chief" for "Chief." The result, whether intended or not, was an OJCC subordinated and subservient to DOAH, an agency



approximately half its size. Judge Walker applied for the newly created Deputy Chief Judge position but was not appointed. Judge Scott Stephens was appointed by Governor Bush for this new role in 2002 and led the OJCC until 2005, when he was appointed to the Circuit bench (*see* Chapter 8).

Some speculated that the first Deputy Chief appointment decision was driven, in part, by Judge Walker's delay in adopting rules. Others lamented the longstanding perceptions of disorderly district operations and inefficiencies, particularly in the slow entry of orders. There was discussion and criticism of longstanding local rules and district inconsistencies. The various challenges in the late 1980s and early 1990s involving Judges Tidwell (*see* Page 306), Jones (*see* Page 252), and others surfaced in conversations. There were thus various possible foundations for criticism and one or more may have influenced the Deputy Chief Judge appointment decision. Nonetheless, others speculated that more likely, after 13 years of service as head of the OJCC, the time had simply come for change.

Judge Stephens was next to serve. He brought a novel skillset to the judicial leadership. He was a capable computer programmer, a manager, and likely the most academically accomplished to ever serve as a Florida workers' compensation adjudicator (*see* Page 300). He brought a new focus on process, and led the JCCs through a transition of marked independence in the Department of Labor to one of acknowledged but perceived inferior peer in the DOAH.

Notably, during his term, some attorneys voiced allegations or conjecture of some description of top-down influence being exerted by him in legal issues (*see* Chapter 16). Those allegations were denied. And, in the public forum of the Statewide Nominating Commission, when he stood for reappointment in 2005, multiple judges rose spontaneously and adamantly denied and decried that any such influence or even suggestion had occurred. Those who would know were clear that such allegation or innuendo was false. Interestingly, those who voiced innuendo and criticism in that circumstance brought no evidence beyond opinion and allegation.

There was a perception of some concerted effort by attorneys to oppose Judge Stephens' reappointment. Discussion at a meeting of The Florida Bar Workers' Compensation Section Executive Council meeting was interpreted by some as proposing Section opposition or at least consideration of opposition. Some lawyers vehemently denied there was ever any such collective effort or even proposal. Regardless of the intent or content of those communications, there was a palpable

perception of friction between bench and bar early in the 21<sup>st</sup> century. Many found it unprecedented.

Judge Stephens was nominated for reappointment. However, he was soon nominated also for a Circuit Court position in Tampa. His name was thus “on the Governor’s desk” for two positions. Governor John “Jeb” Bush appointed him to the Circuit position and he departed the OJCC in the fall of 2005. The author was lucky to follow him at the OJCC, and to participate in the information revolution that soon followed and which was built on the foundations of DOAH’s existing technology expertise.

The ensuing years also witnessed significant effort at mending or building bridges between bench and bar. There was a joint educational conference with the Judges of Compensation Claims and the Section Executive Council. There was a judge and mediator survey composed by a joint committee. There were extensive efforts at outreach by both bench and bar to increase interactions, understanding, perceptions, and communication. The first decade of the new millennium involved significant focus on the relationship between bench and bar.

The marriage of the OJCC to DOAH was far from perfect, but what marriage is? There has been some measure of compromise in their coexistence since 2001. In that time, there have been significant challenges and notable triumphs. DOAH brought administrative rules of procedure as the Legislature intended and directed. Litigation was then instigated by The Florida Bar Workers’ Compensation Section, challenging the constitutionality of the Legislature’s delegation of rule authority to DOAH. Judge Jacobs (*see* Page 249) was a leader of that challenge. *Amends. to the Fla. Rules of Workers’ Comp. Proc.*, 891 So. 2d 474 (Fla. 2004).

More importantly, the two agencies cooperated in the deployment of video-teleconferencing which facilitated remote appearance at hearings early in the 21<sup>st</sup> century. The employment of that proprietary tool was a sound solution to the challenges of judicial conflict, disqualification, and workload distribution. It also handsomely addressed the eventuality that judges would suffer illness and other unplanned absences, which could then be easily accommodated with the appearance of a remote substitute judge by video (*see* Chapter 13 regarding *pro hac vice*). The video system was lauded by some and hated by others. As with all change, there were excited fans and the less enthusiastic, which sometimes seemed to border on technophobic.

The OJCC was also able to capitalize on existing DOAH expertise with software and technology, deploying electronic case management and electronic filing systems to the benefit of both the customers and the public at large. These processes decreased cost, increased information access, and streamlined litigation. When SARS-CoV-2 brought the COVID-19 pandemic, and various U.S. state workers' compensation systems floundered and flailed, the Florida OJCC persevered and thrived. One judge proclaimed the OJCC "never missed a beat." That success was largely due to three coinciding achievements. First, the existing familiarity with video-technology that allowed near-seamless transition to remote proceedings. Second, the 21<sup>st</sup> century transition away from individualistic and isolationist District offices to a cohesive, collective, and cooperative team facilitated interaction and internal support. Third, the paperless format of e-filing adopted in the early 21<sup>st</sup> century and later mandated (2011) facilitated simple and seamless access to filings and orders by lawyers and judges alike.

Throughout the tumultuous pandemic, Florida Judges of Compensation Claims and staff remained at work, in the various District Offices while delay and dormancy plagued workers, employers, and lawyers in other jurisdictions, and perhaps even elsewhere in Florida government. Despite those successes, the subordination of the OJCC to the DOAH resulted in post-pandemic consolidation. Organizational independence of the OJCC faded in favor of economies of scale and cost savings as the pandemic years concluded. District offices were closed, and OJCC central staff was transferred to DOAH. The OJCC Clerk office was subsumed into the DOAH Clerk's office. It is fair to say that the OJCC is different in the wake of the pandemic. Some may lament that, but this tome clearly memorializes that change, evolution, and adaptation are all hallmarks of workers' compensation adjudication throughout Florida's history.

And those attributes will be needed as change continues. As the first quarter of the 21<sup>st</sup> century draws to a close, the OJCC is actively engaged in various efforts to raise awareness of workers' compensation, promote professionalism, and attract outstanding individuals to the needs of Florida's workers and employers. There are growing concerns with unprofessional legal practice, overreliance on paraprofessionals, and the specter of the artificial intelligence that is anticipated to perhaps even replace legal staff and paralegals. It is a time of significant change, leadership challenges, and uncertainty. Nonetheless, there is no reason to believe change is presently any more threatening, uncomfortable, or pervasive than in earlier

evolution. As that quarter-century anniversary passes, there is a growing focus on celebration of the first 100 years of Florida workers' compensation that is on the horizon in 2035.



*Canal being dredged across new golf course at the Port Paradise Hotel - Crystal River, Florida. Credit Florida Memory, Florida Secretary of State, State Archives.*

# XXVII.

## Chapter Twenty-Seven: Compensation and Florida Evolution

### **Workmen's Compensation**

The Florida workers' compensation system was not among the first, and, in fact, was among the last.<sup>473</sup> With its timeline came the benefit of creative plagiarism. Florida had many statutory examples to examine and appreciate in 1935, as it set out to create its own workers' compensation law. Scholars have assured over the years that much of Chapter 5966 was copied from the laws of other states, and that is possible. Nonetheless, Florida has innovated and improved.

Leaders that would remain prominent in the early days of the new law, such as Mr. Ewell Lay (*see* Page 332) and Wendell Heaton (*see* Page 329) were both involved in the debates and discussions in 1935 that led to passage of Workmen's Compensation. Heaton then noted that it was "endorsed by a great many organizations" while Mr. Lay contended "it was also condemned by a great many organizations."<sup>474</sup> It is notable that Mr. Heaton stressed in support that it was "not a compulsory act," *Id.* and for many years that was nominally true. However, the statute had presumptions towards inclusion even in 1935. Section 5966(3), Fla. Stat. (1935). Though some might expect this debate to have been predictably polarizing, there were employers that supported its passage. They included "Bagdad Land and Lumber" and the "Newport Company." Opposition was voiced by the Associated Industries of Florida, "the Florida Hotel Association...the Cigar Manufacturers Association and the Florida Grapefruit Canners Association."<sup>475</sup> While those examples are certainly anecdotal, there is illustration there of the persistent contemporary importance of Florida agriculture, tourism, and timber.

The history of Florida workers' compensation is inextricably intertwined with the Great Depression and the Florida State Welfare Board. In the early 1930s, the federal government was dissatisfied with the Welfare Board and was demanding change in exchange for "millions of federal dollars."<sup>476</sup> The Merit System was created by the state but was "demanded...by the federal authorities as a precondition to receiving federal funds." *Id.* Torn between his disdain for federal

interference in the state, and the potential patronage power to appoint those who would distribute federal money, Governor Cone set about creating a new State Board of Social Welfare, which redefined state employment with the “Merit System.” The “Merit System,” based on workplace definitions, skills, and occupational testing was a broad effort to bring objectivity to job qualifications. That seemingly created periodic friction, while it “formalized the process of hiring social workers aimed at preventing patronage.” *Id.* Juxtaposed against this admirable goal was the reality that Florida’s governors were perceived as having little authority other than patronage (*see* Chapter 4).

Early in the existence of the Industrial Commission, Mr. Lay and Mr. Heaton were responsible for reorganizing the FIC personnel in 1938. There were allegations that the workmen’s compensation division “had exceeded its payroll budget because of employing persons recommended by the governor” (Cone).<sup>477</sup> Contemporaneously, a member of the FIC’s “personnel advisory committee” resigned complaining that Governor Cone “tried to place certain people in merit system jobs,” but they failed the qualifying examination. *Id.* In this early dispute, the Governor may have sought to avoid the “merit system” and allegedly “passed word to the committee to fire” “examiner, A.W. Ritzaur,” (*see* Page 336) who proctored the exam. But, the committee “declined to fire him,” concluding his decision to be appropriate. *Id.*

Governor Cone then sought the resignation of committee members who had declined the termination request. Following the resignation of “Dr. J.C. Davis of Quincy,” another member resigned in reaction to the “resulting change of viewpoint” and expressed “he was disappointed at the political aspect”<sup>478</sup> of the process. This was perhaps the first of friction between the new “merit” concept and the historical gubernatorial power of patronage, *see* Chapter 4. Though this instance impacted the FIC, Mr. Ritzaur remained involved in the workmen’s compensation system and later became a deputy commissioner (*see* Page 336). Nonetheless, it is an important illustration of the changes underway in patronage.

The influence of “merit selection” is evidenced in the statute as it thereafter evolved. In the 1953 statute, there was a mandate for published “salary schedules and minimum personnel standards” for the employees of the FIC. The mandate also required “rules and regulations for the appointment, promotions, and demotions...based upon rating of efficiency and fitness.” The statute forbade employees being “discharged or removed except for cause” and afforded any

discharged employee “a fair hearing as provided by applicable merit system regulations.” Notably, these requirements and protections specifically did not “apply to any member of the Commission or any deputy commissioner, none of whom are hereby put under the Merit System.” 440.44(4)(a), Fla. Stat. (1953). It is intriguing that merit was exalted, but not in those who would make the critical decisions about benefit disputes.

While Florida was not an early adopter of workmen’s compensation, it has nonetheless been an innovator. Much in workers’ compensation happened first in Florida over the decades since 1935. Florida was likely the first state to eschew court reporters for hearings (*see* Chapter 27). The Florida adjudicators were admirable as early adopters of technology. In 1949, proceedings were first captured electronically.<sup>479</sup> Deputy Fred Brown (*see* Page 200) utilized this technology at a hearing in “the Tampa district.” He described the effect of “reliev(ing) the secretary for other work.” The technology produced “records,” which were “thin and non-breakable,” contained between “10 and 30 minutes” of the proceeding, and were kept with the paper file regarding a case. The desktop recording equipment used two microphones to “pick up all the voices,” but participants needed to “identify themselves and not to get into arguments.” *Id.*

Many will remember that the adjudicators transitioned later to cassette tapes, first in two-track and then four-track formats. This was likely in the late 1960s. The two-track recording equipment would use half of a cassette’s four-track capacity on one side (“side A”), and when the machine stopped the tape would be flipped and the recording would continue on the next (“side B”). A challenge with this was that only two channels could be recorded (one microphone positioned close to the judge and another shared by the parties, counsel, and testifying witness).

In the 1990s, a great innovation was deployed for hearing recording: the four-channel recording deck. This allowed separate microphone channels for judge, each counsel, and the witness. This made recordings clearer. However, the technology of the cassette was not changed. What the judges then did not initially realize was this four-channels also consumed all four tracks on the cassette. Thus, while recording on “side A,” all of the tape’s capacity was being used. When the judges, as habit had assured them, flipped a tape to “side B” on those new recorders, the recording of four channels on “side B” simultaneously erased what had been recorded on “side A.” The result was fatally flawed recordings that omitted significant

portions of trial proceedings. Various proceedings had to be retried, and in some instances there was appellate review on “stipulated” records to avoid the expense of repeating trial.

The adjudicators adapted and adjusted, and the next innovation came in the 21<sup>st</sup> century - digital recordings. The Florida OJCC was among the first to use computers for recording hearings, starting in 2002. In time, as the records-retention requirements were met, thousands of cassette tapes were destroyed. Both in sound quality and ease of storage, that innovation of 2002 was no less spectacular than Deputy Brown’s first use of a record machine in 1949. In this, and other innovation, there is a rich history of leveraging technology to the benefit of the workers’ compensation community. And, along the way, there have been some untoward errors that are humorous anecdotes such as this in retrospect.

Florida was also reportedly the first state to adopt a process in which its adjudicator’s orders are “final” and thus subject to review only by a constitutional court<sup>480</sup> (see Chapter 15). Florida was first to attempt a break from the challenges of “impairment” and strive for compensating “disability” in its own right. Langham, Chapter 31 (note 152). That 1979 experiment in “Wage Loss” was neither well received nor long-standing. The experiment ended within years though there was debate still as to when it actually ended. Langham, chapter 45 (note 152). That particular experiment was ill conceived and demonstrated a surprising lack of appreciation for both the challenges of litigation and basic economics. In the wake of the benefit expansions of 1979, the Legislature returned to comp about a decade later. In 1990, premiums were “skyrocketing,” and “it all seem(ed) like déjà vu to lawmakers.”<sup>481</sup> There was discussion then of the “high cost of Florida’s medical system,” and the potential for “fraud.” *Id.* But, “lawyers again were among the first to be blamed for the new crisis.” *Id.* Historically, there has been an unfortunate recurrent tendency to place blame for all challenges on attorneys.

Thus, there has periodically been a degree of negativity. However, despite reminiscence of the tumultuous and fluctuating changes in 1974, 1979, 1990, 1991, 1994, 2001, and 2003, Florida was the first to offer mediation as a litigation alternative in workers’ compensation (1989), and the first to statutorily mandate it (1994). Florida was the first to offer electronic document filing (2005), video hearings (2004),<sup>482</sup> hybrid hearings (2009),<sup>483</sup> and more. It is fair to say adjudication here has been persistently innovative. Through the progression of various statutory, title, and organizational changes, the Florida population and economy have grown and diversified. The



evolution of the Office of Judges of Compensation claims through those changes has been credible, facilitative, and increasingly professional.

## **Population**

As workmen's compensation began and developed, Florida had evolved significantly since its admission to the union almost 100 years prior (1845).<sup>484</sup> Population grew, and began to shift south.

Florida was a destination for Jewish settlers early, beginning in 1763 in Pensacola. That migration that began to Florida in the 1700s flourished in the 1800s. In another first, the "first chapter of B'nai B'rith...was founded in 1874 in Pensacola."<sup>485</sup> South Florida soon also became a destination as Florida's population growth shifted south in the wake of air conditioning, train service, and other innovation and development. South Florida currently "is home to the second largest concentration of Jewish people in the world." *Id.* Significant in that is Miami-Dade County itself "the nation's third largest Jewish community, estimated in 1990 at 800,000." *Id.*

According to the 1930 census, the largest cities in Florida were Jacksonville (129,549), Miami (110,637), and Tampa (101,161).<sup>486</sup> Each continued to grow, but that order remained the same through 1940. In the 1950 census, Miami exceeded Jacksonville significantly: Miami (249,276), Jacksonville (204,517), and Tampa (124,681),<sup>487</sup> emphasizing the growth in the south and Florida's shifting demographics.

In the 1950s, southern former "slave states"<sup>488</sup> were center stage in the civil rights movement.<sup>489</sup> Florida's history had included cotton plantations in the 19<sup>th</sup> century, and an agricultural economy had persisted through the Civil War and beyond. Citrus had long been part of Florida but flourished in the post-Civil War era. Though slavery had ended with the Thirteenth Amendment, Jim Crow laws and discrimination persisted in Florida and elsewhere, particularly in the agricultural economy. In this regard, the Florida history depicted in *The Devil in the Grove*<sup>490</sup> is of particular interest in understanding Florida's evolution. It depicts the treatment of agricultural labor, discrimination, and racism then still rampant in this state. Its perspective stems from a 1949 rape allegation, three arrests, an attempted lynching, legal representation by Thurgood Marshall in Lake County, a civil rights assassination in 1951,<sup>491</sup> and more. Florida labor, race relations, and more evolved through the age of workmen's compensation.

In 1960, St. Petersburg was included on this list of large cities and Tampa's growth had propelled it to the second spot: Miami (291,688), Tampa (274,970), Jacksonville (201,030), and St. Petersburg (181,298).<sup>492</sup> The primacy of north Florida was rapidly eroding and southern cities were growing through industry, tourism, opportunity, and immigration.

World politics impacted Florida. The 1959 revolution in nearby Cuba promoted immigration of thousands.<sup>493</sup> That was not the beginning of immigration; "Large Cuban communities developed in Ybor City and Key West by the late 1800s."<sup>494</sup> That said, the Cuban revolution drove immediate immigration. By the end of the 1960s, over 400,000 Cuban immigrants lived there. "Subsequent waves in the 1970s, 1980s, and 1990s increased the population of Cuban refugees living in the United States to over one million." *Id.* One Miami neighborhood attracted the immigrants and was soon labelled "little Havana." The growth of Miami continued, and a city that had boasted a population of 1,681 in 1900<sup>495</sup> had grown by 1970 to 1,267,792. In that 70 years, Ft. Lauderdale had been founded (1911), and population had grown there and throughout the region.

The 1960s saw continued action regarding civil rights and economic evolution. The population grew, the demographics were increasingly diverse, and the tourists persisted. In 1964, Disney began secretly purchasing property for an amusement park,<sup>496</sup> and tourism continued to flourish and spread. The beaches and other attractions persistently drew the winter-weary southward for sun and recreation. The railroad influence waxed early in the 20<sup>th</sup> century, but waned with the advent of the modern highway. Despite that, the auto train<sup>497</sup> was a historic force drawing those who longed to winter here but would avoid the 900-mile drive from Virginia. Some will remember the advertisement for that iconic innovation, as well as the persistent national campaign promoting the benefits of Florida orange juice.

The 1970 census demonstrated significant change: Jacksonville (528,865<sup>498</sup>), Miami (334,859), Tampa (277,767), St. Petersburg (216,232), and Ft. Lauderdale (139,590).<sup>499</sup> One might see a resurgence of the north in that. However, the shift came in large part from the voters' decision to consolidate Jacksonville and Duval County on August 8, 1967, creating "the largest city by area in the contiguous United States, and the 12th largest by population."<sup>500</sup> It was lauded as a new day in local governance, with an intriguing innovation that has persevered to this day. A former Deputy Commissioner turned Circuit Judge was instrumental in that consolidation and challenges that followed it (*see* Page 218).

Those top four cities remained in the 1980 census.<sup>501</sup> However, a clearer picture emerged with the 1990 census<sup>502</sup> and focused on other south Florida cities that were part of the growth of that region: West Palm Beach (66,837), Miami Beach (92,296), Hialeah (187,905), Hollywood (122,793), Cape Coral (75,172), and more. Another former Deputy Commissioner's influence on Miami Beach is of particular note in that regard (*see* Page 206). The growth was undoubtedly fueled by incoming northerners seeking warmth, as well as the influx of Cubans, Haitians, and others from the south. Florida has persistently been a significant destination of immigration, legal and not. After a slow start, Florida was the 31<sup>st</sup> most-populous state in 1930 with a tenth of New York's population, and a quarter of California's. The phenomenal growth over the 90 years since workmen's compensation came to Florida propelled this peninsula to the third most-populous state in 2014.

Florida evolved economically, educationally, and ethnically over the 20<sup>th</sup> century. Claude Kirk was elected the 36<sup>th</sup> governor of Florida (1967 to 1971). He was the first Republican Governor in Florida in almost 100 years, since Reconstruction (1876)(*see* Chapter 15).<sup>503</sup> Then, single-party rule had dominated for more than the first half of the 20th century. When elected, Claude Kirk appointed T.W. Johnston Chairman of the Florida Industrial Commission. The Orlando Sentinel alleged that he "pressur(ed) Democratic deputy commissioners for resignations."<sup>504</sup> This was perhaps part of later perceptions of political patronage (*see* Page 229). This first instance of Republican leadership was notably brief. The Florida Executive Branch would return to Democratic control with Governor Kirk's reelection defeat in 1970, lasting 16 years under Governors Reubin Askew (1971-1979) and Daniel "Bob" Graham (1979-1987). Republican control returned with Governor Robert Martinez (1987-1991). That was similarly fleeting, with the election of Lawton Chiles in 1990 and his two terms ending in 1999. Since then, there has been Republican leadership (John "Jeb" Bush, Charles Crist, Rick Scott, and Ronald DeSantis).

Florida changed and grew throughout the age of workers' compensation. Its tourism, industry, transportation, and more is all inextricably intertwined with the workers' compensation adjudication evolution, the involvement of lawyers, their training, and their expertise. Undoubtedly, business and government had significant roles in the exponential growth and development of the last 100 years. But the working man and woman played an undeniably equal part. In that great enterprise there has been interaction and at times

disagreement between management and labor. Some of those sentiments are expressed in various statutory changes since the adoption of workers' compensation in 1935.



*Sugar mill St. Cloud Florida.* Credit Florida Memory, Florida Secretary of State, State Archives,

# XXVIII.

## Chapter Twenty-Eight: The Commission's Evolutions

The adjudication process in 2023 is not what it once was. Gone is the mixture of broad regulatory and adjudicatory authorities. Gone are the part-time ancillaries who gathered facts for commissioners who often lacked legal training but were the ultimate arbiter of fact and law. Gone are the partisan delineations of interest in the appellate process that were a hallmark of the Florida Industrial Commission era. *See Scholastic Systems, Inc. v. LeLoup*, 307 So. 2d 166, 168 (Fla. 1974) (“there is no constitutional requirement for the extensive, appellate type of review previously afforded here in workmen's compensation cases.” “Our consideration of decisions of the Industrial Relations Commission will henceforth be governed by the traditional standard of ‘departure from the essential requirements of law’”); *see also* 1974 Annual Report of the Department of Commerce, Page 6. And, gone is the process that was most often male and predominately caucasian. That is not to say that there is perfection in 2024, but it acknowledges that the last 90 years have brought significant progress. Further change is very likely in the decade that remains before Florida celebrates its workers’ compensation law centennial in 2035.

The evolution has not been without its human element. There have been colorful personalities in the practice of workers’ compensation. The adjudicators have not been immune in that regard. They have been at times inspired, obsequious, incredible, disappointing, sincere, and so much more and less. There have been books written that noted some. *See* Creston Nelson-Morrill, *WORKERS’ COMPENSATION IN FLORIDA 1935-1995, THE HISTORY, PEOPLE, & POLITICS*, (1995). Others have grown famous, infamous, or both and some live today only in legends passed from generation to generation by witnesses and amateur historians. Some of those have undoubtedly become tall tales, and exaggeration is perhaps merely part of the natural progression of the art of such storytelling.

Appendix A *below* is an overview of those who resolved the disputes in Florida Workers’ Compensation over its first 89 years. The compilation of their names and dates of service has been a

significant undertaking of the Florida Office of Judges of Compensation Claims. Research was aided by The Florida Bar's annual journal directory of members, which included maps that described the various judicial geographies and adjudicators. From the maps and directories related to workers' compensation came much of what is known regarding the time and geography of service. Though the Bar materials were helpful, it is critical that such is amenable to error both through mistake and neglect. In the day-to-day of a state agency it is possible that the most current information was not always provided to the Bar, and that the Bar information was not verified or confirmed as fastidiously as might be hoped.

In 2011, the OJCC published a poster depicting *The OJCC as We Know It*. It noted that there remained gaps in our knowledge. And, there was acknowledgement of several individuals whose efforts and contributions aided that publication.<sup>505</sup> What is set out in Appendix A is gleaned from similar sources, oral histories, and significant research of published opinions and news.

The modern world of internet, electronic mail, and digitized news might lead one to anticipate that changes in records would be instantaneous and easy. That is not the case. Knowing that a lawyer or judge has died and communicating that to the Bar may not be sufficient to alter its "Member Profile" to reflect demise. The records might only be altered upon proof of such passing, and the process is not always rapid. When a family is confronted with such a loss, it is easy to imagine that updating a Bar record is not high on the priority list.

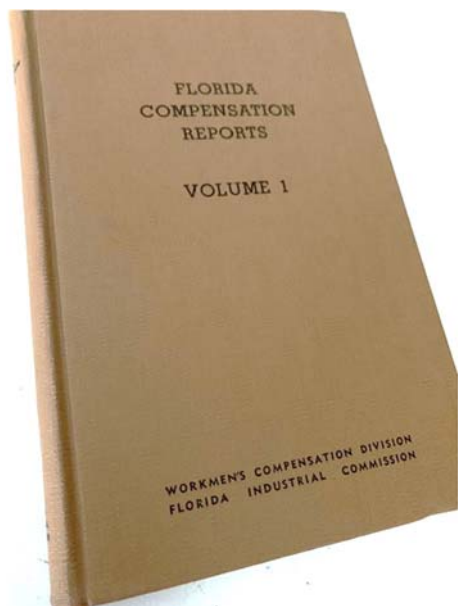
In a similar vein, it has been a revelation in the research for this text that at times preparation of an obituary is likewise not prioritized or potentially is overlooked. When a family member passes, it is certainly a difficult time and much is required by the necessities. A nicety such as an obituary may easily fall in the unaccomplished category, but the availability of such reminiscence has facilitated several of the recollections included here. Every effort has been made to locate obituaries for each of the adjudicators that has passed, but many were either inaccessible, brief announcements, or simply not found. In those instances, the emphasis has shifted to news stories, published case decisions, and oral histories of some of the senior generation, including some of the very adjudicators described.

What follows is an amazingly broad population of largely white men who undertook the responsibility of adjudication. A small group stayed for a career, but more were short-term and part-time. Some stayed only a year or less. There is a vast spectrum of age at time of

appointment (23 the youngest, Talbott Whitfield, Page 315, to 68 the oldest, Eduardo Almeyda, Page 187). There are several tragic examples of those who passed while in office, unexpectedly and notably young. There are intriguing examples of valor including service in World Wars I and II. Those who would become adjudicators were involved in flying fighter planes and bombers, military intelligence, service on ships, and soldiering in both theaters of World War II. Recounted below are mentions of such places as Okinawa, Japan, Austria, Dachau, Nuremberg, Rome, Anzio, and more. The men that came to serve as adjudicators here had such responsibilities as guarding Franklin Roosevelt at Yalta and participating in the infamous Battle of the Bulge. There are indicia of politics in some appointments and progression to fame and recognition by some. Others have seemingly faded into obscurity as if they had never been here. Among the many possible rational explanations for my failure to find and celebrate them here, none is more persuasive than the next.

There were those whose exploits involved the rich (Howard Hughes), famous (Richard Milhouse Nixon, Franklin D. Roosevelt), and infamous (Theodore Bundy). There were those who became known beyond the confines of legal practice, founded businesses, and impacted communities. There were those who returned to the practice of law and progressed through such practice to heights of achievement and service. Some became educators. There were some who were not so exemplary, and some suffered the indignity of falls from grace, removal from office, criminal conviction, and disbarment. It is fair to say there was triumph and tragedy in this group.

As noted, it is not entirely clear that they each attended law school. Because of the evolution in licensure and responsibility, that may never be entirely clear. There is one for whom no Florida Bar records were located. Some of those were patently lawyers however, as evidenced by published cases and other evidence. Thus, uncertainty remains as to a few. There are a few who are substantiated here only through corroborating indicators, circumstance, and implication. It is possible in the early days that some served without the benefit of such education and licensure. It is also possible that through some simple inadvertence, a few are merely no longer accessible in state bar records. However, the research for this book did not definitively reveal or substantiate such explanation(s). Nonetheless, there is every reason to believe that the ultimate result is substantially accurate.



*Florida Compensation Reports.* Credit Langham.





## **Appendix A - The Florida Trial Adjudicators**

### **ABRAMS, ISRAEL**

Deputy Commissioner  
FTL, MIA; 1955-1960

Deputy Israel Abrams (Izzy)(1924-2011) earned his Bachelor's degree from the University of Florida and his Juris Doctor from the University of Miami (1952).<sup>506</sup> He was a Deputy Commissioner from 1955 to 1960, originally in Miami. He was initially appointed during the term of Governor Leroy Collins. During his tenure, the demands justified establishing a presence in Broward County and Judge Abrams was tasked with serving part time there in conjunction with his duties in Miami. He later served as Judge of Compensation Claims, pro hac vice, January-February 1992. After his initial public service, he practiced exclusively in workers' compensation as a member of the labor law firm of Kaplan, Ser, and Abrams. That firm dissolved, and Izzy became a sole practitioner in North Miami Beach.<sup>507</sup> He served on The Florida Bar Workers' Compensation Rules Committee, was chair of the Annual Workers' Compensation Educational Conference, a founder and chair of the Friends of 440 program,<sup>508</sup> and a member of the Top Ten Associates.<sup>509</sup> At the Friends of 440 banquets, Izzy was part of a trio that performed song parodies with workers' compensation themes. These involved George Lanza and Herbert J. Teller (*see* Page 304). Izzy was a community leader, illustrated by his founding of the Miami Jewish Health System. He was a Navy veteran.<sup>510</sup> Deputy Abrams replaced Deputy Rayman.<sup>511</sup>

### **ADAMS, GAIL**

Judge of Compensation Claims  
JAX, ORL; 1992-2001

Judge Gail Adams (1955-) earned her Bachelor's degree from the University of Central Florida (1976<sup>512</sup>) and her Juris Doctor from

Stetson University School of Law in 1980. She was among the first Office of Judges of Compensation Claims mediators hired when that revolutionary innovation was introduced in the early 1990s (1991-1992 *Id.*). She mediated in the northern third of Florida traveling from Pensacola to Jacksonville, essentially the geographic jurisdiction then of the Florida First District Court of Appeal (the Central Florida mediation effort was initially staffed by former judge Richard Davis, *see* page 214, and the southern portion of the state was covered by Ronnie Witlin). Judge Adams was appointed Judge of Compensation Claims in Jacksonville in 1992 and transferred to Orlando in 1993. *Id.* She served in Orlando until 2001 when she was elected to the Circuit Court in Orange County. She served there for four terms, electing senior status in 2021.<sup>513</sup> She was involved with local bar associations, the Florida Women’s Lawyers Association, and the Florida Conference of Circuit Court Judges.

**AKINS, ELWYN<sup>1</sup>**

Deputy Commissioner

Judge of Industrial Claims

Deputy Commissioner

Judge of Compensation Claims

GNS; 1961-1992

Judge Elwyn Mitchell Akins (1927-2009) earned his bachelors and LL.B. from the University of Florida, and he was first licensed to practice law in 1952.<sup>514</sup> Before college he served in the U.S. Merchant Marine and the U.S. Army in 1945 in the Aleutian Islands.<sup>515</sup> He presided in the geography that came to be known as District Gainesville. Judge Akins’ father was Judge Elwyn M. Akins (County Court, Gilchrist County, Jan. 1953-1961). Judge Akins was therefore referred to affectionately as “little judge.” Judge Akins was “serving as county judge...in 1961,” and the pay was only \$6,000. He was pleased to be appointed to the workers’ compensation bench because it paid twice that (\$124,545.55 in 2024 dollars).<sup>516</sup> When Judge Akins was appointed, the workmen’s compensation office was relocated from Lake City to Trenton, about 30 miles west of Gainesville. A later Ethics Commission” inquiry revealed that the state was leasing space for that office in a building Judge Akins owned. *Id.* The judge

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<sup>1</sup> Judge Akins is one of only two known to have served as all four adjudicator titles. The other is Gustavo Fontaine, *see* Page 224.

reportedly “deeded the building to someone,” *Id.* as a result of that investigation and to avoid further inquiry. Judge Akins was a Mason and a father. He returned to the bench briefly *pro hac vice* in Jacksonville following his retirement. Judge Akins is one of only two who served in all four trial adjudicator roles in the history of Florida workers’ compensation. This distinction is due in part to coincident timing but is also a testament to longevity that was exceptional.<sup>517</sup> He retired to Nashville, Georgia.<sup>518</sup> He was inducted posthumously into the Florida Workers’ Compensation Hall of Fame, Legends Division, in 2015.<sup>519</sup>

**ALMEYDA, EDUARDO**

Judge of Compensation Claims  
MIA; 2013-Current

Judge Eduardo Almeyda (1945-) earned his Bachelor’s degree from Florida State University in 1968. He started his career as an insurance adjuster and worked as such while earning his Juris Doctor at Florida State University School of Law (1973). He then had an extensive defense practice in many fields, aviation, civil, and corporate with a primary focus on worker’s compensation. He has extensively lectured in various worker’s compensation subjects, published several articles and a textbook, *The Adjuster’s Manual for Worker’s Compensation*. In addition, he served as a state mediator in the Miami District from 2007 to 2013, mediating over four thousand cases.<sup>520</sup> In 2013, he was appointed Judge of Compensation Claims by Governor Rick Scott and reappointed thereafter. *Id.* He is notable in that he was likely the oldest lawyer ever appointed to the workers’ compensation bench at age 68. Judge Almeyda was inducted into the College of Workers’ Compensation Lawyers in 2022.

**ALPERT, JONATHAN**

Judge of Industrial Claims  
SPT; 1977-1979

Judge Jonathan Alpert (1945-2014) earned his Bachelor’s degree from Johns Hopkins University and his Juris Doctor from the University of Maryland Law School (1969). He earned an LLM in Legal History from Harvard Law School (1970). He was a partner in Alpert, Lamarr, & Alpert from 1970 to 1977 and Judge of Industrial

Claims from 1977 to 1979. When he left the bench, he became an adjunct professor at the Stetson University College of Law from 1979 to 1982. Judge Alpert later became a partner at Fowler, White, & Boggs from 1982 until 1986. He then practiced law in St. Petersburg at his own firm from 1986 to 2004 when he retired.<sup>521</sup> He was the son of Leo Alpert who practiced workers' compensation law and authored Florida's first definitive guide to this law.<sup>522</sup> The first edition was printed in 1966. The second edition was authored by Jonathan Alpert and his father. The third edition<sup>523</sup> was authored by Judge Alpert and Judge Patrick Murphy (*see* page 275). Judge Alpert also authored FLORIDA TORTS and ALPERT'S REAL ESTATE LAW.<sup>524</sup> He was remembered for his belief that "the entire practice of law (was) a teaching process - whether it was teaching judges, other attorneys, or clients." *Id.*

**AMSDEN, JAMES L.**

Deputy Commissioner  
Judge of Industrial Claims  
FTL; 1969-1972

Judge James Lewis Amsden (1921-2009) earned his Bachelor's from St. Louis University<sup>525</sup> and his Juris Doctor from St. Louis University School of Commerce & Law. He was first admitted to The Florida Bar in 1954. *Id.* He was a teacher and later practiced law while also serving as Assistant County Attorney. Judge Amsden was "a C.P.A., and served on the Broward County Zoning Board and Broward County Commission." *Id.* He "served 3-1/2 years in the U.S. Army Air Corps" and was "Past Commander of the Fort Lauderdale Power Squadron." *Id.* His non-professional interests included "the sea, travel, and chess." *Id.*

**ANDERSON, ALLAN C.**

Judge of Industrial Claims  
SPT; 1961-1966

Judge Allen C. Anderson (1926-1984) earned his Bachelor's<sup>526</sup> and Juris Doctor from the University of Florida and was licensed to practice in 1949.<sup>527</sup> In the 1950s, he practiced with Fischer & Sauls in

St. Petersburg.<sup>528</sup> He was appointed by Chairman Worley Brown,<sup>2</sup> and his jurisdiction was “only Pinellas County.”<sup>529</sup> He had recently resigned as “Gulfport municipal judge” and had served as “South Pinellas County Chairman for Gov. Farris Bryant in his unsuccessful 1956 campaign” (Gov. Bryant was eventually elected in the next cycle and served 1961–1965). Judge Anderson was elected to the Circuit Court in 1966,<sup>530</sup> “served as chief judge in 1974 and 1975,”<sup>531</sup> and “retir(ed) in 1984. He died three months later.”<sup>532</sup>

**ANDERSON, WILBUR W.**

Deputy Commissioner

Judge of Compensation Claims

JAX 1988-2003, DAY 2013-2023, and ORL 2023-Current

Judge Wilbur W. Anderson (1958-) earned his law degree from George Washington University and his undergraduate degree, with honors, from Florida State University<sup>533</sup> (1984). He is a Judge of Compensation Claims (JCC) in the Orlando district, as the Daytona District was consolidated there in 2023. He served as a JCC in the Daytona Beach 2013-2023. Judge Anderson previously served in the Jacksonville district between 1988 and 2003; he was originally appointed there when Judge Richard Hart passed away. After his Jacksonville service, he was in private practice as an attorney, mediator, and arbitrator. He then served as an attorney in the workers’ compensation unit of the Florida First District Court of Appeal, and as an OJCC mediator in the Daytona Beach district. Judge Anderson was a past president of the Florida conference of judges of compensation claims, and a past chair of the Workers’ Compensation Rules Committee of The Florida Bar. He served as vice-president of the Judge William Wieland Inn of Court and as an honorary member of the E. Robert Williams Inn of Court.<sup>534</sup>

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<sup>2</sup> There has been discussion over the years regarding the appointment by FIC Chairman. Some perceive that Deputies were chosen by Governors, part of the “patronage” power attributed to that office, *see* Page 33.

**ANTHONY, BRIAN J.**

Judge of Compensation Claims  
TPA; 2020-Current

Judge Brian J. Anthony (1964-) earned his Bachelor's from the University of Florida (1987) and his Juris Doctor from Stetson College of Law (1990). He was admitted to The Florida Bar in 1990. Judge Anthony was a partner at two law firms before founding his own practice in 2011. He practiced in the areas of Workers' Compensation, Social Security Disability, and personal injury. He has been Board Certified in the field of Workers' Compensation since 1998 and has been certified by the Florida Supreme Court as a mediator since 2009. Judge Anthony practiced law primarily in the Tampa area for 30 years prior to being appointed Judge of Compensation Claims by Governor Ron DeSantis. He has been active in his local community and served on the YMCA Advisory Board for eight years. He was also a founding member of the Knights of Columbus Council 12165 at Christ the King Parish in Tampa. Brian has dedicated years to running a homeless Ministry in Tampa, Matthew 25, which feeds and provides clothing and medical care to the homeless and less fortunate in the Tampa community weekly. *Id.*

**ARTHUR, ROBERT**

Judge of Compensation Claims  
LKL, TPA; 2017-Current

Judge Robert Arthur (1967-) earned his Bachelor's from Indiana University of Pennsylvania (1989) and his Juris Doctor from Case Western Reserve University (1992). He moved to Florida and began practice in a multistate law firm representing claimants in Social Security Disability matters. He quickly transitioned his practice to the representation of claimant's and employer/carriers in workers' compensation. Judge Arthur worked for both small and large firms before becoming a State Mediator in the St. Petersburg District Office in 2005. After seven years in St. Petersburg he began mediating in both St. Petersburg and Lakeland until being appointed Judge of Compensation Claims in Lakeland by Governor Rick Scott in May of 2017. *Id.* Judge Arthur became the third Tampa workers' compensation judge in 2022 when the Lakeland office was closed and the district was consolidated into Tampa.

**BANDEL, LOUIE**

Deputy Commissioner

MIA ; 1944-1945

Deputy Louie Bandel (1907-1977) was born in Jacksonville. He attended Stetson University but earned his Bachelor's from University of Florida and his Juris Doctor from Cumberland University.<sup>535</sup> He moved to Miami in 1926.<sup>536</sup> Deputy Commissioner Bandel was licensed to practice law in Florida in 1930. He served as Deputy Commissioner for one year, ten years as Municipal Judge,<sup>537</sup> and later as a County Court Judge. He passed shortly after being retired mandatorily by the age constraint on service in the County Court. His obituary<sup>538</sup> discussed the financial strain of retirement and compared his \$3,600 (\$18,668 inflation-adjusted, 2024<sup>539</sup>) annual pension to his \$34,000 (\$176,313 inflation-adjusted, 2024 *Id.*) annual salary on the county bench.<sup>540</sup> The constraint of retirement was lamented and criticized. Judge Bandel was a member of the State Tuberculosis Board in 1964,<sup>541</sup> Chair of the Florida State Racing Commission in 1965,<sup>542</sup> and served on the Miami City Commission.<sup>543</sup> He was credited for his involvement in battling segregating living requirements in Miami.<sup>544</sup>

**BARFIELD, WILLIAM D.**

Deputy Commissioner

Jacksonville ; 1941-1949

Deputy William D. Barfield (1908-1983) was born in Cuthbert, Georgia, and moved to Jacksonville in 1915. At Princeton University, he was a football player, intercollegiate heavy-weight wrestling champion, and member of Phi Beta Kappa.<sup>545</sup> He was the vice president of his class for three years.<sup>546</sup> And, beginning in "1941, Barfield served as deputy commissioner of the Florida Industrial Commission" and as a "football official in the southeastern conference."<sup>547</sup> Governor Fuller Warren then appointed him to succeed the late Miles W. Lewis as Circuit Judge for Duval County. This was a "special judgeship for Duval" which operated like other circuit judges jurisdictionally but "only in one county by special law."<sup>548</sup> In an odd prosecution, Jacksonville filed charges over Judge Barfield's business license renewal after he was appointed to the Circuit bench. He allegedly failed to "obtain a city license for the tax year 1950-51." He contended he did not need a license as he was

serving as Circuit judge and therefore was cleared. Judge Barfield served as President of the Daniel Memorial Home for Children.<sup>549</sup>

**BARKER, ROGER**

Deputy Commissioner  
ORL; 1953-1954

Deputy Roger Barker (1912-1998) was born in Orlando, Florida, and graduated from Orlando High School in 1930. He earned both a Bachelor's and a Juris Doctor "from the University of Florida"<sup>550</sup> and "started a law practice at the corner of Orange Avenue and Church Street." *Id.* He served "during World War II" in Tennessee, a "reserve second lieutenant." *Id.* Judge Barker returned to Orlando and "in the early 1950s he served as a Judge of Industrial Claims Court" *Id.* and then as county judge. In 1957, "he was appointed Circuit Judge of the 9th Judicial Circuit," one of three Circuit Judges for the entirety of "Orange and Osceola counties." *Id.* He was remembered as a mentor, friend, and "a quiet, gentle man." *Id.* He served on the Circuit bench "for more than 22 years" *Id.* before retiring in 1979. He reportedly referred to this as "simply 'the judgin' business." *Id.* His obituary noted that "he loved the law, and he was a real student of the law." *Id.*

**BARNES, RAYMOND**

Deputy Commissioner  
MIA; 1941-1942  
FIC; (*see* Page 323)

Deputy Commissioner Barnes (1913-1963) earned his Juris Doctor from Cumberland University.<sup>551</sup> He also served as the Chairman of the Florida Industrial Commission as Commission attorney and General Counsel. Later, he was vice chairman of the Florida Turnpike Authority, briefly serving as acting Chairman between the tenure of John Hammer and John Phillips. After service on the Turnpike Authority, he served as the Chairman of the Orange County-Orlando Express Authority. In 1963, he predicted that the ongoing road construction in Orlando would "make Orlando the hub of peninsular Florida."<sup>552</sup> His career included time on the boards of Windsor Insurance, Colonial Bank, and Florida National Bank of Orlando. He was serving as the President of Associated Industries of Florida at the time of his death.<sup>553</sup>



**BARRS, JOSEPH V.**

Deputy Commissioner  
TPA; 1962-1966

Deputy Commissioner Joe Barrs (1931-1989) earned his Bachelor's and Juris Doctor from the University of Florida.<sup>554</sup> He was admitted to The Florida Bar in 1958 *Id.* and came to be viewed as “a specialist in workers’ compensation law.”<sup>555</sup> He practiced with John A. Williamson, who was also “a well-known workers’ comp(ensation) practitioner.” *Id.* Following his tenure as Deputy Commissioner of Industrial Claims, they practiced together in “the firm of Barrs and Williamson” in “an office across the street from the City Hall.” *Id.* The firm “was known to local practitioners as it included a “hospitality room in the rear of the second floor.” *Id.* There, reportedly, lawyers and others gathered regularly and conversed. After his passing, the firm continued as Barrs, Williamson, Stolberg, Townsend, & Gonzalez, P.A.<sup>556</sup> Some of those lawyers continue to practice, but the name of Deputy Barrs has faded from public view.

**BASQUILL, TIMOTHY**

Judge of Compensation Claims  
WPB; 2003-2016

Judge Timothy Basquill (1950-) grew up in Rockledge, Florida, and graduated from Cocoa High School in 1968. He earned his Bachelor's at Loyola University of the South (1972) and was commissioned an officer in the U. S. Army. He served tours with the 82nd Airborne Division, in Fayetteville, North Carolina, and, the 3d Infantry Division, in Giebelstadt, Germany. Upon discharge, Judge Basquill attended South Texas College of Law (1983). He then worked in Houston, Texas, as a real estate and banking attorney for Dyche & Wright, and Hoppess, Cowgill & Emmott. Judge Basquill relocated to Florida in 1988 and joined Beisler & Beisler concentrating in workers' compensation defense. Judge Basquill served as the President of the Florida conference of judges of compensation claims (2007-2008) and was the 2012 recipient of the Kennie Edwards Memorial Award (*see* Page 285 *re* Judge Pumpian). Judge Basquill lectured at various seminars regarding workers' compensation issues, including ethics.<sup>557</sup>

**BECK, CARL E.**

Deputy Commissioner  
TPA; 1937-1941

Deputy Commissioner Carl E. Beck (1886-1949) was involved with Electrical Workers No. 108 in Tampa,<sup>558</sup> which he served as “elected business manager” from 1930 to 1936,<sup>559</sup> when “he was appointed international representative for the southeastern district of the International Brotherhood of Electrical Workers” *Id.* He also served as “second vice president of the Florida Federation of Labor” from 1928 to 1930. *Id.* He was president of the Tampa Building Trades Council in 1934.<sup>560</sup> It is logical that he would be involved as a representative of labor, and, in the absence of any requirement that Deputies would be attorneys, the lack of evidence of that is logical. In the early days of Florida workmen’s compensation, the Industrial Commission was both management and appellate adjudicator. As the workload developed, the Commission hired deputies for the trial work, first because it could do so, but then because deputies were mandated in 1941. Because the decisions over disputes were decisions of the FIC, the deputy was responsible for rendering a recommended order until the statutory change of 1942 (Page 69).

**BECK, DIANE B.**

Judge of Compensation Claims  
SAR; 1996-2020

Judge Diane Billings Beck (1953-) earned her Juris Doctor from Stetson College of Law (1983) and was admitted to the Florida Bar in 1983. She was also licensed to practice law in South Dakota and Virginia. In April 1995, she was appointed as a Judge of Compensation Claims in Sarasota by Governor Chiles, who re-appointed her to that position in 1997. In 2001 and 2005, she was re-appointed by Governors Bush, Crist, and Scott. She previously practiced as an associate in a small law firm in Bradenton, Florida, then as a sole practitioner in Aberdeen, South Dakota, including criminal defense, wills, estates, and trusts, personal injury, divorce and family law. She was an adjunct professor of business law at Northern State University in Aberdeen, South Dakota. She served as an assistant attorney general in Richmond, Virginia, representing various state agencies and funds in workers’ compensation and social services matters, and represented the Department of HRS in child

abuse and neglect litigation in Sarasota, Florida. She lectured and served on panels at numerous seminars regarding workers' compensation issues. She was Secretary and President of the conference of judges of compensation claims.<sup>561</sup> She was initially appointed when Governor Chiles chose not to reappoint Joe Willis (*see* Page 123).<sup>562</sup>

**BELLO, JUAN A.**

Judge of Compensation Claims

WPB; 2000-2003

Judge Bello (1958-) earned his Bachelor's (1982) and Juris Doctor (1985) from the University of Florida and was admitted to The Florida Bar in October 1986.<sup>563</sup> Judge Bello practiced with the Cooper, Rissman, Weisberg, Barrett & Hurt, from 1987 to 1990 in West Palm Beach. He was appointed as a Judge of Compensation Claims by Governor John "Jeb" Bush. The news noted that he was "the first Hispanic appointed as a compensation claims judge"<sup>564</sup> (this was not accurate, the first Hispanic workers' compensation adjudicator was Mario Goderich, *see* Page 229. Of course, Judge Bello may have been the first in West Palm Beach District). After resigning from the bench, he practiced in workers' compensation law, mediation, and arbitration in Vero Beach.

**BETTS, EUGENE N.**

Deputy Commissioner

FTL; 1964-1968

Deputy Eugene Betts (1922-2004) was born in Washington D.C. "He served in the U. S. Navy on the aircraft carrier USS Hornet during WWII."<sup>565</sup> He earned his Bachelor's from American University and his Juris Doctor from the University of Miami. He served as a city attorney for the City of Pompano Beach and the City of Parkland and later as counsel for the Hillsborough Improvement and Maintenance District. He then was appointed Deputy Commissioner (though this is reported as "Judge of Industrial Claims." *Id.*). Following his tenure on the bench, he returned to private practice including as a mediator "for the city of Fort Lauderdale."<sup>566</sup> He was a member of the Elks Club and a Mason.

**BLANKNER, LEONARD JR.**

Deputy Commissioner  
Judge of Industrial Claims  
LKL; 1969-1980

Judge Leonard Blankner Jr. (1912-1995) was “a native of Baltimore and moved to Florida in 1942.”<sup>567</sup> He lived in Orlando<sup>568</sup> and worked as a “reporter at the Polk County Record, the Lakeland Ledger, and the Orlando Sentinel.”<sup>569</sup> Judge Blankner was a U.S. Navy veteran and served in World War II. In 1948, he worked on the “McCarty headquarters staff,” as McCarty ran for Governor.<sup>570</sup> McCarty was elected but served only months before passing in office.<sup>571</sup> Judge Blankner earned his Bachelor’s and his Juris Doctor from the University of Florida,<sup>572</sup> and was admitted to The Florida Bar in 1949.<sup>573</sup> In 1956, he successfully<sup>574</sup> sought a position on the Bartow City Commission.<sup>575</sup> By 1963, he was being “reappointed city judge” for Bartow.<sup>576</sup> He later served as a Deputy Commissioner. He was a director of the Polk County Society For Crippled Children, Inc. in Bartow.<sup>577</sup>

**BOND, JOHN THOMAS.**

Deputy Commissioner  
MIA; 1954-1955

Deputy John Thomas Bond (1921-1996) earned his Juris Doctor from University of Miami law school (1951)<sup>578</sup> and was admitted to The Florida Bar the same year.<sup>579</sup> He was an attorney in Allapattah (a neighborhood of Miami).<sup>580</sup> Deputy Bond was appointed by “acting Governor Charley E. Johns” (when Governor McCarty passed in office),<sup>581</sup> and he resigned from office when Governor Johns was not reelected.<sup>582</sup> His 1954 appointment added “a fourth Miami area deputy,” which the “director of workers’ compensation ...said ...was made because of an increased work load ...and because of other special work - reviewing rules and procedure for the commission.”<sup>583</sup> He practiced before the Florida Railroad and Public Utility Commission after his service as Deputy until 1970. *Leonard Bros. Trucking Co. v. Mayo*, 231 So. 2d 221 (Fla. 1970). In 1971, Mr. Bond was “permitted to resign from the practice of law and membership in The Bar for three years.” *The Fla. Bar v. Bond*, 250 So. 2d 274 (Fla. 1971). He thereafter successfully appealed the Bar’s decision to retroactively apply a rule adopted after his resignation/disbarment,

which would have required him to retake the Bar Exam. *In re The Fla. Bar, In re John T. Bond*, 301 So. 2d 446 (Fla. 1974). He was reinstated without retaking the exam in 1976 in a brief court opinion. *The Fla. Bar, In re Petition for Reinstatement of John T. Bond*, 332 So. 2d 20, 21 (Fla. 1976). He was suspended again in 1981 regarding “his handling of more than \$10,000 held in trust.”<sup>584</sup> Mr. Bond was disbarred again in 1984 after making no appearance in those proceedings. *The Fla. Bar v. Bond*, 460 So. 2d 375 (Fla. 1984). He reportedly “failed to account for or return \$25,000 he had been given by clients.”<sup>585</sup> His obituary reflects he was “a retired attorney,” and a Navy veteran of World War II serving from 1940 to 1945.”<sup>586</sup> His successor was Burton Cohen (*see* Page 208).<sup>587</sup>

### **BOND, WILLIAM**

Deputy Commissioner

TPA; 1941-1943

There is no William Bond listed in the 1940, 1941, 1942 or 1943 Florida Industrial Commission Reports. Despite extensive research, no evidence has been discerned regarding Mr. Bond. The Tampa area news noted a “William Bond,” who was engaged in various business enterprises in that era. He represented the Pinellas County Taxpayers’ Association.<sup>588</sup> William Bond was listed in 1952 as a director of that Association.<sup>589</sup> However there is no Florida Bar record for a William Bond in that area or era. The Florida Bar lists only two potential Bonds: William Arthur of Pensacola and William Emile Bond Jr. of Alabama. There are no Bonds listed by The Bar as deceased.<sup>590</sup> The referenced period, 1941-1943 is notable as (1) early in the age of workers’ compensation, (2) the beginning of the Second World War, (3) and 1941 marks the enactment of mandatory use of Deputies while 1942 marks the mandate that all Deputies be attorneys. It is unlikely that William Bond was a lawyer, and significantly likely that despite mention Mr. Bond was never an active judge.

### **BORN, JOHN E.**

Judge of Industrial Claims

WPB; 1972-1979

Judge John Born (1920-1989) was born in Pittsburgh, Pennsylvania. He earned his Bachelor’s from the University of Miami which he

attended on a swimming scholarship. He served in the Army as an engineer and worked in Pittsburgh before returning to Miami for law school. He supported himself through law school by working as an insurance adjuster. He began his practice in personal injury practice with Adams, Blank, & Born and remained until he was appointed as a municipal judge for the City of West Palm Beach, where he served “two two-year terms.”<sup>591</sup> He returned to private practice until he was appointed as a Judge of Industrial Claims in 1972, with responsibility for “Palm Beach, Martin, St. Lucie and Indian River Counties.” *Id.* He was then appointed to the Circuit bench in 1979 by Governor Robert Graham. He opined that the workers’ compensation system was then “dying because of significant changes in the law.” *Id.* He cited those changes as motivating him to leave, noting “I never would have left. It appeared that the changes would emasculate the system and I did not wish to remain.” *Id.* Deputy Born was replaced by Deputy Lawrence Langer.<sup>592</sup> While on the Circuit bench, he was assigned to the noteworthy David Kennedy case in which Senator Edward Kennedy was said to have striven to interfere.<sup>593</sup> He retired from the Circuit Bench in 1986.<sup>594</sup> In his spare time, Judge Born was a painter of “still life and portraits.”<sup>595</sup>

### **BRANHAM, CHARLES**

Judge of Industrial Claims

Deputy Commissioner

MIA; 1968-1982

Judge Charles T. Branham (1926-1983) was “a native of Tennessee.”<sup>596</sup> He earned his Bachelor’s from Tennessee Wesleyan College and his Juris Doctor from the University of Tennessee College of Law. He began his practice in Coral Gables in 1955 and later joined the firm of Blackwell, Walker, & Gray. He was appointed as an “Industrial Claims Judge in 1965 and became senior judge in 1972.” *Id.* He was “rated among the top 10 judges in the annual Dade County Bar Association’s ratings.” *Id.* “Judge Branham was active in youth organizations for many years,” including the Coral Gables Youth Advisory Committee, coaching baseball, and the Boy Scouts of America. *Id.* In World War II, he served in the Marines and was awarded “the Purple Heart for wounds received on Okinawa.” *Id.*

**BRECHNER, JUDY**

Deputy Commissioner  
Judge of Compensation Claims  
PSL, FTL; 1986-2006

Judge Judy Brechner (1941-) earned her Juris Doctor degree from the University of Miami.<sup>597</sup> She was in private practice in Miami Beach from 1964 to 1972. She served as Associate University Attorney at the University of Florida from 1972 to 1978 before becoming the Deputy General Counsel of the State Board of Education from 1978 to 1981. She was serving as General Counsel to the State Board of Education from 1981 to 1986 when she was appointed as a Deputy Commissioner by Governor Robert Graham. Since her retirement in 2006, she has focused on hobbies including writing and painting, which she took up after retiring.<sup>598</sup>

**BROWN, DOUGLAS**

Judge of Compensation Claims  
PMC; 1991-2000

Judge C. Douglas Brown (1934-) was born in McComb, Mississippi. He earned his Bachelor's from the University of Southern Mississippi (1956). After college, he married and moved to Miami, Florida, where he worked as an insurance adjuster. Several years and three children later, he earned his Juris Doctor from the University of Florida (1966). He began his legal career in Panama City, Florida, and was only the 25<sup>th</sup> attorney in town at that time. In addition to practicing law, he began investing in real estate throughout Bay County. He gained national attention after winning a case in Panama City against Dow Chemical and Shell Oil. After that, he was asked to join a larger case against them in San Francisco, where he lived for six months and where he once again prevailed. He was appointed Judge of Compensation Claims by Governor Lawton Chiles and was reappointed by Governor Jeb Bush and continued until his retirement in 2001. Outside of the OJCC, he was a highly accomplished pianist.<sup>599</sup>

**BROWN, FRED W.**

Deputy Commissioner

TPA - 1935-1936; 1949-1950

Deputy Fred Brown (1886-1951) was “born in Illinois and reared in Maryland. He came to Florida in 1907.”<sup>600</sup> His educational history is not known. He was “admitted to the bar in 1918, (and) ... took up the active practice of law in 1925, specializing in legal matters having to do with transportation and communication.” *Id.* He served as Special Master in Chancery in 1927.<sup>601</sup> He was a candidate for Judge of the Juvenile Court in 1934.<sup>602</sup> He practiced law in Tampa and concurrently served as “Deputy Commissioner of the Florida Industrial Commission.”<sup>603</sup> His practice was “specialized in transportation and communication.”<sup>604</sup> Deputy Brown is remembered for his innovation with “a recording machine” in 1949, “tak(ing) the place of a stenographer or court reporter” (*see* Chapter 27). He ran for State Railroad and Public Services Commission but was not elected. He was “one of the first Deputy Industrial Commissioners named when the Commission was set up under Governor Dave Sholtz”<sup>605</sup> (1933-1937<sup>606</sup>). The First Annual Report of the Florida Workers’ Compensation Act (1936) does not list Deputies’ names, and Deputy Brown is not listed among others in the 1937 Annual Report of the Florida Industrial Commission. He was hired as a Deputy again following World War II, according to the Fourteenth Annual Report of the Florida Industrial Commission (1949) and remained about one year, replacing T.B. Castiglia as “District Compensation Commissioner.”<sup>607</sup>

**BRYAN, JOHN STOCKTON, JR.**

Deputy Commissioner

WPB; 1961-1965

Deputy John Stockton Bryan (1924-) earned his Juris Doctor from the University of Florida and was admitted to the bar in 1948.<sup>608</sup> Deputy Bryan recalled that he presided as a Deputy in the late 1960s until the position “became a full time job.”<sup>609</sup> He was preceded by James Knott and succeeded by John Borne. Though he was primarily in West Palm Beach, he recalled that he also periodically presided in Stuart, Vero, Okeechobee City, and Ft. Myers.<sup>610</sup> The evolution of workload increasing led to the division of that territory into other districts. He remembered being first appointed by Governor Ferris Bryant.<sup>611</sup> He



served as President of the Palm Beach Bar Association.<sup>612</sup> In 1971, he was convicted “of evading taxes,” and sentenced to “four months in prison” followed by probation.<sup>613</sup>

**BUTLER, GEORGE H.**

Deputy Commissioner

WPB; 1968-1969

Deputy George H. Butler (1922-2010) earned his undergraduate degree from Palm Beach Junior College<sup>614</sup> and his law degree from University of Miami School of Law. He was admitted to The Florida Bar in 1954.<sup>615</sup> In college, “served as student body president, editor of the Beachcomber paper, and was a member of Phi Theta Kappa honor fraternity.<sup>616</sup> Mr. George H. Butler practiced with the firm of Hamilton, Nason, & Butler in a “general practice” with some focus on “domicile cases and estate matters” as well as “trial work” and “real estate.”<sup>617</sup> Mr. Butler “spent four years as Riviera Beach municipal judge and was “president of the Palm Beach County Young Democratic Club” before he was elected “mayor of Jupiter.”<sup>618</sup> Prior to his judicial duties, he had “practiced law in West Palm Beach for ...seven years.” *Id.* Judge Butler ran for Criminal Court Judge in 1960,” *Id.* but it appears he was not elected as he served as Municipal Judge in Riviera Beach in 1964<sup>619</sup> and 1965.<sup>620</sup> Judge Butler was “an Air Force veteran of World War II.”<sup>621</sup> He was “an enlisted airborne combat radar navigator in China-Burma-India.”<sup>622</sup>

**CAMPBELL, LISA JOYCE (WIITALA)<sup>623</sup>**

Deputy Commissioner

Judge of Compensation Claims

WPB -1987-1994

Judge Lisa Campbell (1953-2012) was born in New Jersey. She earned her Bachelor’s from Hood College and her Juris Doctor from Seton Hall University School of Law. She practiced law in Florida beginning in 1980 as an Assistant State Attorney and then in private practice. “She was appointed as a Judge of Compensation Claims Judge by Governor Bob (Robert) Martinez and was reappointed to this position by Governor Lawton Chiles.” *Id.* She was a competitive horse rider, and she was a member of the American Kennel Club, and

“The Rhodesian Ridgeback Club of the U.S.,” with which “she also held various positions.” *Id.*

**CAPUA, S. PETER**

Judge of Industrial Claims

MIA; 1971-1974

Judge S. Peter Capua (1929-) earned his BME from Miami University, his Juris Doctor from South Texas College of Law (1966)(noted in some texts as Houston College of Law<sup>624</sup>), and he was licensed to practice law in Florida that year.<sup>625</sup> He served as a prosecutor in Miami for a year and then practiced with McDonald and McDonald in Miami. He became involved in politics and supported Claude Kirk for Governor. When Claude was sworn in in 1970, Judge Capua was appointed as a Judge of Industrial Claims for four years. He recalls replacing Judge Sabatino and being followed by Judge Goderich.<sup>626</sup> He was reappointed by Governor Reuben Askew but resigned in order to run for Congress (unsuccessfully). He ran for Lieutenant Governor in 1978 with Louis Frey Jr.<sup>627</sup> In 1988, he was appointed again by Governor Martinez to the Circuit bench and served seven years.<sup>628</sup> In 1990, The Florida Supreme Court reprimanded Judge Capua regarding his financial record-keeping while practicing law, and his judicial intervention during the arrest of his son. *In re Capua*, 561 So. 2d 574 (Fla. 1990).

**CARDONE, LEONARD P.**

Deputy Commissioner

Judge of Industrial Claims

MIA; 1959-1972 and 1973-1978

Judge Leonard Cardone (1913-1989) was born in New York City and worked as a police officer in Bridgeport, Connecticut. He met his wife at a USO dance in Miami during World War II, and later earned his Juris Doctor from the University of Miami Law School (1951).<sup>629</sup> He unsuccessfully “ran for Small Claims judge in 1954.” *Id.* “He was appointed as Judge of the county’s Industrial Claims Court in 1959.” *Id.* He resigned in 1972 to run for Circuit Judge (unsuccessfully). He was appointed again in 1973 “where he served until his retirement in 1978.” *Id.* His wife noted that “as a judge, he was not supposed to be very involved with politics, but if you’re appointed by five different

governors (Collins, Bryant, Burns, Kirk, Askew<sup>630</sup>), you've got to be involved somewhere."<sup>631</sup>

**CARROLL, THOMAS J.**

Deputy Commissioner  
Judge of Industrial Claims  
JAX; 1962-1975<sup>632</sup>  
IRC; 1977-1979 (*see* Page 326)

Judge Thomas Carroll (1920-2012)<sup>633</sup> served in the Army Air Corps in World War II and was assigned thereafter to McCoy Air Force Base in Orlando. He moved from there to Gainesville where he earned his Bachelor's and Juris Doctor from the University of Florida College of Law (1949), after which he moved to Tallahassee.<sup>634</sup> Following law school, he clerked for Justice Elwyn Thomas.<sup>635</sup> In 1960, he moved to Jacksonville and was in private practice there.<sup>636</sup> In 1962, he was appointed as a Judge of Industrial Claims in Jacksonville; that district then was Duval, Nassau, and St. Johns counties.<sup>637</sup> He was involved in the work of the National Commission on State Workmen's Compensation Law in 1972.<sup>638</sup> He returned to Tallahassee in 1975 and later served on the Industrial Relations Commission (IRC) in 1977<sup>639</sup> and 1978<sup>640</sup> in one of the "two new seats" added to the Commission in 1977.<sup>641</sup> When the IRC was dissolved, he was named the first Chief Commissioner in 1979.

**CARSON, LEONARD**

Judge of Industrial Claims  
FTL; 1973<sup>642</sup>-1974  
IRC; 1974-1976

Judge Leonard A. Carson (1941-) "earned his Bachelor's (1963) and Juris Doctor (1966) from the University of Florida." He practiced law in Miami in both private practice and "as Corporate Counsel and Assistant to the Executive Vice President and Treasurer of Cordis Corporation from 1967 until his appointment as Judge of Industrial Claims (JIC) in 1973."<sup>643</sup> Later in 1973, "he was appointed Commissioner of the Florida Industrial Relations Commission."<sup>644</sup> This appointment of a JIC to the Commission was said to be unprecedented. Judge Carson "served as Chairman of the IRC until 1976, when Governor Reuben Askew appointed him as the Chairman

of the Florida Public Employees Relations Commission (PERC).” *Id.* Judge Carson served PERC as the Chairman “under successive appointments by Governors Askew and Graham until 1980, when he returned to the private practice of law.” He later “founded the Tallahassee firm of Carson & Adkins, where he was joined in practice by former Supreme Court Justice, James C. Adkins.”<sup>645</sup> According to his firm website, Carson remained a frequent lecturer and has written numerous articles for publication in the areas of administrative law, collective bargaining, and employment discrimination. He served as Chairman of The Florida Bar’s Administrative Law Section in 1981-82.<sup>646</sup> Carson also graduated from the National Judicial College.<sup>647</sup>

**CARTER, GEORGE B.**

Deputy Commissioner  
ORL 1937-1943  
TPA 1944-1945

Deputy George Byron Carter (1898-1992) earned his bachelor of law degree from Mercer University in 1922<sup>648</sup> and was admitted to the bar in 1923.<sup>649</sup> He practiced in Orlando “in the real property field.”<sup>650</sup> George Carter served on the board of Florida Airways, Inc. in 1947.<sup>651</sup> He served on “the fifteen-member advisory council of the Florida Industrial Commission” in 1949.<sup>652</sup> In the early 1950s, he was appointed by Governor Warren to serve on the Citizen’s Committee advising on the new Florida Turnpike.<sup>653</sup> George Carter was the founder and general counsel of Lawyer’s Title Guaranty Fund in the 1960s,<sup>654</sup> and upon his retirement in 1968, the Fund created the George B. Carter Foundation in his honor.<sup>655 656</sup>

**CASE, BARBARA**

Judge of Compensation Claims  
WPB; 2022-Current

Judge Barbara Case (1974-) earned her Bachelor’s from the University of South Florida (1997) and her Juris Doctor from St. Thomas University (2000). She began her career in Workers’ Compensation in 1993 as an adjuster while attending college. After admission to The Florida Bar, she returned to workers’ compensation as a defense attorney in 2000, opening her own office in 2013. As a sole practitioner, Judge Case represented both insurance carriers and

injured workers. She has handled all aspects of Workers' Compensation claims and has argued before the First District Court of Appeals. Judge Case previously served on the Rules Advisory Committee for several years and was intimately involved in overhauling the Rules of Procedure for Workers' Compensation Adjudication. In her spare time, Judge Case enjoys doing karate with her sons, running, and serving her community. She also volunteers regularly at her sons' school and serves on the board of the Parent Teacher Organization.<sup>657</sup>

**CASTIELLO, GERARDO**

Judge of Compensation Claims  
MIA; 2001-2017

Judge Gerardo Castiello (1963-) earned his Bachelor's from the University of Miami (1984) and his Juris Doctor from Florida State University School of Law (1987). He has served as both a trial and appellate Assistant Public Defender from 1987 to 1990. He did workers' compensation and liability defense at Walton, Lantaff, Schroeder & Carson and then at Akerman, Senterfitt & Eidson. He then spent six years as managing attorney of the Law Office of Gerardo Castiello. He has lectured on a regular basis for the Dade County Bar Association, the Florida Bar, FWCI, and other entities. He has also lectured at various seminars approved by the Department of Insurance for adjuster continuing education credit. Judge Castiello served on the Florida Bar Workers' Compensation Rules Committee from 2001-2005. He served as President of the conference of judges of compensation claims from August 2005 to August 2006. *Id.*

**CASTIGLIA, THOMAS B.**

Deputy Commissioner  
TPA; 1944-1947

Deputy Thomas B. Castiglia (1898-1952) was born in Tampa. He earned his law degree from Stetson University (1924)<sup>658</sup> and was admitted to practice law in 1924.<sup>659</sup> He was in private practice in Tampa in 1930,<sup>660</sup> 1932,<sup>661</sup> and 1933<sup>662</sup> practicing with E. B. Drumright. He was "elected (as a) juvenile court judge<sup>663</sup> in 1934 and was defeated ... in 1938."<sup>664</sup> He returned to private practice. *Vostre v. State*, 195 So. 151 (Fla. 1940). He "campaign[ed] unsuccessfully for

the Florida legislature and municipal judge” *Id.* but served as “district deputy” of the FIC from 1945 to 1949. He was appointed by Chairman Carl B. Smith to “succeed() Morrice S. Uman.”<sup>665</sup> The pay was \$175 per month. *Id.* He also “was defeated for mayor.”<sup>666</sup> It is probable that in that capacity he worked with the National Youth Association, a New Deal extension of the Roosevelt administration to establish an African-American Juvenile detention home in Tampa, near Sulphur Springs.<sup>667</sup>

### **CHRISTIE, JOHN V.**

Deputy Commissioner  
MIA; 1955-1960

Deputy John Christie (1924-2006) was born in Miami. He earned his Bachelor’s (1949) and his Juris Doctor from the University of Miami (his J.D. was awarded in 1967 - replacing an LL.B. conferred in 1951). In law school, he was in the Phi Alpha Delta fraternity. He was admitted to The Florida Bar in 1951. He was also admitted to the U.S. Southern District Court of Florida in 1957, and the Fifth Circuit U.S. Court of Appeals. Judge Christie served as Judge of Industrial Claims from 1955-60<sup>668</sup> (by his recollection, but that title was not in the statute until 1970). Deputy Commissioner Christie resigned as “a Deputy Industrial Commissioner to manage the governorship campaign of John McCarty in Dade County.”<sup>669</sup> In 1971, he was admitted to the U.S. Supreme Court. He was a member of the Dade County and American Bar Associations, the Academy of Florida Trial Lawyers, and The Florida Bar.<sup>670</sup>

### **CIMENT, NORMAN**

Judge of Industrial Claims  
MIA; 1971-1974

Judge Norman Ciment (1936-) came to Miami Beach by train following World War II. He described that town as simple and unspoiled then, without hotels or other attractions.<sup>671</sup> He earned his Bachelor’s (1957) and Juris Doctor (1961) degrees from the University of Miami. He was admitted to The Florida Bar in 1962.<sup>672</sup> After law school, he was soon elected to the Miami Beach City Commission from 1967 to 1971. In 1971, he was appointed as a Judge of Industrial Claims Court from 1971 to 1974.<sup>673</sup> He reportedly

left to become President of Rabbi Alexander S. Gross Hebrew Academy.<sup>674</sup> But he related that he departed before the conclusion of his term to participate in politics in his home city.<sup>675</sup> According to Judge Ciment, he replaced Judge Rhea Grossman when she was appointed to the County Court in Dade County. He became Mayor of Miami Beach from 1981 to 1983) and “spearheaded the creation of Miami Beach's Art Deco District, the Beach expansion, and the Boardwalk.”<sup>676</sup> Over his 45-year legal career, he participated in extensive trial work and conducted over 2,500 mediations.

### **CLARK, FRANK**

Judge of Compensation Claims

FTM; 2016-Current

Judge Frank Clark (1962-) received his Bachelor's from the University of South Florida (1984) and his Juris Doctor from the University of Florida College of Law (1987). He was admitted to The Florida Bar in 1988. Frank practiced workers compensation law in Tampa for 20 years, working at several small and large firms, representing both employers and injured workers, and then started his own law firm in 1998. He has been continuously Board Certified by The Florida Bar as a Workers' Compensation Specialist since 1994. He practiced workers' compensation law in Southwest Florida for nine years prior to being appointed as a Judge of Compensation Claims in Ft. Myers by Governor Rick Scott in 2016. Frank has been a director and/or supporter of many Charlotte County and Southwest Florida charities and non-profit organizations, including: Harbor Heights/Peace River Rotary Club, Salvation Army, Boys & Girls Clubs, AMI Kids-Crossroads, Habitat for Humanity, Lung Cancer Research Council, Society of St. Vincent de Paul, Backpack Kids, Girls on the Run, Virginia B. Andes Volunteer Community Clinic, Charlotte High School's Project Graduation and Friends of 440 Scholarship Fund.<sup>677</sup>

### **CLEMENTS, ALLEN C.**

Deputy Commissioner

MIA; 1941-1953

Deputy Allen Clinton Clements (1893-1984) was born in Georgia. He earned his Juris Doctor from Mercer University School of Law.<sup>678</sup> He

was licensed to practice law in Florida in 1925. He first moved to Ft. Myers where served “as (a) city attorney in Ft. Myers for nine years before moving to Miami in 1939.”<sup>679</sup> <sup>680</sup> He claimed to be “one of the first judges on the Florida Industrial Claims court.”<sup>681</sup> Clements served as a “Deputy Commissioner for eight years and was named acting director in 1944.”<sup>682</sup> Upon passing, Clements was characterized as the “dean of the Workmen’s Compensation Bar.” *Id.* He was member of Miami Temple Lodge No. 247, F.&A.M., and O’Neal Post-American Legion.

### **COHEN, BURTON**

Deputy Commissioner

MIA; 1955-1958

Deputy Burton Cohen (1923-2014) was born “in Philadelphia...(and) moved with his family to Miami when he was just six months old.”<sup>683</sup> He served in the Army Air Corps in World War II, but “the war ended as he was about to be sent overseas.” *Id.* He “returned to Florida and graduated with a law degree from the University of Miami in 1948,” and he worked in “the resort industry and oversaw the construction and development of hotels in Miami and along coastal Florida.” *Id.* Deputy Cohen (and the Commission) was reversed by the Third District Court in 1960. By then, Deputy Cohen was no longer serving and had returned to private practice. Some of that was workers’ compensation work, and when the Commission appointed Deputy Cohen as a *pro hac vice* Deputy to enter an order on remand, the Claimant objected and sought relief through a writ of prohibition. The Florida Supreme Court concluded that his present work in workers’ compensation was violative of the statute, section 440.44(4)(b), 1960. However, the Court held that violation did not divest Deputy Cohen of jurisdiction, and the writ of prohibition was denied. *Josey v. Fla. Indus. Comm’n*, 118 So. 2d 777 (Fla. 1960)(Paul Speth represented the Commission, *see* Page 298). Deputy Cohen went to “to Las Vegas in 1966 and almost immediately established himself as one of the town’s most highly visible casino executives.” *Id.* He was managing the Desert Inn when “Howard Hughes ... the eccentric billionaire took up residency on the ninth floor during Thanksgiving of 1966 and wound up buying the entire resort rather than be kicked out as the New Year’s Eve rush arrived.”<sup>684</sup> Nonetheless, he denied having ever met Mr. Hughes. He later “managed some of the (Las Vegas) Strip’s most iconic resorts during a career that spanned multiple decades.”<sup>685</sup> He



was known for his work at such casinos as “the Frontier, Thunderbird and Dunes,” *Id.* as well as Circus Circus, the Flamingo, the Dunes, and Caesar’s Palace. Perhaps he is most remembered for the The Desert Inn, which was also the location for a popular “1978-81 TV show ‘Vega\$’ starring Robert Urich.”<sup>686</sup> Mr. Burton “appeared as himself in three episodes,” but the Desert Inn ““public address system could be heard loudly blaring several times during almost every episode: ‘Paging Mr. Cohen, Mr. Burton Cohen.’” *Id.* Burton Cohen was appointed in 1955 replacing either Morey Rayman or John Bond.<sup>687</sup> He was notably quoted in the press during the 1978 efforts at legalizing gambling in Florida.<sup>688</sup>

### **COLLINS, J. ERNEST**

Deputy Commissioner

PMC 1955-1956

Deputy J. Ernest Collins (1921-2010) “earned his Bachelor of Arts and Bachelor of Science from the University of Florida as well as his Juris Doctor.”<sup>689</sup> He was appointed as a Deputy in 1955 replacing James Hansford.<sup>690</sup> The position at that time paid \$600 per month (\$6,808.81 in 2023-adjusted dollars). *Id.* Collins was later also a “U.S. Commissioner”<sup>691</sup> which was a position that later became Magistrate Judge in 1968.<sup>692</sup> “He was born in Perry,”<sup>693</sup> lived in Panama City, and then moved to Port St. Lucie. “He was a veteran of the Air Force, serving in Okinawa during World War II, (and served) on the Board of Governors for the Florida Bar Association” *Id.* (likely The Florida Bar).

### **CONDRY, JAMES**

Judge of Compensation Claims

ORL; 2001-2017

Judge Wil James Condry (1956-) earned his Bachelor’s (1978) and Juris Doctor from Florida State University (1983). He was appointed as a Judge of Compensation Claims for Orange, Osceola and Lake Counties by Gov. Jeb Bush in 2000 and 2004. After obtaining his law degree in 1983, he initially worked as an attorney for the Florida Department of Insurance in Tallahassee, Florida, where he litigated matters involving carrier receiverships. In 1985, he entered the armed

forces and served at Fort Benning, Georgia, with the U.S. Army Judge Advocate General Corps. Upon completing his active duty commitment in 1988, Judge Condry entered private practice in Orlando, specializing in insurance and workers compensation defense. In 1992, he was a founding partner of Broussard, Condry, and Willett, P.A. where he practiced until his judicial appointment in 2000. In addition to his duties as a JCC, Judge Condry served as the administrative judge for the Orlando district. As a dedicated family man, he spent most of his time serving his local community through church activities where he has a special interest in men's ministries. In the workers compensation community, Judge Condry was a guest lecturer and served on panels at several seminars regarding workers compensation issues. He served as a member of the Workers Compensation Rules Revision Committee, and he was Vice President of Selections for the Friends of 440 Scholarship Fund.<sup>694</sup>

**CULLEN, STEVE P.**

Deputy Commissioner

Judge of Compensation Claims

WPB; 1988-2000

Judge Steven Paul Cullen (1957-) earned his Juris Doctor from the State University of New York and was admitted to the Florida Bar in 1983. He is also admitted in New York and the District of Columbia. He began his legal career representing plaintiffs in personal injury, medical malpractice, and commercial litigation with a small West Palm Beach firm. He was nominated by the Fourth District Court of Appeal Judicial Nominating Commission and appointed by Governor Robert Martinez as a Judge of Compensation Claims in 1988 at the age of 30.<sup>3</sup> He is believed to be the second youngest ever appointed. The district encompassed "Palm Beach, Martin, St. Lucie, Hendry, and Glades counties." He served three full terms through 2000. He then founded a practice limited to mediation, arbitration and private

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<sup>3</sup> In the initial effort to render workers' compensation adjudicator appointments more transparent, the legislature delegated the nomination process to the five District Court of Appeals Commissions in 1978; Section 440.45(1), Fla. Stat. (1978). This was changed in 1990 with the establishment of the first workers' compensation specific nominating commission; Section 440.45, Fla. Stat. (1990). *See also* David W. Langham, *Fla. Work. Comp.; History, Evolution, and Function*, Sections 5.2 and 5.3, 2023.

judging. He has conducted in excess of 6,000 dispute resolution proceedings. Subsequently, he was the Executive Director of the Palm Beach County Commission on Ethics and an Assistant District Attorney in New York. He is retired in Saint Lucie County.<sup>695</sup> Throughout his career, he served as a lecturer, panel discussant, and moot court judge for numerous professional societies. He is the author of continuing legal education materials for many groups as well as book reviews for the *Florida Bar Journal*. He has served on the Florida Bar Judicial Evaluation Committee, the Florida Bar Law Related Education Committee, and the Editorial Board of the *Florida Bar Journal and News*.

**D'AMBROSIO, MARY**

Judge of Compensation Claims

WPB; 2001-2017

Judge Mary D'Ambrosio (1963-) earned her Bachelor's from Florida Atlantic University and her Juris Doctor from Nova Southeastern University (1989). She was admitted to The Florida Bar in 1989. She was appointed to the bench initially by Governor John E. Bush.<sup>696</sup> Prior to her judicial service, she was a staff attorney with Travelers Insurance (1989-1992), and practiced with JoAnn Hoffman & Associates (1992-1994), Kelley Kronenberg in West Palm Beach (1994-1998), and Miller Kagan (1998-2001). After retiring from the bench, she relocated to South Carolina and became a mediator there and throughout Florida.<sup>697</sup>

**DANE, WILLIAM H. JR.**

Judge of Compensation Claims

JAX; 2003-2009

Judge William Dane (1944-) earned his Bachelor's degree from Florida State University (1968) and his Juris Doctor from Florida State (1986).<sup>698</sup> He was admitted to The Florida Bar in 1986.<sup>699</sup> He was an attorney with American States Insurance and then served as a State Mediator in Orlando.<sup>700</sup> He was appointed to the bench in 2003, following the resignation of Wilbur Anderson, who returned to private practice (*see* page 189). He served one term and was not reappointed by Governor Charles Crist. He returned to mediating and arbitrating in Jacksonville<sup>701</sup> and Vero Beach, Florida.<sup>702</sup>

## DANDELAKE, GEORGE W.

Deputy Commissioner

JAX; 1954-1955: Likely the shortest tenure in Florida adjudicator history.

Deputy George Dandelake (1908-1968) earned his law degree from the University of Florida.<sup>703</sup> He was both an attorney and certified accountant. Mr. Dandelake was appointed in 1945 to “a committee of the Florida Institute of Accountants” with the mission of “help(ing) members of the accountancy profession returning from war service.”<sup>704</sup> He served as the Chair of the State Board of Accountancy in 1953.<sup>705</sup> He served as the “city Auditor” for Jacksonville in 1959<sup>706</sup> and conducted other audits around the state.<sup>707</sup> Mr. Dandelake was campaign treasurer for Mayor Haydon Burns in his bid for Governor<sup>708</sup> and was noted to be a contributor to Governor Burns’ campaign in 1960.<sup>709</sup> Burns was elected (1964) to a special two-year term designed to stagger Florida elections such that Governor and President would not be chosen in the same election. He also served as treasurer for Governor Johns,<sup>710</sup> who had previously ascended to “acting” Governor upon the death of Governor Dan McCarty on September 28, 1953.<sup>711</sup> There were allegations of campaign discrepancies during the Johns campaign,<sup>712</sup> and contributions were debated. *Id.* One newspaper noted that “the story of the Johns Campaign may never be told.”<sup>713</sup> In the time period during which Governor Johns served and Deputy Dandelake was appointed, Mr. Dandelake was a partner in the Jacksonville “firm of Dandelake, Dawson, and Scott.”<sup>714</sup> Press accounts are less than clear on Deputy Dandelake’s appointment date. One paper noted he “was named to the \$600 per month position after John’s unsuccessful campaign ended.”<sup>715</sup> Another noted that Deputy Dandelake was appointed by “acting Governor Charley E. Johns,” and he resigned from office when Governor Johns was not reelected.<sup>716</sup> Thus, it is possible he served only a few months. Following Governor Johns’ defeat, Industrial Commission Chairman Charles Vocelle noted simply that “Dandelake will not be replaced.” *Id.* Thus, in a long history of Jacksonville having one Deputy, there was a brief period of interruption, prior to it becoming a two judge district officially in 1980, with the appointment of Richard Hart (*see* Page 238).

**DANIEL, SILAS E. JR.**

Deputy Commissioner  
SPT; 1965-1968 (died during term)

Deputy Silas Daniel (1925-1968)<sup>717</sup> was born in Hopewell, Virginia. After enrolling at the University of Virginia, he became a navigator in the U.S. Air Force. He served in the European theater during World War II and then returned to college. He earned his Bachelor's from the University of Virginia<sup>718</sup> (1948) and then moved to St. Petersburg. He returned to earn his Juris Doctor from Richmond Law School *Id.* in 1955 and was admitted to The Florida Bar in 1956. Judge Daniel practiced law with the firm Bogue, Brahm, & Daniel. He was a judge of the Civil and Criminal Court of Record, a Justice of the Peace, and Deputy Commissioner of the Industrial Commission. He was involved with the ABA, Sigma Alpha Epsilon fraternity, Civinette Club, and the Boy Scouts of America.

**DANIELSON, DAVID A.**

Deputy Commissioner  
WPB; 1978-1980

Deputy David Alan Danielson (1947-) earned his Bachelor's from Florida State University (1969) and his Juris Doctor from the University of Florida (1974). He is admitted to practice in Florida, Arkansas, and the District of Columbia. He was appointed Judge of Industrial Claims in West Palm Beach, where he served from 1978 to 1980. When he left the bench, he practiced with Brennan, McAliley, Hayskar, & McAliley, P.A. from 1980 to 1985)(Judge Robert McAliley, *see* page 267), and later with Danielson, Clarke, Charbonneau & Platt, P.A. from 1985 to 2004). He relocated to Fayetteville, Arkansas, in 2005 where he has continued to practice as a lawyer, mediator and arbitrator.<sup>719</sup>

**DARBY, HERBERT**

Deputy Commissioner  
GNS; 1955-1960

Deputy Herbert Darby (1919-2020) was born in Lake City, Florida. His is a story of work ethic and achievement in surviving the Great Depression and thriving.<sup>720</sup> He interrupted his college education to work in a defense plant and then “served in General MacArthur’s

campaign in the South Pacific,” including Army Air Corps service in “Australia, New Guinea, the Philippines and Tokyo.” He earned his LL.B. from the University of Florida in 1949 (in 1967, a Juris Doctor was conferred and replaced the original LL.B.). He was admitted to The Florida Bar in 1949 and established his “office over the People’s Hardware Building in Lake City where he practiced law for the next 11 years.” He served on The Florida Bar Board of Governors from 1959 to 1960. He was a Deputy Commissioner with the Florida Industrial Commission from 1955 to 1961. He then formed a partnership with Wallace Jopling (*see* page 254) and later practiced with The Law Office of Darby, Peele, Crapps, Green & Stadler. He was “interim mayor of Lake City in 1974” and served as City Attorney of Lake City from 1977 to 2020.<sup>721</sup> He was also a member of the Lake City Rotary Club,<sup>722</sup> Elks Club, and University of Florida Gator Booster Club. He was the recipient of numerous awards and recognitions.

**DAVIS, RICHARD G.**

Judge of Industrial Claims

SPT; 1974-1977

Judge Richard Davis (1936 – 2016)<sup>723</sup> earned his Bachelors from Lawrence University and his Juris Doctor from George Washington University<sup>724</sup> (1968). Richard Davis was a Judge of Industrial Claims in Pinellas County from 1974 until 1977.<sup>725</sup> He then returned to private practice in workers’ compensation. *Williams v. Hillsborough Cty. Sch. Bd.*, 389 So. 2d 1218 (Fla. 1st DCA 1980). In the early 1990s, he was one of the first three mediators to serve under the amendments to chapter 440 creating the mediation process, which later became mandatory. He had an extensive career as a workers’ compensation defense attorney until his retirement.<sup>726</sup>

**DEAN, GOBLE**

Deputy Commissioner

MIA; 1945-1947

Deputy Goble Dean (1914-2000) earned his Juris Doctor from the University of Miami School of Law. He was licensed to practice law in 1943. He was admitted to practice before the U.S. Supreme Court in 1954.<sup>727</sup> He moved to Orlando in 1970, and was one of the

founders of Dean, Ringers, & Lawton, an Orlando firm focused on defense, including workers' compensation. He was a member of The Florida Bar Board of Governors, Rotary Club, Kiwanis Club and Vice President of the Federation of Insurance Counsel.<sup>728 729</sup>

**DIETZ, ROBERT**

Judge of Compensation Claims  
MEL; 2014-2022

Judge Robert L. Dietz (1958-2022)<sup>730</sup> earned his Bachelor's from Eckerd College and his Juris Doctor from Vanderbilt Law School<sup>731</sup> (1984<sup>732</sup>). He served as a Judge of Compensation Claims in the Sebastian/Melbourne District from July 2014 until his untimely passing in 2022. He was Board Certified by The Florida Bar in workers' compensation law in 1992. From 1995 to 1996, he served as National Chair of the ABA Tort & Insurance Practice Section's Workers' Compensation & Employer Liability Committee. Judge Dietz was The Florida Bar President's *Pro Bono* Service Award recipient for the 9th Judicial Circuit (2010). He served as an Adjunct Professor at Barry University School of Law in Orlando teaching the workers' compensation law course for ten years. He was elected as a Fellow of The College of Workers, Compensation Lawyers in 2008 and was a member of the Brevard County and Indian River County Bar Associations.<sup>733</sup>

**DEMARKO, MICHAEL J.**

Judge of Industrial Claims  
Deputy Commissioner  
Judge of Compensation Claims  
PNS; 1977-2001

Judge Michael Jean DeMarko (1938-2020) earned his Bachelor's from Sewanee University and his Juris Doctor from the University of Florida Law School (1966<sup>734</sup>). He was a U.S. Marine (1960-1963) and served in the artillery. He was admitted to The Florida Bar in 1966 and practiced law in Pensacola, with a focus on family law. He was appointed as a Judge of Industrial Claims in 1977 and served 23 years, retiring in 2000. He "fill(ed) a vacancy created when Industrial Claims Judge Tom Carroll (*see* Page 326) resigned to be appointed to the Industrial Relations Commission."<sup>735</sup> Judge DeMarko was known

for novel interpretations of the law that some perceived as radical. In 1983, he issued a “venturous ruling” declaring workers’ compensation unconstitutional, despite lacking any authority for such a conclusion.<sup>736</sup> *Radney v. Edwards*, 424 So. 2d 956 (Fla. 1st DCA 1983). Judge DeMarko’s conclusions there regarding equal protection and workers’ compensation were particularly curious. His rulings included other fanciful interpretations such as *Waffle House v. Hutchinson*, 673 So. 2d 883 (Fla. 1st DCA 1996), *City of Pensacola Firefighters v. Oswald*, 710 So. 2d 95 (Fla. 1st DCA 1998), and *Fla. Birth-Related Neurological Inj. Comp. Ass’n v. DeMarko*, 640 So. 2d 181 (Fla. 1st DCA 1994). After retiring, he practiced law for several years. Judge DeMarko was involved with various civic organizations including the Pensacola Heritage Foundation, and the Gulf Coast Chorale. He was a member of the Pensacola Yacht Club for 67 years, serving on its board and as Commodore.<sup>737</sup>

## **DEVONMILLE, OLIVIA**

Judge of Compensation Claims  
PSL; 1992-1997

Judge Olivia Devonmille (1959-) is a native Floridian and a “lifelong resident of the Treasure Coast.”<sup>738</sup> She earned her Bachelor’s from Duke University and her Juris Doctor from The Florida State University College of Law (1984<sup>739</sup>). She was “admitted to The Florida Bar in 1984.”<sup>740</sup> She served as an Assistant State Attorney until 1987 when she began practicing workers’ compensation law. She was appointed as a Judge of Compensation Claims in 1992 by Governor Lawton Chiles. During her tenure in Port St. Lucie, that district included St. Lucie, Martin, Okeechobee, and Indian River Counties. In 1994, Judge Devonmille was in the news relative to the recent law reforms. In that statute, the ability to appoint *pro hac vice* judges had been removed through purpose or inattention. Judge Devonmille required time off, and the perspective of the news was that the Legislature’s omission would “cause a delay for dozens of people who were scheduled to have their day in court.”<sup>741</sup> Of course, that ignored the statewide jurisdiction of judges of compensation claims. Admittedly, this predated virtual and video trials, but various options might have been considered. Shortly after being reappointed in 1996, she returned to private practice. “Since 2008, Ms. Devonmille has concentrated her practice in the representation of injured workers.”<sup>742</sup> She has been involved with committees of “The



Florida Bar, the Indian River County Bar Association, the Florida Justice Association (FJA), and the Florida Workers' Advocates (FWA)." *Id.*

**DICKSON, GEORGE**

Deputy Commissioner

FTL; 1965-1968

Deputy George Graham Dickson (1900-1969) was born in Pinehurst, North Carolina. He earned his Bachelor's (1923) and Juris Doctor from the University of North Carolina, Chapel Hill. He practiced law in North Carolina and Florida, but "return(ed) to Raeford, North Carolina, in the 1930s."<sup>743</sup> He served in the U.S. Army in France, as part of "the Judge Advocate Generals Department" *Id.* until 1945. He briefly returned to Raeford and then moved to Ft. Lauderdale. He was a Ft. Lauderdale Assistant City Attorney"<sup>744</sup> before he was hired as Deputy Commissioner.

**DOUGLAS, WILLIAM D.**

Deputy Commissioner

Judge of Compensation Claims

TPA; 1988-2004

Judge William Douglas (1936-) earned his Bachelor's from the University of Southern Mississippi<sup>745</sup> and his Juris Doctor from Stetson University College of Law (1967<sup>746</sup>). He was a four-term Judge of Compensation Claims/Deputy Commissioner in Hillsborough County until approximately 2004. Prior to that, he was a successful claimant's attorney who argued before the legislature multiple times supporting the rights of injured workers and the entire workers compensation system. He was the first JCC to implement computerized case management, utilizing a TRS-80 computer provided by the Florida Workers' Compensation Institute through a grant.<sup>747</sup> He is currently a private mediator and served for close to a decade on the Statewide Judicial Nominating Committee for Judges of Compensation Claims.<sup>748</sup> In 2013, he was inducted in the inaugural "Legends" class of the Florida Workers' Compensation Hall of Fame.<sup>749</sup>

## **DUFRESNE, WILLIAM DAVID**

Judge of Industrial Claims

MIA; 1973-1975

Judge William duFresne (1938-)(pronounced Dufrain<sup>750</sup>) earned his Bachelors from Omaha Law School<sup>751</sup> and his Juris Doctor from the University of Florida College of Law *Id.* (1967). He was admitted to The Florida Bar in 1967.<sup>752</sup> He coauthored *The Case for Allowing "Convicted Mafiosi to Vote for Judges": Beyond Green v. Board of Elections of New York City*<sup>753</sup> with his wife, Elizabeth duFresne who was also a University of Florida College of Law graduate and attorney with the city of Miami.<sup>754</sup> Judge duFresne practiced law in Miami before his appointment<sup>755</sup> as a Judge of Industrial Claims in 1973 and after,<sup>756</sup> primarily as a plaintiff's lawyer.<sup>757</sup> Judge DuFresne was Bar Counsel in Miami in 1978<sup>758</sup> and around that time lived in Coconut Grove.<sup>759</sup> He practiced law until at least 1992.<sup>760</sup> The Florida Bar currently lists him as retired.<sup>761</sup>

## **DURDEN, WILLIAM**

Deputy Commissioner

JAX; 1954-1958

Deputy Commissioner William Lee Durden, Jr. (1921-2011) was born in Brunswick, Georgia, and moved to Jacksonville when he was five. He earned his Bachelors from Jacksonville University and his Juris Doctor from the University of Florida (1947).<sup>762</sup> After graduating high school, he "was an Office Assistant at Fleming, Hamilton, Diver, Jones, & Scott and attended Jacksonville Junior College"<sup>763</sup> (n\k\ a Jacksonville University). He "served in the United States Navy from 1942 to 1944," *Id.* and "graduated from the University of Florida law school with Honors in 1947," *Id.* where he was a member of Blue Key. He then practiced in Jacksonville at The Fleming firm before founding Durden, Whitehead, Hadlow, & Adams. In that timeframe, he was "a part-time Commissioner of the Duval County Industrial Commission," *Id.* and, "in 1954, was appointed Judge of Florida's Industrial Court of Claims." From "1958 to 1961, he served as Executive Assistant (now titled Lt. Governor) to Governor Collins." *Id.* He was appointed Circuit Judge and served 1961 to 1969. He then became "the first General Counsel for the Consolidated City of Jacksonville in 1969 and authored 264 of the 379 legal opinions interpreting the new charter of the consolidated

government.”<sup>764</sup> He then “returned to private practice with the law firm of Kent, Durden & Kent.” In “1986, he became General Counsel for Florida National Bank,” serving until it “merged with First Union.” He “then returned to private practice” until shortly before his death.<sup>765</sup>

**DURRANCE, RODNEY L.**

Deputy Commissioner

TLH; 1947-1950

Deputy Commissioner Rodney Leon Durrance, Sr. (1912-2001) earned his Bachelor’s and his Juris Doctor (1939) from Stetson University and clerked for the Florida Supreme Court<sup>766</sup> before the second world war. He served in the U.S. Navy during World War II,<sup>767</sup> stationed in Washington D.C., and he traveled the country procuring contracts “for the war effort.”<sup>768</sup> After his Deputy Commissioner appointment, Rodney Durrance was the “director of the labor compensation division of Florida’s Industrial Commission” in 1950<sup>769</sup> and 1954,<sup>770</sup> and he was the director of the Florida Division of Workmen’s Compensation in 1955<sup>771</sup> and 1956.<sup>772</sup> His tenure in 1950 followed “acting director” Wendell Heaton (*see* Page 329) who had taken over when director Rountree was removed following reimbursement allegations in 1949.<sup>773</sup> Deputy Durrance’s son recalls “trips all over the state to talk with and supervise the deputy commissioners in the various cities.”<sup>774</sup> He resigned from the Division in 1957 to go into private insurance defense work (almost exclusively in worker's compensation) with Shackleford, Fariior, Stallings, Gloss, & Evans in Tampa.” After ten years there, he “moved to Lakeland where he exclusively represented claimants with Stanley, Durrance, Woods, & Wines.”<sup>775</sup> He retired in 1977 and lived in Lakeland until he passed away in 2001.”<sup>776</sup>

**EARLE, JAMES T., JR.**

Deputy Commissioner

SPT; 1980-1984

Deputy Commissioner James T. Earle, Jr. (1943-2022) grew up in Lawrence, Indiana, and moved to Florida in his early teens. After high school at Bishop Barry, he enlisted in the United States Navy and was assigned to the USS Franklin Roosevelt (Midway class

aircraft carrier). After serving in the Navy, he attended and graduated from the University of South Florida and Stetson Law School (1973<sup>777</sup>) where he graduated at the top of his class. Jim specialized in workers' compensation law and later became a Workers' Compensation Judge. He later served as a State Mediator.<sup>778</sup>

**ESQUIROZ, MARGARITA**

Deputy Commissioner (First Female Hispanic Adjudicator)  
MIA; 1979-1983

Deputy Commissioner Margarita Esquiroz (1945-2012) was the first female Cuban judge in Florida, making history in 1979. After her “groundbreaking appointment” as a Deputy Commissioner, she was elected to serve as a Circuit Judge in Dade County in 1984. “She had a 31-year career on the bench before she retired in 2010 because of illness.” Judge Esquiroz earned her Bachelor’s from University of Miami,<sup>779</sup> “graduated with honors from the University of Miami School of Law, and shortly afterward became assistant attorney general for the state of Florida.”<sup>780</sup> She “received many honors, including the Cuban Women’s Club’s Floridian Award in 1982. The Miami Ballet Society named her the Outstanding Woman of 1984, and, in 1991, she was named a Hispanic Heritage Awards honoree for leadership.” *Id.* Judge Esquiroz “was featured in the 1995 book *Famous People of Hispanic Heritage* along with César Chávez and others.”<sup>781</sup> Judge Esquiroz was acknowledged as “the first woman claims jurist” in a 2013 historical review of Florida’s judiciary published by the Legislature.<sup>782</sup>

**EVERHART, STEPHEN M.**

Judge of Industrial Claims  
Deputy Commissioner  
SPT; 1977-1979

Judge Stephen Everhart (1951-) earned his Bachelor’s from Florida State University and his Juris Doctor from the University of Florida.<sup>783</sup> He was admitted to The Florida Bar in 1972<sup>784</sup> and practiced as Assistant State Attorney in St. Petersburg for a year before forming a partnership with William Blews (who would later be Florida Bar President), Blews & Everhart, where he practiced until 1977. In 1977, he was appointed as a Judge of Industrial Claims and

served until 1979. In 1979, he accepted a job with the Public Defender in Tampa as Chief of Training, Death Penalty Defense Team. He continued with the Public Defender until 1990. Since 1991, Judge Everhart has served as Professor of Law at Stetson University College of Law. He has taught Evidence; Criminal Procedure; Trial Advocacy, Prosecution Clinic; Public Defender Clinic; Poverty Law Clinic; County and City Government Clinic; Professional Responsibility (Lawyer/Judicial Ethics); and Legal System of the People's Republic of China.<sup>785</sup>

**FALK, JACK**

Deputy Commissioner  
MIA; 1958-1960

Deputy Commissioner Jack Falk (1927-1974) earned his “Bachelor’s and Law degrees from University of Miami.”<sup>786</sup> He “was appointed to the Industrial Claims Court in 1958, serving until 1960.” *Id.* In 1960, he was “appointed to the Criminal Court by Governor Leroy Collins” and “elected to the Circuit Court in 1962.” *Id.* He served on the board of the Miami Junior Chamber of Commerce and the Dade County Bar Association. He was a Mason and a Shriner. In 1974, the Florida Supreme Court removed Judge Falk from office; he was “involuntarily retired for disability seriously interfering with the performance of his duties” after several months of absence related to illness. Justice Roberts dissented, noting that Judge Falk had passed away in November 1974 rendering the court’s decision moot.<sup>787</sup>

**FARRELL, JOSEPH T.**

Judge of Compensation Claims  
ORL; 2008<sup>788</sup>-2010

Judge Joseph Thomas Farrell (1950-2010) earned his Bachelor’s from the United States Military Academy at West Point in 1972. After serving his country honorably as an officer, Judge Farrell attended Law School at the University of Georgia and was admitted to The Florida Bar in 1980. Judge Farrell worked as an attorney and mediator, eventually starting his own law firm. He taught as an adjunct at Barry School of Law. He was appointed Judge of Compensation Claims in 2008.<sup>789</sup> Judge Farrell was known for

repeating the phrase, “I love this job so much, I would do it for free.”<sup>790</sup> Judge Farrell passed away during his first term in office.

**FERGUSON, WILKIE D., JR.**

Judge of Industrial Claims (First Black Workers’ Compensation Trial Adjudicator)

MIA; 1973-1977

Judge Wilkie D. Ferguson, Jr. (1938-2003) was born to Bahamian immigrants and raised in Miami’s Liberty Square public housing project. He attended segregated public schools and graduated in the first class of Northwestern High School in 1956. He earned his Bachelor’s from Florida A&M College. After graduating, he enlisted in the Army, attaining the rank of second lieutenant. He served as a paratrooper and infantry officer at Fort Benning, Georgia, in 1961. He then worked as an accountant in Philadelphia, took graduate courses at Drexel University, and ultimately earned his Juris Doctor from Howard University School of Law (1968). He practiced at the Liberty City-Brownsville Legal Services and co-founded the law firm McCrary, Ferguson, & Lee (*see* Page 333, Commissioner McCrary was Florida’s first black workers’ compensation adjudicator - appellate). In 1973, Judge Ferguson was appointed to the Court of Industrial Claims, and, in 1976, he was appointed to the Florida Circuit Court bench. He was the first African-American to be appointed to the Dade County Circuit Court. He was appointed to the Third District Court of Appeal in December 1980, the first African-American judge to serve on that Court. He became a Federal District Judge when President Clinton nominated him to the federal bench in 1993. He served on various boards and earned “many awards and honors.” The Federal District Courthouse in Miami is named in his honor.<sup>791</sup>

**FLANDERS, JUDITH J.**

Judge of Compensation Claims

LKL; 1998-1999

Retired Circuit bench 2006.

Judge Judith Jariel Flanders (1938-) was born in Lyons, Georgia. She overcame polio as a child and went on to become an accomplished lawyer.<sup>792</sup> She earned her Bachelor's from Mercer University, her Juris Doctor from Stetson Law School,<sup>793</sup> and was admitted to The Florida Bar in 1986.<sup>794</sup> She served as staff attorney at the Second District Court of Appeal for two years following law school.<sup>795</sup> She then began practicing in Lakeland in 1988<sup>796</sup> and was a partner at Lane, Trohn, Clarke, Bertrand & Williams.<sup>797</sup> She "specializ(ed) in general civil and trial practice, ...real estate and probate, workers' compensation, corporate, insurance and taxation law."<sup>798</sup> She was appointed as a Judge of Compensation Claims in 1998 but presided in Lakeland only 18 months before being appointed to the Circuit bench. She was viewed by the bar as a "fair, consistent judge."<sup>799</sup> She retired from the Circuit court in 2007<sup>800</sup> but served as Senior Judge thereafter.

**FLOYD, BOURKE C. H.**

Deputy Commissioner

Apalachicola<sup>801</sup>; 1949-1950

Deputy Commissioner Charles Henry Bourke Floyd<sup>802</sup> (1911-1978) earned his AB and LL.B. degrees from George Washington University.<sup>803</sup> He was a Franklin County native of "one of the county's pioneer families."<sup>804</sup> He served six years in "the Florida House of Representatives and (was) a one-term member of the Florida Senate." *Id.* He was mentioned as a contender for Speaker in 1944.<sup>805</sup> He left the Senate in 1956 to afford others a chance to serve under "the voluntary tri-county rotation system,"<sup>806</sup> an apparently informal method of various counties participating in legislative representation. His work history included services as "assistant attorney general, assistant state attorney, deputy industrial commissioner, and municipal judge in Apalachicola."<sup>807</sup> He also served on the "county commissions and school board" there. *Id.*

**FONTAINE, AUGUSTUS S. (“GUS”)<sup>4</sup>**

Deputy Commissioner

Judge of Industrial Claims

Deputy Commissioner

Judge of Compensation Claims

TLH; 1965-1992

Judge Augustus S. Fontaine (1922-2003) was a native of Pennsylvania. Judge Fontaine served in WWII, participating in three campaigns, including the Battle of the Bulge. He was a member of the first American artillery unit on the Seventh Army Front at the Rhine River and fired upon German targets while on German soil. He was also attached to the 45th Division, which was one of the first American forces to rescue interns at Dachau, a Nazi concentration camp and extermination center.<sup>808</sup> After World War II, he attended the University of Miami where he earned his A.B., L.L.B. and J.D. degrees. In 1960, he was admitted to the Florida Bar<sup>809</sup> and was in private law practice in Pensacola for several years. During that period, he served as a municipal judge for the town of Gulf Breeze. He moved to Tallahassee and joined the legal department of the Florida Industrial Commission which later became the Department of Labor. In 1963, his responsibilities included representing the Special Disability Trust Fund.<sup>810</sup> In 1965, he was appointed Judge of Compensation Claims (sic) by Governor Hayden Burns and was re-appointed every four years by succeeding governors until he retired on December 31, 1992 (Despite that characterization, the statute provided “the *commission* with the approval of the governor shall appoint...*deputy commissioners*,” section 440.45(1)(1965)(emphasis added). He served on a Workers’ Compensation Section committee that implemented the first continuing legal education manual for practicing attorneys. He was advisor to the chairman of the governor’s committee for the employment of the handicapped. He received many recognitions and awards for his contribution to the field of workers’ compensation law in Florida. Judge Fontaine is one of only two Florida workers’ compensation adjudicators to have served under all four titles. He was cited in criticisms about workers’ compensation in 1979, when a reporter asked him about a \$500 donation to “Claude Kirk’s Governor’s Club in 1969.” Judge Fontaine labelled it “a terrible thing,” noting he “knew the political

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<sup>4</sup> Judge Fontaine is one of only two known to have served as all four adjudicator titles. The other is Elwin Akins, *see* Page 186.



atmosphere of Tallahassee...you did certain things. You joined the Governor's club."<sup>811</sup>

**FORTE, ILIANA**

Judge of Compensation Claims

FTL; 2014-Current

Judge Iliana Forte (1965-) earned her Bachelor's and Juris Doctor from the University of Miami School of Law (1990) and began practicing workers' compensation law with the Law Offices of Almeyda and Hill (*see* pages 187 and 242) and later became a partner in the firm. From 1997 to 2007, Judge Forte established the Law Offices of Iliana Forte, P.A. where she continued to represent employers and carriers throughout the state. Her practice also involved representing injured workers, real estate transactions, and general litigation. In 2007, Judge Forte joined the City of Miami as an Assistant City Attorney where she represented the city in the defense of workers' compensation, labor and employment, and tort claims. She participated in arbitrations and hearings before the Public Employees Relations Commission and state and federal court proceedings. In addition, Judge Forte has handled dozens of appeals and has argued before the First and Third District Courts of Appeal. Judge Forte is a member of the United States District Court Southern District of Florida and the United States Court of Appeals for the Eleventh Circuit.<sup>812</sup>

**FRAZIER, GARY**

Deputy Commissioner

Judge of Compensation Claims

SPT; 1984-1990

Judge Gary Frazier (1946-) earned his Bachelor's degree from the University of South Florida and his Juris Doctor from Stetson University (1976). He served as a Judge of Compensation Claims from 1984 to 1990. He has represented "one of the largest insurance carriers in the country. He also has extensive experience in representing plaintiffs and injured workers."<sup>813</sup> Since 1993, he has been a Certified Circuit Civil Mediator, and his practice has focused on alternative dispute resolution, mediation, and arbitration primarily in Florida. *Id.* Judge Frazier served over a decade on the Statewide

Judicial Nominating Commission representing first the Second DCA area and later the First DCA. He retired to North Carolina in 2022.

**GALLAGHER, DANIEL**

Judge of Industrial Claims

TPA; 1969-1978

Judge Daniel Gallagher (1928-2021) “grew up in Lakewood, Ohio.” He earned his Bachelor’s “degree from John Carroll University and ...his J.D. and LL.M from Case Western Reserve University. After serving in the U.S. Army, he moved to Tampa.<sup>814</sup> Judge Gallagher’s private career involved maritime litigation<sup>815</sup> at MacFarlane, Ferguson, Allison, & Kelly.<sup>816</sup> Judge Gallagher served from September 1969 to May 1978. He was initially appointed by Governor Claude Kirk (despite this characterization, the statute stated “the division with the approval of the governor shall appoint...judges of industrial claims,” section 440.45, Fla. Stat. (1969)). He served with Louis Tidwell, his predecessor was Joseph Melendi, and his successor was C.J. Hardee, Jr. The judge in St. Petersburg during his tenure was Stan Perkinson.<sup>817</sup> He was then elevated to the Hillsborough County Circuit Court where he served for over 20 years before retirement. After retirement, he served as an interim circuit judge when needed.<sup>818</sup>

**GARNER, FRANKLIN**

Deputy Commissioner

LKL<sup>819</sup>; 1951-1952

Deputy Commissioner Franklin Garner (1906-1998) was born in Fort Myers. Judge Garner’s family had roots in Fort Myers dating to 1866. (Florida became a territory in 1821<sup>820</sup> and a state in 1845<sup>821</sup>). He earned his law degree from University of Florida (1929) and began practicing “with L’Engle & Shands in Jacksonville.” In 1933, “he was transferred to Lakeland to represent his firm in a case”<sup>822</sup> and thereafter remained in Lakeland “representing New York and Chicago investment bankers.” *Id.* “In 1955, he was appointed part-time Judge of Industrial Claims and later became a full-time Judge of Industrial Claims (despite this characterization, the role was then “deputy commissioner,” though this same representation has been made by various Deputy Commissioners; it appears this was a

colloquialism before it was codified). He moved to Tallahassee in March of 1964 to accept the position of Chief of the Bureau of Workmen's Compensation and continued as head of that department until his retirement in 1972." *Id.* "He served three terms on the executive committee of the International Association of Industrial Accident Boards and Commissions." *Id.* "He returned to Fort Myers after his retirement and was of counsel to the law firm of Pavese, Garner, Haverfield, Dalton, Harrison, & Jensen." *Id.*

**GAY, RHODES**

Judge of Industrial Claims  
Deputy Commissioner  
Judge of Compensation Claims  
JAX; 1976-1992

Judge Rhodes Gay (1947-1994) earned his Bachelors from Emory University and his Juris Doctor from the University of Florida. He was admitted to The Florida Bar in 1972.<sup>823</sup> He was the son of Ed Gay, a partner in one of Jacksonville's oldest law firms: Rogers, Towers, Bailey, Jones, & Gay. He worked at that firm as an associate but reportedly only through a special exception in the firm's nepotism policy. Similarly, Bette Miller (*see* page 271) worked in that firm though her brother was partner Charlie Towers, Jr. Mr. Towers describes that Rhodes gravitated to workers' compensation and Bette Miller was his mentor. Rhodes was appointed Deputy Commissioner of Workers' Compensation in Jacksonville by Governor Reuben Askew in 1976. Thus, Bette Miller's protégé served 23 years after she did. At the time of his initial appointment, Jacksonville remained a single judge district (despite the brief appointment of Deputy Dandelake, *see* page 212). Not until the end of Deputy/Judge Gay's first term was a second adjudicator again added to Jacksonville in 1980, a position to which Richard Hart (*see* page 238) was the first appointee.<sup>824</sup>

**GILBERT, JOHN M.**

Deputy Commissioner  
TPA; 1962-1963

Deputy Commissioner John Gilbert (1927-) was born in Dade City, Florida. After high school in Gainesville, Georgia, he served three

years in the Air Force. He then earned his law degree from the University of Florida (1953).<sup>825</sup> Judge Gilbert was in private law practice from 1953 to 1977. During his 24 years of active practice, he was an Assistant City Attorney for three years and Assistant Public Defender for two years. While he remained in private practice, he was a Judge of Industrial Claims from January 1961 to April 1962. He served in Tampa succeeding Judge Phillip Knowles. He did not recall who succeeded him. He also served six terms on the Hillsborough County Bar Association Board of Directors. He unsuccessfully ran for Circuit Judge in 1972.<sup>826</sup> In 1977, he was appointed to the Circuit Court bench and assigned to the Criminal Division. He was transferred to the Civil Division in 1979 and remained there until October 1995, when he volunteered to serve in Juvenile Court until his retirement in July 1996. During his tenure as a Circuit Judge, he chaired the Domestic Relations Committee of the Florida Conference of Circuit Judges, participating in the specialty course on Delay Reduction and chaired Hillsborough County Young Lawyers Trial Seminars which presented a "nuts and bolts" overview to the young lawyers. Judge Gilbert also served many years as the Administrative Judge of the Circuit/Civil Division.<sup>827</sup>

### **GILMAN, W. STEWART**

Deputy Commissioner  
ORL; 1960-1961

Deputy Commissioner W. Stewart Gilman (1931-2013) was born in Sioux City, Iowa. He was a direct descendent and namesake of a signatory of the US Constitution.<sup>828</sup> He earned his Bachelor's degree from Vanderbilt University (1953) and his Juris Doctor from the University of Florida (1956). He practiced in Winter Park "and served as a Winter Park city commissioner in the 1960s."<sup>829</sup> He developed shopping centers in the 1980s and retired in the 1990s. *Id.* In private practice, he was partners with "former Senator Edward Gurney."<sup>830</sup>

**GODERICH, MARIO**

Judge of Industrial Claims (First Hispanic Workers' Compensation Adjudicator)

MIA; 1975-1978

Judge Mario P. Goderich (1933-2022) was born in Santiago de Cuba. He earned his Doctor of Civil Laws degree in 1957 from the University of Havana School of Law. He practiced law in Cuba with the firm of Castellanos & Goderich. He immigrated to the U.S. in 1961 and worked while attending the University of Miami School of Law, earning his Juris Doctor in 1966. He “was admitted to The Florida Bar in 1969.”<sup>831</sup> While awaiting bar admission, he was an “associate law librarian at the University of Miami School of Law” and later “library director and an instructor of law.” *Id.* Judge Goderich “was appointed in 1975 by Governor Reubin Askew as a Judge of Industrial Claims.” *Id.* In 1978, he was appointed Judge for the Eleventh Judicial Circuit by Governor Askew and was reelected unopposed in 1980 and 1986. Governor Bob Martinez elevated Judge Goderich to the Third District Court of Appeal in 1990. “He was the first Cuban-American to sit on all three of those courts.” *Id.* He “received numerous honors and awards.”<sup>832</sup> Judge Goderich retired from the Court in 2005, because of the mandatory retirement age and practiced thereafter as a Florida Supreme Court certified mediator. Judge Goderich was acknowledged in a 2013 historical review of Florida’s judiciary published by the Legislature.<sup>833</sup>

**GOFF, CURTIS**

Deputy Commissioner

ORL; 1963-1967

Deputy Commissioner Curtis Goff (1924-2001) was born in Live Oak. After quitting high school, he joined the Florida National Guard and was inducted into the Army in 1940. He served in Anzio and Rome, Italy, and was part of the “invasion of Southern France, Germany, and into Austria. He was awarded the Silver Star Medal for gallantry in action in Italy.”<sup>834</sup> Judge Goff attended Stetson University on the strength of an entrance exam waiving “proof of high school passage.” *Id.* He earned his Bachelor’s and Juris Doctor at Stetson, and, “by the then diploma privilege, became a Florida Bar member in 1950.” *Id.* He practiced as a “tax examiner (1951-1955), in general practice (1955-1963), Judge of Industrial Claims (1963-1967),” and

again in “general practice of law, mostly probate and real estate (1967-2000).” *Id.* The Orlando Sentinel reported that Deputy Commissioner Goff resigned as judge in 1967 with “seven months to run”<sup>835</sup> on his commission. Goff’s responsibility was solely for Orange County, and he expressed a desire to return to private practice. Applicants for his replacement included Herb Langston, Collis White, and Lee Conser. Deputy Goff denied that his resignation was related to an investigation then recently undertaken by new Industrial Commission Chair Thomas Johnston regarding attorney fees. The investigation was spurred by “the four-fold increase in legal fees their office (judges) authorized since 1960.” *Id.* Chair Johnston alleged that “the worker isn’t getting the money - it’s the middlemen.” *Id.* Chair Johnston was appointed by Governor Claude Kirk, the first Republican Florida Governor since Reconstruction.

### **GREEN, JACK**

Deputy Commissioner  
TLH; 1960-1965

Deputy Commissioner Jack Marvin Green (1917-2006) was born in Tallahassee. He earned his Bachelor’s from University of Florida (1937) and his Juris Doctor from University of Miami Law School (1940). “He was admitted to the Florida Bar in 1940”<sup>836</sup> and served as an Army Judge Advocate General in World War II. When appointed in 1961, he had “practiced law in Tallahassee since 1940,” though he also “served for a time as Leon County prosecuting attorney.”<sup>837</sup> In the Korean conflict, he served as a flight instructor. He “was in the private practice of law and was a 50-year member of the Florida Bar.”<sup>838</sup> Governor Collins appointed him to the Leon County Board of Adjustment and as a prosecuting attorney for Leon County. Governor Farris Bryant appointed him to “the board of trustees of Florida A&M University Hospital and as a Judge of the Industrial Claims Court as deputy commissioner.” *Id.* “He was a member of the Tallahassee Cotillion Club and the Exchange Club of Tallahassee.” *Id.*

**GRINDAL, ERIK**

Judge of Compensation Claims

SAR 2020-2023; SPT-2023-Present

Judge Erik Grindal (1969-) earned his Bachelor's from Wake Forest University (1991). He then began his career in Workers' Compensation in 1992 as an adjuster for FCCI Mutual. While at FCCI, he earned his Associate in Claims designation from the Insurance Institute of America. Judge Grindal left adjusting in 1995 and earned his Juris Doctor from St. Thomas University School of Law (1998). Judge Grindal was admitted to The Florida Bar in 1998. Over the course of his career, Judge Grindal has represented injured workers, employers, and carriers. He has also represented corporate clients in complex commercial litigation, Federal maritime matters, and argued before the First District Court of Appeal. He is Board Certified in Workers Compensation and was appointed as a Judge of Compensation Claims in 2020 by Governor DeSantis.<sup>839</sup>

**GROSSMAN, RHEA P.**

Judge of Industrial Claims

MIA; 1970-1971

Judge Rhea Grossman (1941-) was born in Miami. She earned her Bachelor's (1962) from University of Miami and Juris Doctor from the University of Miami School of Law (1965).<sup>840</sup> She was admitted to The Florida Bar in 1965.<sup>841</sup> She was appointed as a Judge of Industrial Claims by Governor Claude Kirk but was almost immediately thereafter appointed to the Circuit Court. As a Circuit Judge, she served by designation on the Third District Court of Appeal "in 1971 and on the Florida Supreme Court in 1972." She was "the first woman judge" to serve on the Appellate and Supreme Courts.<sup>842</sup> Judge Grossman was acknowledged in a 2013 historical review of Florida's judiciary published by the Legislature.<sup>843</sup> There are reports that suggest the press was perhaps not supportive of her groundbreaking presence on the bench.<sup>844</sup> She has practiced as a trial lawyer since leaving the bench.<sup>845</sup>

**GUYTON, CHARLES M.**

Deputy Commissioner

MAR; 1941-1947

Deputy Commissioner Charles M. Guyton (1904-1970) served as justice of the peace in 1940 in Lake Wales until he resigned.<sup>846</sup> His education background is not known.<sup>847</sup> He was initially licensed to practice law in 1930. *Id.* He was appointed March 10, 1941, as a deputy commissioner in Marianna.<sup>848</sup> He was named “judge of the municipal court” in Marianna in 1942<sup>849</sup> and ran for County Judge in 1944.<sup>850</sup> In 1952, he was appointed Area Rent Director of the Panama City Defense Rental Area. He was “a native of Marianna”<sup>851</sup> but had recently returned to Marianna from Jacksonville where he was an “attorney for the Price Stabilization district office.” *Id.* He served “six years (as a) deputy commissioner for the Northwest Florida area of the Florida Industrial Commission.” *Id.* Charles Guyton married Margaret Almeria McKay, daughter of Donald Brenham McKay, a descendant of one of Tampa’s settlers in 1846.<sup>852</sup>

**HAFNER, LAUREN**

Judge of Compensation Claims

SPT; 1994-2010

Judge Lauren Hafner (1954-) earned her Juris Doctor in 1985 from Florida State University, and she was admitted to the bar in 1986.<sup>853</sup> She was an Assistant Attorney General in 1987<sup>854</sup> through 1989<sup>855</sup> and aide to Attorney General Bob Butterworth in 1993<sup>856</sup> and 1994.<sup>857</sup> She served in the U.S. Army Reserves as a Judge Advocate General.<sup>858</sup> She was appointed when Governor Chiles chose not to reappoint Ann Robbins.<sup>859</sup> Following her retirement, Judge Hafner relocated to Virginia.<sup>860</sup>

**HAINES, JOHN D.**

Deputy Commissioner

ORL; 1961-1962

Deputy Commissioner John D. Haines (1933-) earned his Bachelor of Arts from Stetson University (1955)<sup>861</sup> and Juris Doctor from Stetson University College of Law (1959), and he was admitted to the Bar the same year.<sup>862</sup> He was a partner with the law firm of Winderweedle,



Haines, Ward, & Woodman in Orlando (based on published legal notices in 1961,<sup>863</sup> 1962,<sup>864</sup> 1967<sup>865</sup> and 1973.<sup>866</sup>). Mr. Haines served as “Orange County campaign manager” for Nixon in 1968.<sup>867</sup>

**HAINES, WEBBER B.**

Deputy Commissioner

ORL; 1953-1954

Deputy Commissioner Webber Bly Haines (1906-1995) was born in Medford, Massachusetts. He earned his Bachelor’s from Brown University and his Juris Doctor from the University of Florida.<sup>868</sup> His father served as mayor of Altamonte Springs.<sup>869</sup> Webber Haines was characterized as a “rising young lawyer” who served as an alderman of Altamonte Springs.<sup>870</sup> Webber Haines was appointed by “acting Governor Charley E. Johns,”<sup>871</sup> and he resigned from office when Governor Johns was not reelected.<sup>872</sup>

**HALPERT, SAMUEL**

Deputy Commissioner

MIA; 1953-1967

Deputy Commissioner Samuel C. Halpert (1903<sup>873</sup>-1967) earned his Bachelor’s and Juris Doctor from Harvard Law School. *Id.* He moved to Miami from Detroit in 1946. He was appointed to the Florida Industrial Commission by Governor Dan McCarty in 1953. He was then “reappointed by each succeeding governor.”<sup>874</sup> His term of 14 years was exceptional for that era. The “Miami City Commission also appointed him as a member of the Building Board of Appeals.” *Id.* Friends of 440, a group of workman’s compensation professionals, honored Mr. Halpert” in 1966. *Id.* According to Judge Donald Harrington, Judge Halpert passed away in 1967, during his time in office. At the time, Judge Harrington was serving in Tallahassee and was permanently transferred to Miami to undertake Judge Halpert’s duties.<sup>875</sup>

**HAND, JOSEPH F.**

Judge of Industrial Claims  
Deputy Commissioner  
FTL; 1974-1994

Judge Joseph F. Hand (1943-2009) earned his Bachelor's degree from Rollins College and his Juris Doctor from Johnson C. Smith University.<sup>876</sup> He was admitted to The Florida Bar in 1969. He was appointed Judge of Industrial Claims in 1974 and presided for 21 years. Upon his retirement, he was a Supreme Court Certified Mediator.<sup>877</sup> Judge Hand was noted in a press report about a final hearing in 1982. The injured worker in that proceeding concluded that the judge and the employer/carrier's attorney "seemed to be pretty buddy-buddy."<sup>878</sup> Judge Hand "disputed 'as a general statement' that JICs and workmen's compensation lawyers were too close." While not contesting the perception that there was nothing improper, the injured workers' attorney noted of familiarity, "I don't think it makes a very good impression." The Chairman of the Industrial Relations Commission, Elmer Friday, noted "it's a rather stupid thing for a judge to have that kind of conversation.."

**HANSFORD, JAMES R.**

Deputy Commissioner  
TLH; 1954

Deputy Commissioner James R. Hansford (1890-1969) was appointed by "acting Governor Charley E. Johns," and he resigned from office when Governor Johns<sup>879</sup> was not reelected.<sup>880</sup> Mr. Hansford was a World War II veteran and ran for the Florida Senate in Jacksonville in 1946.<sup>881</sup> In addition to the private practice of law, Mr. Hansford had also served as "legal assistant to the president of the State Senate."<sup>882</sup> In 1954, James Hansford practiced some clemency in Tallahassee.<sup>883</sup> James R. Hansford practiced divorce law in Panama City in 1955.<sup>884</sup> In 1956, he ran for the Florida Senate in District 25 in Port St. Joe.<sup>885</sup> Mr. Hansford ran for Senate again in 1960.<sup>886</sup> He served as the Bay County Small Claims Judge in 1962,<sup>887</sup> 1964,<sup>888</sup> 1966,<sup>889</sup> and 1969.<sup>890</sup>

## **HARDEE, CHARLES JAY**

Deputy Commissioner

TPA<sup>891</sup>; 1951-52

The details of the Hardee family have been challenging in compiling this history. The family names are at times repetitive, for example there are three Charles Jay Hardees, one of which, III, lives and practices in Tallahassee.<sup>892</sup> Making matters more challenging, the other two each served as workers' compensation adjudicators, and each was identified only with "C.J." rather than their given names. Charles Jay Hardee, Sr. (1898-1961<sup>893</sup>) earned his Bachelor's and Juris Doctor from the University of Florida.<sup>894</sup> Deputy Hardee Sr. was the nephew of Cary Augustus Hardee, who served as Governor of Florida 1921-1925. "C. Jay Hardee was appointed solicitor of the criminal court of record for Hillsborough County, April 1, 1934." He was reappointed in 1935 and "performed the duties of said office until July 7, 1936, when he was suspended by the Governor." *See State ex rel. Hardee v. Allen*, 172 So. 222, (Fla. 1937). C.J. Hardee Sr. and Jr. are the only know father son combination as adjudicators in Florida workers' compensation history. After his service, Mr. Hardee Sr. practiced law with Claude Pepper, former U.S. Senator. *See North v. State of Fla.*, 346 U.S. 864, (1953)("Messrs. C. Jay Hardee, Claude Pepper and John R. Parkhill").

## **HARDEE, CHARLES JAY, JR.**<sup>895</sup>

Judge if Industrial Claims

Deputy Commissioner

TPA; 1979-1987

Governor Cary Augustus Hardee, for whom Hardee County is named, was Deputy Commissioner Charles Jay Hardee's great-uncle. Deputy Hardee Jr. (1926-1988) earned his Bachelor's<sup>896</sup> and Juris Doctor from the University of Florida.<sup>897</sup> He was said to be part of a Florida "pioneer family," but his relatives suggest that was on his mother's side rather than through the Hardee line. His private practice involved maritime litigation. In the 1950s, his firm included Terrell Sessums, who became iconic<sup>898</sup> in Florida workers' compensation<sup>899</sup> and served as Speaker of the Florida House of Representatives from 1972 to 1974.<sup>900</sup> The firm also eventually included Hon. William Douglas (*see page 217*).<sup>901</sup> C.J., Jr. "was quite active politically and major candidates came to their law office for counsel."<sup>902</sup> Before his service

to the Florida Industrial Relations Commission began, Commissioner Hardee had a significant legal history, including successful prosecution of a change in United States Maritime law in *Moragne v. States Marine Lines, Inc.*, 398 U.S. 375, (1970). He was a Judge of Industrial Claims/Deputy Commissioner in Hillsborough County until approximate 1987. Judge Hardee suffered a firearm injury that resulted in loss of a portion of his nose and vision issues. He was remembered for his adjustments and adaptations to accommodate his challenges.<sup>903</sup> He was also known for being direct and focused on getting to the point.

**HARNAGE, HENRY**

Deputy Commissioner

Judge of Compensation Claims

MIA; 1989-1996; 2006-2013

Judge Henry H. Harnage (1946-) was born in St. Petersburg, a fifth-generation Floridian. He earned his Bachelor's from Tulane University and his Juris Doctor from Columbia University. He served as an Assistant Public Defender and practiced with various firms. He was partner in two. He was appointed as a Deputy Commissioner by Governor Robert Martinez in late 1989. Governor Chiles appointed him to the Circuit bench in 1996, where he served until 2005. During his tenure, he presided by designation on the Fourth District Court of Appeal. Following his defeat in a retention election, Governor John "Jeb" Bush appointed him as Judge of Compensation Claims in 2006.<sup>904</sup> Additionally, Judge Harnage served as: President of Dade County Bar Association (1986-1987) and President of its Young Lawyers Section (1980-1981); Chairperson of the Judicial Nominating Commission, 3rd District Court of Appeal; Chair and Vice-Chair of The Florida Bar Rules Committees; and, a member of the Board of Directors of Legal Services of Greater Miami, Inc. *Id.*

**HARRINGTON, DONALD F.**

Deputy Commissioner

MIA 1966-1970

Deputy Commissioner Donald Harrington (1930-2013) was born in Cleveland, Ohio. He earned his Bachelor's degree from Western Reserve University and his LL.B., LL.M., and Juris Doctor degrees from Cleveland-Marshall Law School.<sup>905</sup> He served in the Army "in Nuremberg, Germany and was part of the American peace-keeping force during the Occupation of Germany after World War II." *Id.* He was an adjudicator from July 1, 1966, to December 15, 1967, as Judge of Industrial Claims.<sup>906</sup> He was primarily a "temporary assignment" judge in "various areas where the caseload was backlogged (Palm Beach, Miami, Orlando, etc.)."<sup>907</sup> He was also tasked "throughout the state" in cases involving "the Special Disability Trust Fund, Safety Code Violations and all disputes under the Medical Fee Schedule of the Florida Industrial Commission. *Id.* In December 1967, he was "permanently transferred from Tallahassee to Miami after the sudden death of the late Judge Halpert." *Id.* He did not recall who succeeded him when he returned to private practice in 1970. *Id.* Judge Harrington was a past president and life member of the Emerald Society of South Florida and the Order of the Leprechaun. He held Irish citizenship.<sup>908</sup>

**HARRIS, IVEY C.**

Judge of Compensation Claims

JAX; 1994-2009

Judge Ivey C. Harris (1952-) earned her Bachelor's and Juris Doctor (1977) from the University of Florida. She was admitted to The Florida Bar in 1978.<sup>909</sup> Judge Harris served as Committee Counsel in the Florida House of Representatives from 1979 to 1989. She was the Deputy Director of the Florida Division of Workers' Compensation from 1989 to 1993. She was appointed as a Judge of Compensation Claims by Governor Lawton Chiles in 1994, replacing Honorable Gail Adams (*see* page 185) after her transfer to Orlando.

**HART, RICHARD M.**

Deputy Commissioner  
JAX 1980-1989

Deputy Commissioner Richard Morey Hart Jr. (1943-1990) earned his Bachelor's from University of the South (1965) and his Juris Doctor from the University of Florida (1968).<sup>910</sup> He was admitted to The Florida Bar in 1969. *Id.* Judge Hart “grew up in Pensacola...(and) graduated from Pensacola High School in 1961.”<sup>911</sup> In Jacksonville, he was a “partner of Sharp, Rizk, Hart, & Myers Law Firm,” a Deputy Commissioner, and “Judge of Industrial Claims, State of Florida.” *Id.* Until his appointment, Jacksonville had been a single-judge district since 1935, save for a period of weeks during which Deputy Dandelake served (*see* Page 212). When appointed, he served with Deputy/Judge Rhodes Gay (*see* page 227). The two served together for the duration of Judge/Deputy Hart's tenure, which concluded with his death in office. Upon his passing, the panel of nominees to replace him included former Commissioner Bette Miller,<sup>912</sup> then 67 years old (*see* page 272). Legend has it that she passed away after being listed with the other nominees. Wilbur Anderson (*see* page 189) was appointed to the position vacated by Deputy Hart.<sup>913</sup>

**HARUM, ALBERT E.**

Deputy Commissioner  
Judge of Industrial Claims  
MIA; 1969-1973

Judge Albert Edward Harum, Jr. (1935-1997) was born in Brooklyn, New York.<sup>914</sup> He earned his Bachelor's from University of Miami,<sup>915</sup> and his Juris Doctor from University of Tulsa. *Id.* He was admitted to The Florida Bar in 1965. *Id.* “He founded the firm of Harum & Harum in 1968 along with his father (Albert Edward Harum, Sr.). From 1969 to 1972, he served as a Judge of Worker's Compensation Claims in Miami-Dade County.”<sup>916</sup> He left the bench to run for another judgeship, a candidate for Judge Group 7 in Miami. He was not elected in that race.<sup>917</sup> His biography described that he was then “a Judge of Industrial Claims, member of the Kiwanis, and a captain in the U.S. Air Force Reserve.”<sup>918</sup> After “leaving the bench, he represented injured workers and employers such as Florida Power & Light and Miami-Dade County.” *Id.* Judge Harum was a champion

tennis player and is a member of the University of Miami Athletic Hall of Fame and the Miami, Florida Tennis Hall of Fame. *Id.*

**HAVERS, WALTER J.**

Judge of Compensation Claims

MIA; 2017-Current

Judge Walter J. Havers (1965 - ) was born in New Jersey. He earned his Bachelor's from University of South Florida (2000) and his Juris Doctor from Florida State University (2002). He was admitted to The Florida Bar in 2003. In 2003, he began nine years of service as legal advisor to the Office of the Judges of Compensation Claims and assistant to the Deputy Chief Judge of Compensation Claims. He developed rules of procedure, policies, and production methods to improve the workflow and efficiency of the OJCC. In addition, he represented Judges of Compensation Claims before the First District Court of Appeal in cases involving petitions for writs of mandamus and prohibition. He became a Florida Supreme Court Certified Circuit Court Mediator in 2012, and, in 2013, he began serving as a State Mediator in the Miami district. He was appointed as a Judge of Compensation Claims in Miami by Governor Rick Scott in 2017. Judge Havers served in the United States Marine Corps on active duty from 1983 until 1987.<sup>919</sup> During his service as Senior Counsel, Judge Havers provided significant assistance in identifying and documenting various adjudicators, part of a project to produce a history of this office. That culminated in publication of a poster in 2011, which is now known to have been incomplete and somewhat in error (see endnote 505). His contributions were nonetheless exceptional and indispensable.

**HEATON, WENDELL C.**

Deputy Commissioner

TLH; 1951-1953

FIC; 1935-1945 (*see* Page 239).

Florida Industrial Commission Chair (first), and later Deputy Commissioner, Wendell Carlos Heaton (1896-1970<sup>920</sup>) was “a veteran of World War I and was awarded the French Croix de Guerre medal.” *Id.* His education history is not known. He was the “first chairman of the old State Industrial Commission.” *Id.* He was the former

“president of the Florida Federation of Labor during the 1930s and first came to Tallahassee in 1935 to head the new state workmen’s compensation system.” *Id.* From humble beginnings, the FIC “grew from a staff of Chairman Heaton and one secretary into the huge federal-state employment and unemployment compensation services which became the Division of Labor and Unemployment Opportunities in the State Department of Commerce,” *Id.* and then the Division of Workers’ Compensation and the Office of Judges of Compensation Claims. There was anticipation that Heaton would run for Governor in 1940; the press noted his “industrial capital”<sup>921</sup> through “his job as head of the Florida Industrial Commission (which) has lodged with him the administration of the workmen’s compensation law as well as the unemployment compensation law and other social security features.” *Id.* It does not appear Mr. Heaton ran as predicted. “Heaton left the Industrial Commission in 1945 after service under Governors Scholtz, Cone, and Holland.”<sup>922</sup> He “entered private practice as an attorney as a specialist in labor-management law.”<sup>923</sup> He then returned briefly as Deputy Commissioner in 1951.<sup>924</sup>

## **HEDLER, THOMAS**

Judge of Compensation Claims

WPB; 2016-Current

Judge Hedler (1974-) is a native and life-long resident of Florida. He earned his Bachelor’s from Palm Beach Atlantic University (1997) and his Juris Doctor from Florida State University College of Law (2002). He was appointed as a Judge of Compensation Claims for the West Palm Beach District by Governor Rick Scott in 2016. Prior to his appointment, he worked for Hedler & Hessen, P.A. where he represented injured workers. He previously represented insurance carriers. Judge Hedler was Board Certified by the Florida Bar in workers’ compensation in 2015. During his private practice career, Judge Hedler taught numerous seminars, served on the Palm Beach County Bar Workers Compensation Committee, and received numerous superlatives from various organizations, while practicing almost exclusively in workers’ compensation.<sup>925</sup>



**HENDERSON, JAMES CARROLL “J.C.”**

Deputy Commissioner  
Judge of Industrial Claims  
MIA; 1962-1980

Judge James Carroll Henderson (1921-2019) was born in Gainesville, Florida. He earned his Bachelor’s from the University of Florida (1943) and his Juris Doctor from University of Miami Law School (1950). He also attended the National Judicial College in Reno, Nevada. He practiced as Assistant State Attorney in the Dade County Solicitor's Office from 1954 to 1956, as a Dade County Public Defender from 1958 to 1959, and as a Judge of Industrial Claims from 1962 to 1980. In 1972, he reportedly made a campaign contribution (\$100) in the Gubernatorial election.<sup>926</sup> This is notable because the Code of Judicial Conduct, which precludes political activity, was not legislatively applied to Florida workers’ compensation adjudicators until 1978. *See* Langham, §25.1 (note 152). There were various examples of political activity prior to 1978. Judge Henderson was appointed to the Circuit bench in 1980 and served there until 1993. Following his retirement, he served as active senior judge from 1993 to until at least 2000.<sup>927</sup> He was the 1975 honoree of the Society of 440; he worked on the revisions to the Rules of Procedure for Trial and Appellate Procedure in Workers' Compensation; he was the 1984 recipient of the Leadership in Government Award by the Dade County Employ the Handicap Committee; he was elected to the Juvenile Court Gallery of Honor in 1996 and he served in the U.S. Army Field Artillery 1944 & 1945 in the United States and Europe. *Id.*

**HENDRY, MARION W.**

Deputy Commissioner  
TPA<sup>928</sup>; 1951-1952

Deputy Commissioner Marion W. Hendry (1901-1970) earned his Bachelor’s degree from “the University of Florida and was a varsity football player.”<sup>929</sup> He also earned his degree “in law from the University of Florida.”<sup>930</sup> He was “a native of Ft. Myers.” *Id.* He served as a “judge of the municipal court and the court of crimes” in Tampa, before running for a “criminal court judge” position in 1936. *Id.* In 1954, he was “appointed to the JP (Justice of the Peace, *see above* Chapter 8) post ... and was reelected regularly.”<sup>931</sup> He

reportedly suffered a fall that required hospitalization and ongoing care. He was “the commodore of the Florida West Coast Council of Yacht Clubs.” He passed in 1970 “from a self-inflicted gunshot wound.” *Id.*

**HIATT, PHARES N.**

Deputy Commissioner

MIA; 1949-1953

Deputy Commissioner Phares N. (“Pete”) Hiatt (1891-1958) earned his Juris Doctor from the University of Indiana and moved to Florida in 1924. He was a veteran of World War I and worked through WWII as an “enforcement attorney for the OPA”<sup>932</sup> (Office of Price Administration). “In 1949, Mr. Hiatt was named (a) deputy commissioner of the Florida Industrial Commission in charge of the Workmen’s Compensation Division in the Miami area.”<sup>933</sup> He was commander of the Palm Beach post of the American Legion and a member of the Elks and Shriners.” *Id.*

**HILL, CHARLES**

Judge of Compensation Claims

MIA; 2004-2017

Judge Charles Hill (1945-) earned his Bachelor’s from University of Florida and his Juris Doctor from South Texas College of Law. He was admitted to The Florida Bar in 1977. He practiced workers’ compensation law in Miami, Florida, with partners Eduardo Almeyda (*see* page 187), Iliana Forte (*see* page 225), and Sylvia Medina(Shore)(*see* page 270) until he was appointed by Governor John E. Bush in 2004.<sup>934</sup> Judge Hill served as a Captain in the United States Air Force and has extensive experience as a military and commercial airline pilot. Judge Hill has substantial litigation and workers’ compensation experience representing claimants and employer/carriers.<sup>935</sup> Following his retirement as a judge, he practiced mediation, joining the OJCC again as a state mediator in 2022.

**HILL, KIMBERLY**<sup>936</sup>

Judge of Compensation Claims  
WPB; 2023-Current

Judge Kimberly Hill (1962-) received her B.A. from the University of South Florida and her J.D. from Nova Southeastern University Shepard Broad School of Law. Judge Hill started her career as a law clerk at a large statewide insurance defense law firm and remained with that firm for almost 20 years. Starting in 2008, she was a self-employed appellate attorney. Over the last several years, she simultaneously ran her appellate practice and handled litigated cases on behalf of injured workers for a West Palm Beach law firm. Judge Hill's experience spans over 30 years and has been dedicated exclusively to workers' compensation litigation and appellate practice. She has been Florida Bar Board Certified in Workers' Compensation Law since 1995 and in Appellate Practice since 1997. Before being appointed as a Judge of Compensation Claims, Judge Hill handled over 700 workers' compensation appeals, resulting in over 100 oral arguments and innumerable published opinions. In addition, she wrote amicus briefs in several landmark Florida Supreme Court decisions. She has also handled over 100 trials before Judges of Compensation Claims. Judge Hill was also an active member of numerous Florida workers' compensation organizations and was voted in by her peers as a "Super Lawyer" and "Lawyer of Distinction" for many years. During her career as an attorney, she wrote many articles in professional publications and gave many professional lectures, including oral arguments at educational conferences. Governor Ron DeSantis appointed Judge Hill as a Judge of Compensation Claims for the West Palm Beach District in 2023.<sup>937</sup>

**HILL, RENEE**

Judge of Compensation Claims  
GNS; 2009-2017

Judge Marjorie Renee Hill (1960-) earned her Bachelor's and Juris Doctor from Florida State University College of Law and was admitted to The Florida Bar in 1998.<sup>938</sup> Judge Hill was the Director of the First District Court of Appeal's Workers' Compensation Unit prior to her initial appointment by Governor Charles Crist in 2009.<sup>939</sup> Following her departure from the OJCC, she practiced in Lake City.<sup>940</sup>

**HOCH, RAND**

Judge of Compensation Claims  
DAY; 1991-1995

Judge Rand Hoch (1955-) earned his Bachelor's from Georgetown University (1977)<sup>941</sup> and his Juris Doctor from Stetson University College of Law (1985).<sup>942</sup> He was admitted to The Florida Bar in 1985. He was admitted to the Washington D.C. Bar in 1989.<sup>943</sup> He served as a Judge of Compensation Claims from 1991 through 1995. After leaving the bench, he practiced law and mediation from 1996 to the present, based in West Palm Beach. Beginning in 1988, he served on The Palm Beach County Human Rights Council, Inc., which he founded.

**HODGES, ROBERT L.**

Deputy Commissioner  
ORL; 1949-1951

Deputy Commissioner Robert L. Hodges (1903-1957) earned his business degree and Juris Doctor from the University of Florida.<sup>944</sup> He was an Orlando native who served in the state legislature (1937-1941). He ran for State Senate in 1940 and touted his service as “a first lieutenant in the Reserve Corps”<sup>945</sup> of the “Air Corps...during World War II.”<sup>946</sup> Following his short service as a Deputy Commissioner, he “was appointed U.S. Commissioner” (Magistrate Judge, *see* Chapter 8) in Orlando in 1953.<sup>947</sup> In 1954, he was replaced “due to ...extended illness.”<sup>948</sup>

**HOFSTAD, MARK**

Judge of Compensation Claims  
LKL; 2000-2010

Judge Mark Hofstad (1952-) earned his Bachelor's “from Moorhead State College and his Juris Doctor from the University of the Pacific's McGeorge School of Law.”<sup>949</sup> “Judge Hofstad began his career in 1985 as an Assistant State Attorney for the 10th Judicial Circuit. He then served as staff counsel to Fireman's Fund Insurance from 1990 until 2000, when he was appointed as a Judge of Compensation Claims. He worked in that capacity until his appointment to the

Circuit Court in 2010.” *Id.* He served as a Circuit Judge until electing Senior status.<sup>950</sup>

**HOGAN, GERALDINE B.**

Judge of Compensation Claims  
FTL; 2006-2018

Judge Geraldine Hogan (1955-) earned her Bachelor’s from Johnson C. Smith University (1976) and her Juris Doctor from the University of Florida (1996). She was appointed in 2006 by Governor John “Jeb” Bush. Prior to appointment, Judge Hogan was an Assistant City Attorney for the City of Miami where she litigated workers’ compensations claims. She began her legal career as a prosecutor with the Dade County State Attorney's Office. She later worked in the private sector litigating workers' compensation claims. Her experience as a workers’ compensation attorney includes representing injured employees as well as employers and carriers. Prior to attending law school, she received a Master of Education degree from the University of Florida and worked as a teacher with Alachua County in Gainesville. Judge Hogan was a member of the Wilkie D. Ferguson Jr., Bar Association (*see* page 222) and a member of the Gwen S. Cherry Bar Association. She is also certified by the Florida Supreme Court as a Civil Circuit and County Court Mediator.<sup>951</sup>

**HOLLEY, WILLIAM R. (“RAY”)**

Judge of Compensation Claims  
JAX; 2010-Current

Judge William Holley (1969-) earned his Bachelor’s and Juris Doctor degrees from Stetson University (1997). Judge Holley was admitted to the Florida Bar in 1997 and the Georgia Bar in 2006. He began his legal career as an assistant state attorney which was followed by working as in-house counsel for an international logistics corporation. In 2002, Judge Holley joined the Law Office of Amy Warpinski, a Field Legal Office of Liberty Mutual Group. He has been a member of the Inns of Court and Rotary Club. He was involved in the Friends of 440 Scholarship group.

**HOUSHOLDER, DORIS**

Judge of Industrial Claims

Deputy Commissioner

Judge of Compensation Claims

DAY; 1972-1991

Judge Doris Housholder (1924-2008) earned her Bachelor's from Stetson University and attended Stetson College of Law.<sup>952</sup> However, she earned her Juris Doctor from the University of Florida and was admitted to the Bar in 1946.<sup>953</sup> She was involved with the League of Women Voters in 1964.<sup>954</sup> Doris Housholder served as an attorney for the Florida Industrial Commission in 1963,<sup>955</sup> and she was a staff attorney for the House Committee on Health and Rehabilitative Services in 1971.<sup>956</sup> She was appointed in 1972 "as a Judge of Industrial Claims of the Florida Department of Commerce." She was "the fourth Florida woman to hold such a position."<sup>957</sup> She was based in Daytona Beach with responsibility for "Volusia and Flagler Counties." *Id.* She previously served as part of the "legal staff of the Florida Industrial Commission, forerunner of the Florida Department of Commerce Labor Division, from 1958 to 1969." *Id.* Her work was "exclusively in the area of workmen's compensation." *Id.* She was "a member of the Palmetto Club, the Halifax River Yacht Club, the AAUW, the Tiger Bay Club, as well as a member of the Ormond Beach YMCA."<sup>958</sup>

**HUDSON, KATHLEEN R**

Judge of Compensation Claims

TPA; 1991-1995

Judge Kathleen Hudson (1946-) earned her Juris Doctor from Stetson University College of Law (1977<sup>959</sup>). In May 1991, Governor Chiles appointed Kathleen R. Hudson to a newly created judgeship in Tampa, District D. Judge Hudson came to the bench after practicing thirteen years in the Tampa Bar area. She began her legal career under the tutelage of James T. Earle, Sr. and Ivan Matusek, both exemplars in the world of workers' compensation litigation—lessons learned were respect for the process and an overarching responsibility to go beyond an ethical practice to that of a professional practice. During her four years as a JCC in Tampa, Judge Hudson was the president of the Conference of Judges of Compensation Claims from May 1992

through September 1994. She was also a member of the Workers' Compensation Rules Committee of the Florida Bar from 1994 through 2002, serving twice as its chair - July 1996 to June 1997 and July 1999 to June 2000. Judge Hudson was not reappointed by Governor Lawton Chiles when the changes from the 1993 special session had clarified the governor's authority and created a new nominating commission. Attorneys on both sides of workers' compensation were troubled by her non-reappointment and others.<sup>960</sup> After leaving the bench in 1995, Ms. Hudson returned to practice—first as a Supreme Court Certified Mediator and then as a litigator. In July 2008, she became a charter member of the First District Court of Appeal's workers' compensation unit -staff attorneys designated to assist the Court in the disposition of workers' compensation appeals.<sup>961</sup>

### **HUMPHRIES, RALPH J.**

Judge of Compensation Claims

JAX; 2010-Current

Judge Ralph J. Humphries (1952-) earned his Bachelor's and his Juris Doctor from The University of Florida College of Law (1976).<sup>962</sup> He practiced law in Jacksonville since his admission to the Florida Bar in 1977. Beginning in 1984, he practiced primarily in the areas of insurance defense including medical malpractice defense, personal injury, and workers compensation, where he has represented injured workers as well as employers and carriers. From 1993 until 2009, Judge Humphries was senior partner of his own firm and also practiced in a partnership of professional associations with Schutt, Humphries, & Becker and its progeny. In 2010, Judge Humphries joined Boyd & Jenerette as a partner practicing exclusively workers compensation defense. Judge Humphries has also served as a Supreme Court certified mediator. He served on the Board of Directors of the Florida Association of Defense Counsel and also as chairman of its workers compensation section and as President of the Jacksonville Association of Defense Counsel. He was a charter member of the E. Robert Williams Inns of Court.<sup>963</sup>

## **HURT, CHARLES C.**

Deputy Commissioner

Judge of Compensation Claims

LKL; 1981-1986. ORL; 1986-1995

Judge Charles Clyde Hurt (1918-1996) earned his Bachelor's from the University of Florida and his Juris Doctor from Cumberland School of Law.<sup>964</sup> His brother<sup>965</sup> Edward H. Hurt also served as a Deputy Commissioner in Orlando (*see below*). He served in the U.S. Air Force (more likely Army Air Corps, Air Force created in 1947) in Europe during WWII. When his service ended, he moved to Winter Park.<sup>966</sup> He was admitted to the bar in 1967.<sup>967</sup> He was appointed as a Deputy Commissioner in Lakeland and remained there until 1986. He transferred to Orlando around the time that Judge Jones was not reappointed in Melbourne (Brevard), and a new position was being opened in Orlando. Judge Hurt resided in Orlando and was assigned there until his death in 1996.<sup>968</sup>

## **HURT, EDWARD HIGGINS**

Deputy Commissioner

ORL; 1958-1960

Deputy Commissioner Edward (Ed) Higgins Hurt (1926-1993) earned his Bachelors and Juris Doctor from the University of Florida.<sup>969</sup> His brother, Charles Hurt, later served as a Deputy Commissioner and then Judge of Industrial Claims in Lakeland and Orlando (*see above*). He was a prominent Orlando attorney. He was admitted to the bar in 1949.<sup>970</sup> Deputy Ed Hurt was active in local politics,<sup>971</sup> and the community, serving more than once as President of the Central Florida Executives Club.<sup>972</sup> In 1952, Deputy Hurt was a candidate for the Florida House.<sup>973</sup> In 1957, Deputy Hurt was a founder of a group to support the construction of an expressway through Winter Park and Orlando.<sup>974</sup> It is likely that his service as a Deputy Commissioner was relinquished to facilitate his unsuccessful run for the Florida Senate in 1960.<sup>975</sup> According to his son, Edward H. Hurt Sr. retired from the bench and thereafter practiced workers' compensation law until his death on July 5, 1993. Deputy Hurt was partners with J. David Parrish, one of the four founders of the Florida Workers' Compensation Institute (n/k/a Workers' Compensation Institute). That firm later became Parrish and Smejkal.<sup>976</sup> It was once said that Mr.



Hurt “won his cases by his personality,” and he was known to support his arguments with vague citations such as “there is a case out of Miami.”<sup>977</sup>

**JACOBS, JEFFREY I.**

Judge of Compensation Claims

MIA; 2017-Current

Jeffrey Ira Jacobs (1961-) earned his Bachelors from State University of New York College and his Juris Doctor from the University of Miami School of Law (1986<sup>978</sup>). He practiced workers’ compensation law as a shareholder with Malca and Jacobs, P.A. (Ramon Malca is a legend in the workers’ compensation community) and as an associate with its predecessor firm in Miami since 1988. He was admitted to The Florida Bar in 1986 and is a member of the Workers’ Compensation Section. Prior to his appointment as Judge of Compensation Claims by Governor Rick Scott, Judge Jacobs served as Chair of the Workers’ Compensation Section, Program Chair of Workers’ Compensation Forum, Chair of the Dade County Bar Association Workers’ Compensation Committee, Vice Chair and Chair of The Florida Bar Workers’ Compensation Rules Advisory Committee, and as an instructor with the Workers’ Compensation Trial Advocacy Program. Judge Jacobs has lectured at numerous seminars on various workers’ compensation topics. In addition to workers’ compensation, he has practiced a variety of other fields of law.<sup>979</sup> As an attorney, he chaired the Rules Committee when the Bar challenged the statutory grant of authority regarding procedural rules in 2004. *Amends. to the Fla. Rules of Workers' Comp. Proc.*, 891 So. 2d 474 (Fla. 2004)(“Jeffrey I. Jacobs, Chair, Florida Workers' Compensation Rules Committee”). Though not married at the time of service, Judges Jeffrey and Jill Jacobs are the only known spouses to have ever served as Florida workers’ compensation adjudicators.

**JACOBS, JILL**

Judge of Compensation Claims

ORL; 2022-Current

Judge Jacobs (1961-) earned her Bachelor’s from Rutgers University (1983) and her Juris Doctor from the University of Miami School of Law. She was admitted to the Florida Bar in 1987. Most of her legal

career has been in defense of workers' compensation claims, with the exception of six years as both a state and private mediator from 1995 to 2001. She left Miami in 2015 to become Deputy City Attorney for the City of Palm Bay. She is Board Certified in Workers' Compensation Law and is a member of the Judge William Wieland American Inn of Court. Though not married at the time of service, Judges Jeffrey and Jill Jacobs are the only known spouses to have ever served as Florida workers' compensation adjudicators.

**JACOBSON, MELANIE C.**

Deputy Commissioner  
Judge of Compensation Claims  
WPB; 1984-2001

Judge Melanie Coleman Jacobson (1950-) earned her Bachelor's and Juris Doctor degrees from the University of Miami. She served as a Judge of Compensation Claims for 16 years in Palm Beach County. Prior to having been appointed a Judge of Compensation Claims, Judge Jacobson was the chief litigation attorney for the Palm Beach County Attorney's Office, representing the county in the defense of personal injury and wrongful death litigation, workers' compensation claims, and certain civil rights actions. She has been a lecturer on the subject for The Florida Bar Workers' Compensation Section and other organizations. After leaving the bench, Judge Jacobson practiced mediation and served on the Florida Supreme Court's Alternative Dispute Resolution Rules and Policy-making Committee. She taught workers' compensation as an adjunct professor at St. Thomas School of Law and served on the Statewide Judicial Nominating Commission for Judges of Compensation Claims.

**JENKINS, DORIS**

Judge of Compensation Claims  
TPA; 1995-2015

Judge Doris E. Jenkins (1952-) earned her Bachelor's from Rollins College (1974) and her Juris Doctor from Vanderbilt University Law School (1977). She began her legal career as an Assistant Attorney General in the Criminal Appeals Division. She was Staff Counsel for several Florida agencies including the Florida Senate Judiciary/Criminal Committee, the Department of Law Enforcement,

the Department of Labor and Employment Security, the Division of Workers' Compensation Special Disability Trust Fund and the Department of Insurance. Judge Jenkins also served as General Counsel to the Florida Parole Commission. In addition, Judge Jenkins has held various administrative/managerial positions such as Employee Benefits Administrator for the Florida Department of Administration and Research Director for the Florida Supreme Court Study Commission on Racial and Ethnic Bias. She was active in the Ferguson White Inn of Court and the Tampa Bay Friends of 440 Scholarship Fund. *Id.* She was appointed when Governor Chiles decided not to reappoint Kathleen Hudson (*see* Page 246).<sup>980</sup>

**JOHNSEN, GREGORY**

Judge of Compensation Claims

WPB; 2016-Current

Judge Gregory J. Johnsen (1969-) earned his Bachelor's from Barry University (1990) and his Juris Doctor from the University of Miami School of Law (1993). He was admitted to The Florida Bar in 1993. He originally started practicing civil litigation and personal injury, representing both plaintiffs and defendants. Judge Johnsen began practicing workers compensation law in 1995 and represented employers, carriers, and claimants. In 2006, Judge. Johnsen became a State Mediator and continued through 2016 in both the Miami and Fort Lauderdale Offices. He has mediated over 8,000 workers' compensation claims. In 2016, Governor Rick Scott appointed him as a Judge of Compensation Claims for the West Palm Beach District Office where he currently serves.<sup>981</sup>

**JOHNSON, STEPHEN J. JR.**

Deputy Commissioner

Judge of Compensation Claims

ORL; 1979-1996. MEL; 1996-1999

Judge Stephen J. Johnson (1928-2008) earned his Bachelor's from Oklahoma University (after transferring from Kansas State University). He enlisted in the U.S. Army in 1951 and was honorably discharged in 1953. He earned his Juris Doctor from the University of Miami Law School and was admitted to The Florida Bar in 1958.<sup>982</sup> He was an Assistant Attorney at the Florida State Department of

Transportation and was then in private practice. He was appointed in 1979 by Governor Robert Graham as a Judge of Industrial Claims and served until his retirement in 1999.<sup>983</sup>

**JOHNSON, WILLIAM (“BILL”)**

Judge of Industrial Claims

Deputy Commissioner

Judge of Compensation Claims

MIA; 1977-1997

First black workers’ compensation trial adjudicator

Judge William Johnson (1948-) earned his Bachelor’s from Rollins College (1970) and his Juris Doctor from University of Miami School of Law (1973).<sup>984</sup> He was then a plaintiff’s/claimant’s lawyer with Kaplan, Dorsey, Sickling, & Hessen until appointed as a Deputy Commissioner in 1977. In 1997, he was appointed as a Miami-Dade County Judge, reelected, and served until his retirement<sup>985</sup> and assumption of Senior status (2011).<sup>986</sup> He was the first black student at Rollins College in Winter Park, Florida.<sup>987</sup> He and F.W.T. Smith were the first black students at the University of Miami Law School. He was known for his computer skills and interest.<sup>988</sup> In a strange and memorable instance, an attorney named Gene Flinn made meritless accusations against Judge Johnson and three other judges of “bribery and corruption.” Mr. Flinn was disbarred, in part as a result of his assault on the bench.<sup>989</sup>

**JONES, JOHN**

Judge of Industrial Claims

Deputy Commissioner

Judge of Compensation Claims

MEL; 1972-1993

Judge John Paul Jones (1939-2004) was born in Tennessee and moved first to Ft. Myers and then Palm Beach. He earned his Bachelor’s from University of Florida (1961) and his Juris Doctor from the University of Florida Law School (1966), with some time between devoted to service in the U.S. Marines. He worked as an Assistant State Attorney and Assistant Attorney General before entering private law practice. He was appointed as a Judge of Compensation Claims in Brevard County by Florida Governor

Reuben Askew in 1972. Judge “Jones was (initially) recommended for his job by his brother’s law partner...then the chairman of the Florida Democratic Party.”<sup>990</sup> Judge Jones denied asking for that recommendation. Judge Jones is likely most readily remembered for his litigation against Governor Lawton Chiles. *Jones v. Chiles*, 638 So. 2d 48 (Fla. 1994). This established that appointment and reappointment remain discretionary with the Governor. The process of that litigation led to many debates and discussions about the adjudicators and process in the early 1990s. Notably, Judge Jones was criticized at times, *see* Chapter 16. In one instance, in 1988, an attorney accused Judge Jones of having “a very violent temper,” and alleged that Judge Jones “verbally attacked...on numerous occasions.” *Id.* Judge Jones was criminally charged “with battery on a law enforcement officer, resisting arrest with violence, and disorderly conduct after a domestic dispute.” He reportedly “pleaded no contest and was sentenced to six month’s probation.” *Id.* However, he sent the Chief Judge a memo in which he explained “no charges had been filed.” *Id.* The Chief Judge concluded “maybe he took some license with the wording of the memo.” *Id.* Some credited the Legislature’s 1994 codification of the Code of Judicial Conduct to Judge Jones.<sup>991</sup> The statute amendment from referencing the code to restating it was seen as “emphasiz(ing) the point” *Id.* *See* Langham, Chapter 25 (note 152). Judge Jones thereafter characterized his departure from the OJCC that he “retired from his position in 1995 after serving 23 years” though in fact he was not reappointed. He then practiced mediation.<sup>992 993</sup>

### **JONES, ROSEMARY U.**

Deputy Commissioner  
FTL; 1980-1984

Deputy Commissioner Rosemary Usher Jones (1929-2009) was born in Savannah, Georgia, and moved to Miami after marrying. She earned her Bachelor’s from Hollins College and her LL.B. from the University of Maryland and was admitted to the bar in 1965.<sup>994</sup> She served eight years as an Assistant State Attorney and was appointed as a Judge of Industrial Claims in 1980. She taught as an adjunct instructor at Miami School of Law, and founded the Crisis Center at University of Miami Medical School. In 1984, she successfully ran for Circuit Court Judge. She thereafter served in the “juvenile and civil divisions.”<sup>995</sup> In the “overtown riots of late December 1982,”<sup>996</sup>

she was attacked and robbed by an “angry mob” and was saved by two teenage girls. Judge Jones established a scholarship fund for them.<sup>997</sup>

### **JOPLING, WALLACE**

Deputy Commissioner

GNS, Lake City; 1953-1954

Deputy Commissioner Wallace M. Jopling (1917-2010) was born in Georgia. He earned his Bachelor’s from the University of Florida, and his law degree from the University of Florida Law School (1941). He practiced briefly and then served in the military in Japan. He “returned to Lake City”<sup>998</sup> in 1946 and opened a law practice. After his brief service with the Industrial Commission, Judge Jopling served as the City Attorney in Lake City<sup>999</sup> and served on a “special interim commission” regarding Florida’s death penalty in 1964.<sup>1000</sup> Judge Jopling was a municipal judge, “attorney for the Columbia County School Board, and a member of The Florida Bar Board of Governors.”<sup>1001</sup> He was elected to the Circuit Court in 1977 and presided over Theodore Bundy’s 1980 trial. Mr. Bundy was convicted for the killing of schoolgirl Kimberly Leach<sup>1002</sup> after the trial was transferred to Orlando.<sup>1003</sup> Judge Jopling sentenced Mr. Bundy to the electric chair. He retired in 1993 and moved to Gainesville.<sup>1004</sup>

### **KAISER, JAY**

Deputy Commissioner

MIA; 1960-1963

Deputy Commissioner Julius H. (Jay) Kaiser (1931-2010) earned “his law degree from the University of Miami.”<sup>1005</sup> He ran for Judge of Small Claims in 1954. He listed previous experience as a paper carrier, truck driver, mechanic, salesman, manager, accountant, teacher, and attorney.<sup>1006</sup> He did not prevail in the initial balloting<sup>1007</sup> and endorsed Leonard P. Cardone (also a Deputy Commissioner, *see* page 202) in the runoff.<sup>1008</sup> In 1956, Mr. Kaiser served as “organization committee chairman” for the campaign of “L.C. Proby (also a Deputy Commissioner, *see* page283), for the Circuit position held by Judge John Prunty.<sup>1009</sup> These both illustrate the political participation of adjudicators prior to the legislative imposition of the Code of Judicial Conduct in 1978. In 1958, he was expected to “open

a law office with C. Faris Bryant of Ocala.” Mr. Bryant was former House Speaker, and “a top contender for governor in 1960”<sup>1010</sup> and was elected Governor in 1961. In early 1960, Deputy John Christie (*see* page 206) resigned “to manage the governorship campaign of John McCarty in Dade County”<sup>1011</sup> and “Jay Kaiser, another Miami attorney (was) expected to be named his successor by Governor” Collins. *Id.* He was among those listed for a “Compensation Group” in 1971. This was called Top Ten Associates and strove to “improve the administration of justice in Florida’s workmen’s compensation law.” The “Chairman (was) John Christie,”<sup>1012</sup> and it included “Howard Pelzner, George Lanza, Dudley Burton, Dan Wheeler, Israel Abrams (*see* Page 185), Andrew Richards, Jay Kaiser, Richard Sicking, and Warren Rose.” *Id.* Some of those names have achieved legendary status, and others have faded.

### **KERR, MARGRET**

Judge of Compensation Claims

MIA; 2013-Current

Judge Margret Kerr (1959-) is originally from England and Australia. She received her Bachelor’s from the University of Kent at Canterbury, United Kingdom (1980), and her Juris Doctor from the University of Miami (1993). She began her legal career at the law firm of Underwood, Karcher, & Anderson where she worked as an associate for three years. In 1996, she joined Kubicki Draper, as an associate and then partner, for the next 12 years, limiting her practice to workers’ compensation. In 2008, she joined the law firm of Arrick, Peacock, and Kerr where she continued to practice workers’ compensation defense until her appointment as a Judge of Compensation Claims by Governor Scott in 2013.<sup>1013</sup>

### **KNOTT, JAMES R.**

Deputy Commissioner

JAX, WPB; 1937-1941; 1948-1950

Deputy Commissioner James Knot (1910-1999) was six when his father won the Democratic nomination and unsuccessfully ran for Governor.<sup>1014</sup> (*See* Page 331, William Valentine Knott). He “graduated from Tallahassee High School,”<sup>1015</sup> attended University of North Carolina for a year, and returned to “the University of Florida

where he graduated with a (business degree and) law degree in 1934.” *Id.* This was an early example of the joint degree programs that later became popular. He moved to Jacksonville and practiced law until 1942. He “joined the navy” and was “stationed in Key West...teaching navigation.” *Id.* Shortly after returning to Jacksonville after the war, he relocated to West Palm Beach and became partners with Charles F. Coe, who later “became editor of the Palm Beach Post and...Times.” *Id.* Judge Knott practiced ten years in West Palm. In 1955, Judge Chillingworth was murdered and Judge Knott was appointed to the Circuit Court. Interestingly, Judge Knott’s sister “was the first woman born in Florida to get a medical degree.” *Id.* Judge Knott was a prolific writer, specifically as regards “state and local history.” *Id.* He is credited with leading the effort to restore the name “Cape Canaveral” following President Johnsons spontaneous re-naming of that geography “Cape Kennedy.” This was achieved through compromise that retained the more specific “Kennedy Space Center” title for facilities there.<sup>1016</sup>

### **KNOWLES, PHILLIP**

Deputy Commissioner  
TPA - 1955-1961

Deputy Commissioner Phillip Knowles (1924-1999) was born in Bonifay, Florida. He served in the U.S. Army Air Corps from 1943 to 1945 and served “all over Europe.” He earned Bachelor’s and Juris Doctor degrees from Stetson University. He then moved to Tampa and practiced for ten years. “Governor Leroy Collins appointed him Deputy Commissioner of Industrial Claims (later called Workers Compensation Judges) in 1955; that assignment “served as an apprenticeship for greater judicial responsibility.”<sup>1017</sup> Some concluded that there were “many fine workmen's compensation judges,” *Id.* but none “was better than Phil Knowles.” “In 1961, he was chosen by Governor Farris Bryant for a newly created Hillsborough County juvenile judgeship, where he served thereafter for more than 20 years continuously, without opposition.” *Id.*



**KREISLER, ALFRED**

Deputy Commissioner  
Judge of Industrial Claims  
MIA; 1966-1970

Judge Alfred Kreisler (1916-2011) earned his Bachelor's and Juris Doctor<sup>1018</sup> from Wayne State University Law School and was first licensed to practice law in 1940 *Id.* in Michigan.<sup>1019</sup> He was licensed in Florida in 1945.<sup>1020</sup> Deputy Kreisler began as "assistant prosecuting attorney of Wayne county, Michigan (and) moved his family to Miami ... because of his mother's ill health."<sup>1021</sup> He worked as a prosecutor for the Office of Price Administration in 1946.<sup>1022</sup> In 1947, he transitioned to private practice and represented the Riders and Grooms Association in a strike "at the Hialeah race course," which ended when "the strikers were returning to clear the way for affiliation with the Teamsters Union."<sup>1023</sup> He was noted to be a contributor to Governor Burns' campaign in 1960.<sup>1024</sup> Deputy Kreisler was involved in commercial real estate until at least the 1960s.<sup>1025</sup> He was "appointed by Governor Haydon Burns to succeed Gerald Vick, who recently resigned<sup>1026</sup> (*see* Page 308). The job paid "\$15,000-a-year," and the FIC "Chairman J.D. Wright" noted that Deputy Kreisler had experience through "extensive trial work in all courts and before major administrative tribunals in Miami since 1941."<sup>1027</sup> He was characterized as a successful "retired multimillionaire" in a 2008 report regarding the annulment of his marriage at age 92, having been a "lifelong bachelor."<sup>1028</sup> There are published decisions that substantiate he "practiced workers' compensation law in the years after leaving the bench. *Chain Store Warehouses v. Picard*, 431 So. 2d 685 (Fla. 1st DCA 1983).

**KUKER, ALAN M.**

Judge of Industrial Claims  
Deputy Commissioner  
Judge of Compensation Claims (Longest serving Florida workers' compensation adjudicator)  
MIA; 1973-2013

Judge Alan M. Kuker (1942-) received his A.B. degree from Rutgers University, and his LL.B. degree from Boston University School of Law. He was admitted to the Florida Bar in 1968 and is certified as a Florida Supreme Court Circuit Court Mediator since 1999. Mr. Kuker

began his legal career with Migrant Legal Services and was the first Executive Director of Florida Rural Legal Services. Florida Governor Ruben Askew appointed Mr. Kuker to be a Judge of Compensation Claims in 1973 (this is more likely Judge of Industrial Claims). He served in that capacity until retiring from the bench in 2013. During his tenure, he was the Administrative Judge of the Miami District from 1986 to 2006. He was an original member of the drafting committee for the first written Workers' Compensation Rules of Procedure adopted by the Florida Supreme Court in 1976 (these were not the first rules, but the first "court" drafted rules). He was recognized by the Clerks of Circuit and County Courts for his contributions to child support recoupment. The Friends of 440 awarded him a Lifetime Achievement award. He was inducted into the Florida Workers' Compensation Institute (FWCI) Hall of Fame in 2013.<sup>1029</sup>

### **LAKE, JOHN**

Deputy Commissioner  
MIA; 1961-1965

Deputy Commissioner John "Red" Lake (1917-1979) was born in St. Louis, Missouri. He attended the University of St. Louis, University of Florida, and University of Miami.<sup>1030</sup> He served two years in the U.S. Army and four in the U.S. Navy during WWII.<sup>1031</sup> He was admitted to The Florida Bar in 1947. Judge Lake was "a past president of the Young Democrats of Florida and has been long active in Democrat Party politics."<sup>1032</sup> In 1965, Governor Haydon Burns appointed him Judge of the Court of Record for Dade County (*see* Chapter 8), serving until 1973 when that court was constitutionally abolished.<sup>1033</sup> He then became a Circuit Judge and served for 12 years before retiring.<sup>1034</sup> Judge Lake was known for his efforts to battle "slum housing and law enforcement corruption."<sup>1035</sup> He was a member of "the Elks, Kiwanis, American Legion, and Disabled American Veterans."<sup>1036</sup>

**LAMOTTE, STEWART F. JR.**

Deputy Commissioner

FTL 1961-1963

Deputy Commissioner Stewart F. Lamotte, Jr. (1921-2004) earned his Juris Doctor from the University of Miami School of Law and was admitted to The Florida Bar in 1948.<sup>1037</sup> He ran for State Representative in 1952. An advertisement for that candidacy noted that he “was educated in Broward County Schools and is a combat veteran of World War II.”<sup>1038</sup> A brief obituary noted he served in the Marines, in intelligence, at “Iwo Jima, Truk Islands, Pulawet Islands, and Enderly Islands”<sup>1039</sup> Judge Lamotte served as Broward County Judge in 1964 and 1968, according to multiple published probate advertisements. He became a Circuit judge in 1968. In 1976, Judge Lamotte was “suspended for bringing disrespect to the court” accused of having “charged more than \$2,000 worth of personal air fares on a state-issued credit card.”<sup>1040</sup> This was purportedly “24 personal air trips...since he became a jurist in 1968.” In 1977, the Florida Supreme Court “ordered the removal of Broward County Circuit Judge Stewart F. Lamotte for charging \$1,878 worth of personal travel to the state”<sup>1041</sup> (\$9,733.03 in 2024 dollars). The Court noted that “the judge had served with distinction as an Industrial Commission Judge, a County Judge in the Probate Division, and a Circuit Judge.” *In Re LaMotte*, 341 So. 2d 513 (Fla. 1977). The judge explained that he believed the “air travel charges during a seven-year period” “were being deducted from his paycheck.” *Id.* Judge LaMotte submitted a resignation letter following the Supreme Court action, but “Governor Askew...refused to accept” it.<sup>1042</sup> Following his removal from the bench, the Bar reportedly considered terminating “his right to practice law.”<sup>1043</sup> A later article discussing multiple judges removed from office suggests that the Bar did not follow through with further discipline.<sup>1044</sup> In the 1977 Legislative session, a bill was introduced requiring “that the state recall all the credit cards it has issued.” That was purportedly “about 21,000 credit cards” on which “\$6 million worth of purchases were charged” in the prior year.<sup>1045</sup> Judge LaMotte retired to Cashiers, North Carolina, one of the noted travel destinations in the credit card investigation.

**LANGER, LAWRENCE S.**

Deputy Commissioner  
WPB; 1980-1984

Deputy Commissioner Lawrence Langer (1948-) earned his Bachelors from the University of Pittsburg and Juris Doctor from Duke University School of Law and was admitted to The Florida Bar in 1973.<sup>1046</sup> Deputy Langer served as assistant county attorney in Palm Beach before his appointment.<sup>1047</sup> In 1986, he campaigned unsuccessfully to serve on the Palm Beach Port Commission. *Id.* Deputy Langer was appointed to replace “John Born, who was appointed Circuit Court Judge.”<sup>1048</sup> Following his service as Deputy Commissioner, he was partner at Langer, Scheiner (*see* page 292), & Thorne, (1984-1998).<sup>1049</sup> Judge Langer then became a state mediator at the OJCC West Palm Beach office until his retirement. He then returned to private mediation practice.

**LANGHAM, DAVID W.**

Judge of Compensation Claims  
PNS, TLH; 2001-Current

Judge David W. Langham (1964-) was born in Savannah, Georgia. He earned his Bachelor’s from Ball State University (1986) and his Juris Doctor from Mississippi College School of Law (1991). His practice, publications, and community involvements are noted at the beginning of this book in “about the author,” *see* Page 2.

**LAZZARA, JOHN J.**

Judge of Compensation Claims  
TPA, TLH; 1990-2018

Judge John J. Lazzara (1943-) is a native Floridian. He earned “his Bachelor’s and Juris Doctor degrees from the University of Florida.”<sup>1050</sup> “He was initially appointed as a Judge of Compensation Claims for the Tampa District in 1990 by Governor Martinez. In 1993, he requested reassignment to Tallahassee following the retirement of the late Judge Gus Fontaine.” *Id.* “In 1998 and 2002, Judge Lazzara was nominated for appointment to the First District Court of Appeal.” *Id.* Following the appointment of Deputy Chief Judge Scott Stephens (*see* page 8) to the Circuit Bench in 2005,

Governor Bush appointed Judge Lazzara as Interim Deputy Chief Judge. Judge Lazzara's legal practice before appointment was primarily in Tampa, including service "as a Hearing Officer for the Hillsborough County Environmental Commission and the Property Appraisal Adjustment Board" *Id.* and as "an Arbitrator with the Florida New Motor Vehicle Arbitration Board." *Id.* Judge Lazzara is a Certified Circuit Civil Mediator since 1989, when the Florida Supreme Court appointed him to its initial Special Committee for Mediation/Arbitration Rules. He was inducted as a Fellow of the College of Workers' Compensation Lawyers and is a founding Director and the Inaugural President of the National Association of Workers' Compensation Judiciary (2008-10). Judge Lazzara has co-authored chapters on "Workers' Compensation Mediation" in the Florida Bar's ALTERNATIVE DISPUTE RESOLUTION in Florida, Vol. II, 1995 and in the FLORIDA WORKERS' COMPENSATION PRACTICE, 4th & 5th Editions and Supplements. *Id.*

**LEWIS, DANIEL**

Deputy Commissioner  
Judge of Compensation Claims  
FTL; 1988-Current

Judge Daniel A. Lewis (1956-) earned his Bachelor's degree from the University of Florida (1978) and his Juris Doctor from the University of Florida College of Law (1981). He was first licensed to practice law in 1982.<sup>1051</sup> Prior to his appointment as a Judge of Compensation Claims, Judge Lewis worked for law firms in the private sector, handling workers' compensation cases. Judge Lewis is a member of The Florida Bar, the Broward County Bar Association, and the Workers' Compensation Section of The Florida Bar. Judge Lewis has served as a member of the Judicial Uniform Practice and Procedure Committee and the Statewide Uniform Practice and Procedure (UPP) Committee. Judge Lewis has also served frequently as a moot court judge for the E. Earle Zehmer Moot Court Competition at the Workers' Compensation Educational Conference. He was awarded the inaugural Vance B. Moore Professionalism Award by the Broward County Bar Association Workers' Compensation Section.<sup>1052</sup> As of the publishing of this book, Judge Lewis was the second-longest serving Florida workers' compensation adjudicator at 37 years.

## **LEWIS, GILES FLOYD**

Deputy Commissioner  
ORL; 1945-1948

Deputy Commissioner Giles Floyd Lewis (1889-1969) was born in Georgia<sup>1053</sup> but was noted to be “a native of Asheville, North Carolina.”<sup>1054</sup> He earned his Bachelor’s from Wake Forest University (1912),<sup>1055</sup> and his Juris Doctor from Mercer University Law School.<sup>1056</sup> He served “as a first lieutenant in World War I.” He served as “deputy industrial commissioner of the Florida Industrial Commission from 1945 to 1948.” *Id.* Judge Lewis served as “President of the 17<sup>th</sup> Judicial Circuit Bar Association.”<sup>1057</sup> Judge Lewis’ passing was memorialized in the Orlando Sentinel. *Id.* This lists “honorary pall bearers” as the Circuit judges of the 9<sup>th</sup> Circuit. Giles Lewis served as General Master in Chancery in 1927<sup>1058</sup> and 1931,<sup>1059</sup> and his obituary says he “held the position until his retirement.”<sup>1060</sup> In 1934, he served on the campaign committee of the Orange County Democratic executive committee “during the coming primary.”<sup>1061</sup> Giles F. Lewis practiced estate law in Orange County, Florida, in 1938. *Norman v. Kannon*, 182 So. 903 (Fla. 1938); *Rich v. Hunter*, (Fla 1938). He was a member of the American Legion,<sup>1062</sup> a “former director of the Orlando Chamber of Commerce,” and both “a charter member and past president of the Orlando Civitan Club.”<sup>1063</sup>

## **LEWIS, HAYS JR.**

Deputy Commissioner  
Marianna<sup>1064</sup>; 1949-1951

Deputy Commissioner Henry Hays Lewis Jr. (1902-1965) was born in Marianna, Florida. He earned his law degree from the University of Florida (1930).<sup>1065</sup> His father was a Florida state senator and former sheriff of Jackson County.<sup>1066</sup> In addition to his service as a Deputy Commissioner, he was an “attorney for the Jackson County Commission” at the time of his death.<sup>1067</sup> His appointment as a Jackson County attorney followed the legislature “establishing the office of county attorney for Jackson county.”<sup>1068</sup> Although the county already had an attorney, Governor Fred P. Cone appointed Mr. Lewis in 1937. The county commission challenged the law, and the Florida Supreme Court concluded the law was appropriate. *Id.* Mr. Lewis also served as a “City Commissioner and served as municipal judge of Marianna.”<sup>1069</sup>

**LONG, HUGHLAN**

Judge of Industrial Claims

Deputy Commissioner

MIA; 1970-1982

Judge Hughlan Long (1915-1995) was born in Ocala, Florida. He earned his Juris Doctor from Miami University.<sup>1070</sup> Before law school, he worked as a bank teller at First National Bank of Miami.<sup>1071</sup> He “served with U.S. Naval Intelligence during World War II.”<sup>1072</sup> He was described as “a one-man civics course. During decades in public life, he served as an assistant state attorney, a public defender, a Dade County commissioner, and a judge.” *Id.* He served as an “assistant state attorney in Dade from 1953 to 1956; a Dade County commissioner from 1962 to 1964; a public defender from 1969 to 1970; and judge of industrial claims from 1970 until his retirement in 1982.” Judge Long was an avid fisherman in Biscayne Bay for mackerel.<sup>1073</sup> He retired to Ocala.

**LORENZEN, ELLEN**

Judge of Compensation Claims

TPA; 2004-2019

Judge Ellen Lorenzen (1950-) was born in Los Angeles, California and grew up in Baton Rouge, Louisiana. She earned her B.A. from Emory University (1971) and began working as an all-lines adjuster until she attended Stetson College of Law where she graduated in 1978. After admission to the Bar, she became employed as staff counsel for Continental Insurance in Tampa, practicing primarily in the area of personal injury defense with some workers’ compensation cases. In 1985, Ms. Lorenzen became employed with the firm of Morris & Rosen (Hon. Stephen Rosen, *see* page 289) where she represented injured employees. In 1986, she was hired by Travelers Insurance as a staff attorney where she was responsible for a mix of workers’ compensation and personal injury cases until 1990. At that time, she became the managing attorney for the Tampa staff counsel office of Travelers and restricted her practice solely to workers’ compensation defense. In 1994, Ms. Lorenzen became associated with the firm of Barr, Murman, and Tonelli in Tampa and became a partner there in 1997. In 1998, Ms. Lorenzen and John Dixon, Esq. formed a firm handling workers’ compensation defense statewide on behalf of several self-insured employers. Ms. Lorenzen resigned her

membership in that firm in 2004 when she was appointed as a Judge of Compensation Claims by Governor Bush. She has been Board Certified in Workers' Compensation since 1988 and has been a Board Certified Circuit Civil Mediator since 1994. Judge Lorenzen served as the second President of the National Association of Workers' Compensation Judiciary. She served on the board of Tampa Jewish Family Services, a non-profit social services agency providing mental health counseling and food bank assistance to those in need in the Tampa area irrespective of race or religion. She was also involved with the Friends of 440.<sup>1074</sup>

**MACKENZIE, DONALD, G**

Deputy Commissioner

MIA; 1959-1961

Deputy Commissioner Donald Grant MacKenzie<sup>1075</sup> (1924-1989) was born in Canada, and he “earned his American citizenship through service in the U.S. Army in World War II.”<sup>1076</sup> Deputy MacKenzie was “Franklin Delano Roosevelt’s personal guard at Yalta.”<sup>1077</sup> He earned his Bachelors and LL.B. from University of Miami<sup>1078</sup> and was appointed Judge of Compensation Claims by Governor LeRoy Collins. He was part of a “pioneer Key Biscayne family.”<sup>1079</sup> Deputy MacKenzie practiced “international law in Havana from 1957 to 1959, and “civil and criminal law in Dade (from) 1959 to 1988.”<sup>1080</sup> Deputy MacKenzie was a Mason and a member of the Lions Club and Kiwanis. He was the founder of the First Civic Association in Key Biscayne. Deputy MacKenzie was the author of the Key Biscayne town charter.<sup>1081</sup> He was married to “Circuit Judge Mary Ann MacKenzie” when he ran for Circuit Judge in 1988.<sup>1082</sup>

**MARCHANT, JEPHTHA P.**

Deputy Commissioner

MIA; 1943-1944

Deputy Commissioner Jephtha Power Marchant (1903-1992) earned his Bachelor and LL.B. from the University of Alabama.<sup>1083</sup> He was first admitted to practice law in 1924 *Id.* and was admitted to practice law in Florida in 1927.<sup>1084</sup> He was admitted to the U.S. Supreme Court.<sup>1085</sup> He “retired as a Captain from the Army Air Corps, practiced law in Miami, Florida, served in the Florida State



Legislature for four years, and” moved to Oklahoma in the late 1980s (he was also married in Oklahoma in 1943).<sup>1086</sup> Judge Marchant practiced foreclosure work in Miami in the 1950s. *Ayvas et. ux. V. Green*, 57 So. 2d 30 (Fla. 1952). He practiced in bankruptcy in the 1960s. *U.S. v. Transocean Air Lines*, 356 F. 2d 702 (5<sup>th</sup> Cir. 1966). He was Secretary of Coastal Land Co, formed in Miami in 1957.<sup>1087</sup>

### **MARTIN, WILLIAM**

Deputy Commissioner

MIA; 1948-1949

Deputy Commissioner William C. Martin (1911-1972) earned his Bachelor’s from George Washington University and his Juris Doctor from National University (later merged with George Washington University).<sup>1088</sup> He was “in politics since 1932, when he was a secretary to Millard Caldwell, then a congressman and later governor of Florida. From 1940 to 1942, he was a city prosecutor in Washington D.C. As a Coast Guard reservist during WWII, he was captain of the Port of Houston, Texas, and later a loading officer in charge of explosives at the Port of New York City.”<sup>1089</sup> He was Dade County Democratic chairman from 1962 to 1966 and president of the Dade Bar Association from 1959 to 1960.<sup>1090</sup> In that capacity, he organized the first survey of local lawyers to poll their opinions on the qualifications of candidates for the bench. He campaigned unsuccessfully for mayor of Coral Gables.”<sup>1091</sup> In 1994, William Martin was a Circuit Court Mediator for “most branches of civil law.”<sup>1092</sup>

### **MASSEY, MARK**

Judge of Compensation Claims

TPA; 2013-Current

Mark Massey (1963-) is a native Floridian who graduated from the University of Florida with a Bachelor’s degree in Political Science (1985) and from the University of Florida College of Law (1988) with a Juris Doctor. He was admitted to the Florida Bar in 1988 and began practicing workers’ compensation law in Ocala with Daniel L. Hightower. P.A., representing both claimants and employer/carriers. He was also involved in civil litigation, criminal law, and social security disability law. In 1996, Judge Massey joined the firm of

Pattillo, McKeever & Bice, P.A, also in Ocala, where he practiced workers' compensation defense almost exclusively. He has been Board Certified in Workers' Compensation law since 1997. He later joined the firm of McCarty, Helm, Keeter, Davis, & O'Connor in Gainesville area, and then McConnaughay, Duffy, Coonrod, Pope, & Weaver. In 2004, he moved to Tampa and joined Walton, Lantaff, Schroeder, & Carson, becoming a partner in 2009. In addition to extensive trial work, Judge Massey has been involved in over 50 appeals in workers' compensation cases, including several important precedent setting decisions. Judge Massey serves as a volunteer mentor and judge with the Hillsborough County Teen Court juvenile diversion program. He was appointed as a Judge of Compensation Claims in 2013.<sup>1093</sup>

**MASTERSON, STEPHEN MICHAEL**

Deputy Commissioner

Judge of Compensation Claims

SPT; 1979-1982

Judge Stephen Masterson (1948-) earned his Bachelors from Florida State University (1970),<sup>1094</sup> his Juris Doctor from South Texas College of Law (1975 *Id.*), and his LLM from Georgetown University (1982) *Id.* and was admitted to The Florida Bar in 1975.<sup>1095</sup> Mr. Masterson served as an assistant State Attorney in Clearwater (1975)<sup>1096</sup> and practiced with Bauer and Masterson, which later became Blews and Masterson, prior to his appointment. He served as a Judge of Industrial Claims/Deputy Commissioner in the 1970s in Pinellas County. His private practice continued to involve medical malpractice defense. He was a director of the Academy of Florida Trial Lawyers<sup>1097</sup> and served as a member of The Florida Bar Board of Governors.<sup>1098</sup> Just prior to his retirement, Mr. Masterson served as General Counsel at the Florida Office of Financial Regulation.<sup>1099</sup> Mr. Masterson authored Florida Criminal Trial Practice Forms.<sup>1100</sup>

**MATHEWS, JOHN E., JR.**

Deputy Commissioner

JAX; 1950-1951

Deputy Commissioner John E. Mathews, Jr. (1920-1988) was a Jacksonville native, the son of Florida Supreme Court Chief Justice John Elie Mathews. He served from 1950 to 1951 (though there are news reports that suggest a longer service), an appointee of Governor Fuller Warren.<sup>1101</sup> He earned his Bachelor's degree from Emory University and his Juris Doctor from Harvard Law School. He "served in the Navy in World War II and was awarded the Bronze Star."<sup>1102</sup> Following his service, Deputy Commissioner Mathews "served in the Legislature for 14 years (1956-1970) and ran unsuccessfully for governor in 1964." *Id.* He "was a prime figure in establishing the 1968 Florida Constitution." *Id.* Deputy Mathews also "co-authored the bill which created Florida Junior College," later known as "Florida Community College at Jacksonville."<sup>1103</sup> Senator Mathews, in 1965, "introduced his bill to authorize study for what eventually became the University of North Florida." *Id.* Senator Mathews twice ran unsuccessfully for Governor (1964 and 1970).

**MCALILEY, ROBERT**

Judge of Compensation Claims

PSL - 1997-2016

Judge Robert McAliley (1943-) earned his Bachelor's from the University of South Florida (1972) and his Juris Doctor at the University of Florida College of Law (1974) and was admitted to The Florida Bar in 1974. He practiced 13 years primarily defending tort and workers' compensation cases. He then organized a new law firm to develop a claimant's practice. After ten years of representing primarily claimants, Judge McAliley was appointed as a Judge of Compensation Claims for the Port St. Lucie District by Governor Lawton Chiles. He was thereafter re-appointed twice by Governor Bush. Judge McAliley was a member of the St. Lucie County Bar Association, the Okeechobee County Bar Association, Palm Beach Bar Association, and Indian River Bar Association.<sup>1104</sup>

**MCCAUGHAN, GEORGE C.**

Deputy Commissioner

MIA; 1953-1955

Deputy Commissioner George McCaughan (1915-1957) was born in Laurel, Mississippi, and moved to Miami in 1925.<sup>1105</sup> He earned his Bachelor's<sup>1106</sup> and LL.B. from The University of Florida School of Law. Mr. McCaughan was practicing foreclosure law in 1940,<sup>1107</sup> and he was practicing guardianship law in the late 1950s.<sup>1108</sup> Deputy McCaughan was appointed by "acting Governor Charley E. Johns,"<sup>1109</sup> and he resigned from office when Governor Johns was not reelected.<sup>1110</sup> An appellate decision supports that he practiced family law in the early 1950s. *Tuggle v. Maddox*, 60 So. 2d 158 (Fla. 1952). He "practiced with Rinehart and Carroll, (later) chief judge of the Dade Appeals Court."<sup>1111</sup> Mr. McCaughan was recommended by Commissioner Vocelle for the Deputy Commissioner position in Miami.<sup>1112</sup> He wrote supplementary material for the legal textbook "Florida Common Law Pleading and Practice."

**MCCAULEY, JAMES**

Deputy Commissioner

Judge of Industrial Claims

FTL; 1969-1970

Judge James McCauley (1932-2017) was born in Chicago, Illinois. He earned his Bachelor's from Florida State University (1954) and his Juris Doctor from University of Miami School of Law (1959). As a Judge of Industrial Claims in Ft. Lauderdale, his geographic district included Broward, Collier, and Palm Beach Counties. Following his service as a Judge of Industrial Claims, he was appointed to the Broward Court of Record.<sup>1113</sup> He transitioned to the Circuit Bench with the 1971 constitutional amendments, and the closure of Courts of Record. He served on the Circuit bench until 1977 when he retired and "became an accredited Supreme Court Mediator and Arbitrator" for another 27 years, after attending a dispute resolution program at Harvard University.<sup>1114</sup>

## **MCCHESNEY, WILLIAM HENRY**

Deputy Commissioner  
PNS; 1937-1940

Deputy Commissioner William Henry McChesney (1905-1965) was born in Iowa.<sup>1115</sup> He was admitted to The Florida Bar in 1928<sup>1116</sup> and was identified as residing in Pensacola and Madison County. He practiced disability and insurance law in 1936. *Pac. Mut. Life Ins. Co. of Cal. v. McCaskill*, 126 Fla. 82, 170 So. 579 (1936). In 1944, he practiced criminal law in Madison and Pensacola. *Kinsey v. State*, 19 So. 2d 706 (1944); *Kinsey v. Davis*, 19 So. 2d 323 (1944). In 1953, he was practicing property law in Madison. *Deas v. Burnham*, 65 So. 2d 297 (Fla. 1953). In 1955, he was defending workers' compensation cases in Tallahassee with Rodney Durrance. *Alexander v. Peoples Ice Co.*, 85 So. 2d 846 (Fla. 1955).

## **MCCORD, GUYTE**

Deputy Commissioner  
TLH; 1945-1946

Deputy Commissioner Guyte Pierce McCord, Jr., (1915-2015) was born in Tallahassee, Florida. His father served as Mayor of Tallahassee and later clerk of the Florida Supreme Court for 25 years.<sup>1117</sup> Deputy McCord earned his Bachelor's from Davidson College and his Juris Doctor from the University of Florida. "He began law practice in 1940 but was commissioned Ensign in the United States Naval Reserve in 1942 and served on active duty in World War II until 1945"<sup>1118</sup> in Naval Intelligence. He served 22 years in the Navy. After his service a Deputy Commissioner, he remained in private practice until he was a Leon County Prosecuting Attorney and then an "Assistant General Counsel for the Florida Railroad and Public Utility Commission." *Id.* He was then appointed Circuit Judge. In 1967, he presided over an action against the FIC and "prohibited the Commission from hearing an appeal in a workmen's compensation case" because of the member's backgrounds.<sup>1119</sup> In 1974, he was appointed to the Florida First District Court of Appeal where he served until 1983. Judge McCord was remembered as "just a judge's judge," for his fairness, work ethic, and collegiality. He was a member of the Kiwanis and the President's Club of the Florida State University Foundation.

**MCEWAN, BRUCE**

Deputy Commissioner  
Judge of Industrial Claims  
ORL; 1968-1971

Judge Bruce McEwan (1937-2017) was born in Orlando, Florida. He earned his Bachelor's from Rollins College (1960) and his Juris Doctor from the University of Florida College of Law (1964). He served eight years in the U.S. Army Reserves. He served as an Industrial Claims Judge from 1968 to 1971. He then returned to private practice.<sup>1120</sup> Later, he was elected in 1980 to the Florida House of Representatives where he served through 1991.<sup>1121</sup> He was one of the sponsors of the 1991 reforms to Chapter 440, which initially included a resuscitation of the Industrial Relations Commission, composed of five judges appointed by the Governor, whose decisions could then be appealed to the First District Court. That provision did not pass.

**MEDINA-SHORE, SYLVIA**

Judge of Compensation Claims  
MIA; 2000-Current

Judge Sylvia Medina-Shore (1965-) earned her Bachelor's from Florida International University (1987) and her Juris Doctor from Stetson College of Law (1990). She has been a Judge of Compensation Claims in the State of Florida since March of 2000. She adjudicates workers compensation cases in Miami. Previously, she was in private practice specializing in workers' compensation cases, representing injured workers and employer/carriers, and was in-house counsel for the State of Florida Insolvency Division. In addition to undertaking her judicial functions, Judge Medina-Shore has been Administrative Judge of the Miami Office of Judges of Compensation Claims from 2006 to the present, responsible for facilitating the daily operations of the Miami office, the largest office in Florida. She served as the President of the conference of judges of compensation claims from August 2018 to August 2019. Judge Medina-Shore also lectures at numerous workers' compensation educational conferences as well at Florida colleges and universities.<sup>1122</sup>

**MELINDI, JOSEPH**

Deputy Commissioner  
Judge of Industrial Claims  
Deputy Commissioner  
TPA; 1966-1969

Judge Joseph Melindi (1938-) was born in Tampa, Florida. He earned his Bachelor's from University of Florida (1959), though he also attended Spring Hill College, and his Juris Doctor from the University of Florida (1962). He "worked at Gibbons, Melendi, Gibbons and Garcia (Tampa, Florida) specializing in Real Estate Law, Transactional Matters, Family Law, and Personal Injury Law."<sup>1123</sup> In 1965, he worked in the Temple Terrace City Attorney's office. He served as a Judge of Industrial Claims from 1966 to 1969 and served as the President of the Hillsborough County Bar from 1976 to 1977.

**MEROS, GEORGE N.**

Deputy Commissioner  
SPT; 1953-1954

Deputy Commissioner George N. Meros (1924 -1998) earned his law degree from the University of Florida (1953),<sup>1124</sup> and was admitted to The Florida Bar the same year. *The Florida Bar v. Meros*, 521 So. 2d 1108 (Fla 1988). He returned to private practice following his service as a Deputy Commissioner with a focus on family law. He was convicted of multiple criminal offenses in 1985. *U.S. v. George N. Meros et. al.*, 866 F. 2d 1304 (11th Cir. 1989). He was disbarred in 1988 after being sentenced to 40 years in prison, *The Florida Bar v. Meros*, 521 So. 2d 1108 (Fla 1988), but was released from prison in 1996. *Id.*

**MILLER, ELIZABETH (BETTE)**

Deputy Commissioner (First Woman Deputy)  
JAX<sup>1125</sup>; 1950-1953

Deputy Commissioner Bette Miller (1921-1988) was born in Jacksonville, Florida. She earned her Bachelor's from Vassar and her Juris Doctor from Columbia University. She was admitted to The Florida Bar in 1949 and practiced with her brother in a firm founded by their father that came to be known as Rogers Towers. She was not

the first female judge in Florida. That was Bessie Bellinger of Pensacola, who was appointed to the county bench by Governor Cary Hardee in 1922 (uncle of C.J. Hardee, *see* Page 235), which was acknowledged in a 2013 historical review of Florida's judiciary published by the Legislature.<sup>1126</sup> However, Bette Miller was the first female Deputy Commissioner.<sup>1127</sup> She was known in her practice for her intellect and industry, but lawyers then were not enamored then with the idea of female lawyers. She somehow developed a passion for medicine that made her very effective in personal injury and workers' compensation. In 1949, Jacksonville attorney Fuller Warren became Florida's 30<sup>th</sup> Governor. He inquired whether Bette might be interested in serving as a workers' compensation Commissioner. At that time, workers' compensation in Florida was about 15 years old. She thrived on the part-time adjudicator role and traveled extensively for trials. She left the role in 1953 focusing again on private practice. Later, Ed Gay was recruited and became a partner in that firm. Ed's son, Rhodes, eventually came to the firm and practiced with Bette Miller. Bette's protégé Rhodes Gay (*see* Page 227) was appointed Deputy Commissioner of Workers' Compensation in Jacksonville by Governor Reuben Askew in 1976.<sup>1128</sup> Bette's son Daughtry Miller was one of the early state mediators in the Jacksonville District Office, following the passage of mandatory mediation in the 1993 special session.

## **MILLER, THOMAS**

Deputy Commissioner  
TPA; 1961-1969

Deputy Commissioner Thomas Miller (1918-2002) was born in Alabama. He enlisted in the Army Air Corps where he served as Crew Chief of a B-24 bomber in Europe. He moved to Tampa and built a drive-in restaurant, which he ran while earning his Bachelor's from the University of Tampa. He earned his LL.B. from the University of Miami (1953) and practiced in "the Sulphur Springs area of Tampa. In 1961, he was appointed by Governor Farris Bryant as a Judge of Industrial Claims."<sup>1129</sup> Judge Miller served as a Judge of Industrial Claims in Hillsborough County in the 1960s.<sup>1130</sup> (More accurately, appointed by the Commission with the Governor's "approval"). He was remembered as "the bane of the insurance companies and defense law firms" which led to him not being reappointed.<sup>1131</sup> "After eight years of creditable service, Miller was



replaced by Louis Tidwell of Tampa, a capable lawyer, *Id.*, and was elevated to the county bench (1973 -1978) and then the circuit bench in Hillsborough County where he finished his career” in the 1980s.<sup>1132</sup> Judge Miller was involved in many decisions leading to amendments to chapter 440 during his term as a Judge of Industrial Claims.<sup>1133</sup>

### **MINNET, JAMES**

Deputy Commissioner  
FTL; 1961-1964

Deputy Commissioner James F. Minnet (1913-1987) was a Michigan native. He earned his Bachelor’s and LL.B. from Columbia University.<sup>1134</sup> He was licensed to practice in Florida in 1939. *Id.* “He practiced law in Fort Lauderdale for 17 years and was the first U.S. Commerce Commissioner in Broward.”<sup>1135</sup> After his service as a Deputy Commissioner, he served 14 years on the Circuit Bench in Broward County. “He was named chief judge of the Broward Circuit Court in 1971, when the position was created, after having served as presiding judge.” *Id.* Following his retirement, he served as a Senior Judge in Broward and Palm Beach Counties. *Id.* Judge Minnet endowed a scholarship in “memory of his son” at Broward Community College.<sup>1136</sup>

### **MONEYHAM, JOHN**

Judge of Compensation Claims  
PMC, SPT; 2020-Current

Judge John Moneyham (1961-) graduated in 1984 from the University of Florida with a Bachelor of Science in accounting. He graduated from Florida State College of Law with honors in 1988 and was admitted to the Florida Bar that same year. Prior to becoming a judge, he did workers’ compensation law defense work for a little over two years before starting his own firm in 1991 representing primarily injured workers. He has been board certified by The Florida Bar in workers’ compensation since 1995 and is “AV” rated by Martindale-Hubbell. He became a Florida Supreme Court certified mediator in 2004 mediating almost exclusively in workers’ compensation cases. He was a member of a Florida Bar Grievance Committee from 1994 to 1997 and was vice chair from 2000 to 2005 of the Friends of 440 Scholarship Fund, Inc. Northwest Florida Division.<sup>1137</sup>

**MOORE, JAMES W.**

Deputy Commissioner  
MIA; 1952-1953

Deputy Commissioner James Willis Moore (1911-1983) served in the Florida Senate<sup>1138</sup> representing Sebring.<sup>1139</sup> He chose not to seek reelection in the early 1950s. In 1953, “the Industrial Commission made Jim Moore a deputy commissioner at Miami.” *Id.* While serving in the Senate, he was “known as the most stalwart backer of the dog track lobby.” *Id.* When Governor McCarty was elected, the Industrial Commission was reorganized under Chairman Vocelle. There was “realignment of the deputy...districts,” resulting in “14 deputies instead of 15.”<sup>1140</sup> Deputy Moore in Miami was replaced in this reorganization. *Id.*

**MURPHY, JOSEPH**

Judge of Compensation Claims  
TPA; 1992-2013

Judge Joseph Murphy (1948-) served six years in the United States Air Force during the Vietnam War. He then earned a bachelor degree in social and behavioral science from the University of South Florida (1975) and was inducted into the national honor society of Phi Kappa Phi. He earned his Juris Doctor from the Detroit College of Law/Michigan State University College of Law (1978). Judge Murphy limited his practice to personal injury and workers’ compensation, practicing in both Michigan and Florida. Prior to his appointment, he was a Florida managing attorney for Aetna Casualty and Property Insurance Company. He was certified as a specialist in workers’ compensation law by the Florida Bar in 1991 and served as a Judge of Compensation Claims for the Tampa District from 1993 to 2013.<sup>1141</sup> After his retirement, Judge Murphy practiced workers’ compensation mediation in circuit civil, foreclosure, and workers’ compensation cases.

**MURPHY, PATRICK**

Deputy Commissioner  
Judge of Compensation Claims  
FTM; 1979-1992

Judge Patrick Murphy (1945-2023) was born and raised in Michigan. He earned his Bachelor's from Miami University in Oxford, Ohio, and his Juris Doctor from the University of Michigan Law School. He was admitted to practice in Florida in 1971. With Judge Alpert (*see* page 187), he co-authored FLORIDA WORKMEN'S COMPENSATION LAW. He was appointed as a Judge of Industrial Claims in the Fort Myers District in 1979 and served until June 1992.<sup>1142</sup> Prior to his appointment, he practiced in Sarasota. After retiring in 1992, he "returned to private practice in Lakeland and St. Petersburg." He later served as State Mediator in the OJCC Tampa District. Upon his passing, some recalled "he served as a mentor to countless lawyers throughout his career and life."<sup>1143</sup>

**NEDELMAN, SAM H.**

Deputy Commissioner  
MIA; 1965-66

Deputy Commissioner Sam Nedelman (1923-1985) earned his Bachelor's from Morehead State University<sup>1144</sup> and his LL.B. from Miami University School of Law. *Id.* He was admitted to The Florida Bar in 1952. *Id.* He was "appointed a deputy commissioner of the State Industrial Commission"<sup>1145</sup> in March 1964. The chairman of the commission was Worley Brown. *Id.* Deputy Nedelman replaced James Henderson who "resigned to enter private practice." *Id.* He was a member of the Coral Gables Art Club and a painter.<sup>1146</sup>

**NELSON, JUDITH S.**

Deputy Commissioner  
Judge of Compensation Claims  
MIA; 1986-2001

Judge Judith Stutz Nelson (1957-) received her Bachelor of Arts degree, cum laude, from the University of Pennsylvania (1979) and her Juris Doctor from the University of Miami School of Law (1982). From 1982 to 1985, she was a panel counsel for Travelers Insurance

Company. In 1985, Judith became an Assistant City Attorney for the City of Miami. In 1986, Governor Bob Graham appointed her to the Bench as a Judge of Compensation Claims.<sup>1147</sup> She served 15 years as a Judge of Compensation Claims for Dade and Monroe Counties from 1986 to 2001, receiving reappointments by Governors Robert Martinez and Lawton Chiles. She retired from the Bench in 2001 and became a mediator so she could devote more time to The Victory Center for Children with Autism and Related Disabilities that she and her husband, Barry Nelson, founded in June 2000 to provide quality education for individuals with autism like their son, Jesse. Judith Nelson received The Woman of Valor award from the Weizmann Institute of Science, the Spectrum Award from the American Red Cross and The Steel Service Award from Steel Hector & Davis LLP. She has served on the Board of Directors of The University of Miami Center for Autism and Related Disabilities as well as The Friends of 440 Scholarship Fund. For many years, she served on The Workers Compensation Statewide Judicial Nominating Commission. *Id.*

**NEWMAN, JACQUELINE**

Judge of Compensation Claims  
TLH; 2018-Current

Judge Jacqueline Newman (1970-) grew up in Tallahassee and later Fort Myers, Florida. She graduated from Fort Myers High School in 1988 and from the University of Florida in 1991. She attended the Florida State University College of Law where she graduated with high honors in 1995. She was appointed as a Judge on April 9, 2018 by Governor Rick Scott. During law school, Judge Newman interned for the Honorable Harry Lee Anstead of the Florida Supreme Court. Since her admission to the Florida Bar in 1995, Judge Newman has practiced workers' compensation law exclusively. She began her legal practice in the Tallahassee office of the McConnaughay law firm and later worked for DuBois & Cruickshank, P. A., representing employers and carriers. Judge Newman continued to represent employers and carriers on both the trial and appellate levels for the Tallahassee office of Pennington, P. A., where she has practiced law for the last 13 years.<sup>1148</sup>

**OHLMAN, JONATHAN**

Judge of Compensation Claims  
GNS; 1992-2007

Judge Jonathan D. Ohlman (1953-) earned his Bachelor's from Centre College and his Juris Doctor from the University of Kentucky School of Law. He practiced in Kentucky (admitted 1979<sup>1149</sup>) and Florida (admitted to The Florida Bar 1983). He served as a Judge of Compensation Claims from 1992 to 2007, when he was appointed to the Circuit Bench in the Fifth Judicial Circuit Court by Governor Crist.<sup>1150</sup> Judge Ohlman retired in 2018.

**ORTIZ, MARIA**

Judge of Compensation Claims  
MIA; 1997-2004

Judge Maria D. Ortiz (1965-) was born in Cuba. She earned her Bachelor's degree from the University of Miami (1985) and her Juris Doctor from Nova Southeastern University (1991). She practiced as "an assistant city attorney for the Miami City Attorney's Office. She was appointed as a Judge of Compensation Claims in 1997 and served until appointed to the County bench in Miami-Dade County by Governor Bush in 2004.<sup>1151 1152</sup> In 2019, Judge Ortiz was investigated regarding "trips she took with her spouse," and the failure to report these on "financial disclosure forms." Though she "testified she was unaware" of various facts, she stipulated to guilt and punishment. She was "suspended without pay from her duties as a county court judge for ninety days," ordered to pay costs, and subjected to "a public reprimand" by the Florida Supreme Court. *Re Ortiz*, No. SC18-674, 2019 WL 364277, at 1 (Fla. Jan. 29, 2019)(Not published in the official reporter). She returned to the County bench thereafter.

**OTTINGER, WILLIAM A.**

Deputy Commissioner  
Judge of Industrial Claims  
DAY; 1968-1972

Judge William A. Ottinger (1933-2017) was born in New Jersey. He earned his Bachelor's from Drew University. He "went to Officer Candidate School and was commissioned an Infantry Officer."<sup>1153</sup>

Following his service, he attended Stetson University College of Law, earning his Juris Doctor in 1962. He began practicing in Volusia County in 1963. “He was appointed (as a) Judge of Industrial Claims by Governor Claude Kirk.”<sup>1154</sup> He then “joined Landis, Graham, and French, to establish their Deltona Office, where he served as resident partner until 2010.” *Id.* His service also included as “the last city judge in Deland, and probably the only City Judge in the history of Orange City.”<sup>1155</sup> He served as “town councilman for Orange City” *Id.* and in organizations such as the “Lions Club, West Volusia Men’s Republican Club, the West Volusia YMCA, Elks Lodge, Jaycees, and Rotary.” *Id.*

**OWENS, KEEF**

Judge of Compensation Claims

PSL; 2016-2022

Judge Keef F. Owens (1974-) earned his Bachelor’s from Stetson (1995) and his Juris Doctor from the University of Florida (1998). He then clerked for “the Honorable Charles M. Harris of the Fifth District Court of Appeal.” Judge Owens then entered private practice in Orlando, Florida, with the law firm Zimmerman, Kiser, and Sutcliffe. His practice was defense focused, with an emphasis on appellate work at the First District Court of Appeal. Judge Owens was appointed as a Judge of Compensation Claims for Port St. Lucie in 2016. After his service as JCC, he returned to private practice in Orlando for McDonald, Toole & Wiggins.<sup>1156</sup>

**PACYNA, PHILLIP A.**

Judge of Industrial Claims

FTL; 1973-1976

Judge Phillip A. Pacyna (1915-1983) earned his Bachelor’s from Illinois University Champaign, a Masters from the University of Toledo, and his Juris Doctor from the University of Florida.<sup>1157</sup> He was an attorney for the state road department and an assistant state attorney. He also served as “research assistant to Chief Justice Harris Drew” of the Florida Supreme Court. He was a member of The ABA, Elks Lodge, and American Legion.<sup>1158</sup>

**PALERMO, ENRICO ONOFRIO**

Deputy Commissioner  
TPA; 1951-1961

Deputy Commissioner Enrico O. (Henry) Palermo (1910-1982) practiced law with Shackelford, Farnior, Stallings, Glos, & Evans in Tampa. He graduated from Hillsborough High School (1928).<sup>1159</sup> His post-secondary educational history is not known.<sup>1160</sup> He passed the 1932 Florida Bar Exam, one of “two Tampons” among the 15 that passed.<sup>1161</sup> He was a member of Palma Ceia Optimist Club and “chairman of the Legislative Committee of Chamber of Commerce.”<sup>1162</sup> He served as the President of Ybor City Optimist Club and Palma Ceia Optimist Club. He retired from practice with Shackelford, Farnior, Stallings, & Evans in Tampa. He served as the President of the Italian Club, Director of the Visiting Nurses Association of Hillsborough County. He was a veteran of WWII, serving as an ensign in the U.S. Coast Guard.<sup>1163</sup>

**PALLOT, NORMAN S.**

Deputy Commissioner  
MIA; 1960-1961

Deputy Commissioner Norman Pallot (1923-2014) was born in Massachusetts. He earned his Bachelor’s degree at University of Florida. He then attended “Naval Officers School at Harvard University and served in the Navy on the destroyer USS Colahan”<sup>1164</sup> in the Pacific. Upon discharge, he earned his Juris Doctor from the University of Florida. He was in private practice in Miami and simultaneously taught business law at Miami-Dade Junior College and served as Deputy Commissioner.<sup>1165</sup> He unsuccessfully ran for state legislature.<sup>1166 1167</sup> He retired in 2002.<sup>1168</sup>

**PARKER, JACOB GWYNN**

Deputy Commissioner  
MIA 1950-1951

Deputy Commissioner Jacob Gwynn Parker (1914-2004) was a Tallahassee native. He earned his “Bachelor’s of Science in Business Administration” and “Bachelor’s of Laws degree from the University of Florida” (1937).<sup>1169</sup> In World War II, he “served in both the

European and Pacific theaters,”<sup>1170</sup> and thereafter “in the Army Reserves and retired as a lieutenant colonel.” *Id.* His service included commanding a “field artillery battery.”<sup>1171</sup> He served as a Circuit judge in the Eleventh Circuit (Miami-Dade) and retired in 1977.<sup>1172</sup>

**PEARSON, NELS RAYMOND**

Deputy Commissioner

FTL; 1968-1969

Deputy Commissioner Nels Pearson (1934-) earned his Bachelor’s from the University of Miami and his Juris Doctor from the University of Miami School of Law. He was admitted to The Florida Bar in 1961.<sup>1173</sup> He practiced as a Special Assistant Attorney General for the State of Florida in 1961 and served as Ft. Lauderdale City Prosecutor (1961-1964). He served as a city of Ft. Lauderdale judge (1964-1967) and then as Deputy with the Florida Industrial Commission (1968-1969). In 1969, he was appointed to the Court of Record in Broward County. When that court was abolished in 1972, he became a Circuit Court Judge until 1973.<sup>1174</sup> In 1972, Judge Pearson and another judge were implicated in an investigation of a “prostitution ring.”<sup>1175</sup> “Although both admitted their involvement, a Broward Grand Jury refused to indict them for prostitution.” *Id.* Governor Askew nonetheless examined the allegations. *Id.* Judge Pearson returned to private practice in the fields of Real Property Law, Construction Law, Estate Planning Law, Estates & Ownership, Trusts Law, and Real Estate Law.<sup>1176</sup>

**PECKO, KATHRYN**

Judge of Compensation Claims

MIA, FTL; 1997-2014

Judge Kathryn Pecko (1954-) earned her Bachelor’s from Florida International University and her Juris Doctor from the University of Miami. She was admitted to The Florida Bar in 1985 and is Board Certified in Appellate Law.<sup>1177</sup> She started her legal career as a research assistant to then-3rd DCA Judge Phillip Hubbart. Judge Pecko worked as an associate in a prominent Florida civil defense firm and was an Assistant City Attorney (City of Miami) in the appellate and litigation support section until she was appointed JCC in 1997. She participated on The Florida Bar’s Rules of Judicial



Administration Committee, Executive Council of the Appellate Practice Section, and the Committee on DCA Workload and Jurisdiction.<sup>1178</sup> Following her service as JCC, she returned to practice in mediation.<sup>1179</sup>

**PERKINSON, STANLEY C.**

Deputy Commissioner  
Judge of Industrial Claims  
SPT 1965-1973

Deputy Commissioner Stanley Perkinson (1923-1975) was born in Portsmouth, Ohio. He earned his Bachelor's and Juris Doctor (1949) from Stetson University.<sup>1180</sup> His work history included service as an St. Petersburg assistant city attorney, which was his occupation when he was appointed by Governor Haydon Burns in 1965. His salary as a Deputy Commissioner was \$15,000, and the city attorney position he left paid \$9,750. His responsibilities were for cases in Manatee, Sarasota, and Pinellas counties.<sup>1181</sup> Judge Perkinson left the OJCC in November 1973 "after eight years." He noted "that his contract with the state was not renewed by the Department of Commerce."<sup>1182</sup> Judge Perkinson "also lectured at Stetson University College of Law."<sup>1183</sup>

**PHILLIPS, JACK O.**

Deputy Commissioner  
JAX<sup>1184</sup>; 1951-1952

Deputy Commissioner Jack Phillips (1909-1955) earned his Juris Doctor from Stetson University Law School (1935) and was "an attorney with large naval stores, timber, and cattle interests."<sup>1185</sup> He was "President of the State Forestry Board under Governor Fuller Warren," *Id.* and "was elected to the Florida Senate in 1954."<sup>1186</sup> He passed away a year later, at 46, "following a long illness."<sup>1187</sup> During World War II, he "served as a Navy Lieutenant." *Id.*

**PINK, GEORGE L. JR.**

Judge of Industrial Claims

WPB; 1970-1972

Judge George Pink Jr. (1926-2022)<sup>1188</sup> was a Wisconsin native. He served in the army in World War II.<sup>1189</sup> And “upon separating from service, Judge Pink entered the College of Law at the University of Florida,” earning his law degree in 1949.<sup>1190</sup> Judge Pink and his wife moved to West Palm Beach in 1945, perhaps from Fernandina.<sup>1191</sup> In 1953, he represented The University of Florida before the Florida Supreme Court in litigation regarding gambling prohibitions or constraints at charity or fundraising events.<sup>1192</sup> In 1958, he was involved in appellate practice before the Florida Supreme Court regarding elections. *Evans v. Carroll*, 104 So. 2d 375 (Fla. 1958). Judge Pink ran for the Florida House in 1956<sup>1193</sup> and in 1960 as a Republican.<sup>1194</sup> In 1963, he was involved in appellate work regarding divorce. *Heller v. Heller*, 151 So. 2d 35 (Fla. 2nd DCA 1963). In 1968, he was involved in appellate practice regarding licensure. *Town of Mangonia Park v. Jones*, 208 So. 2d 143 (Fla. 4th DCA 1968). In 1970, he was publicly reprimanded by the Court regarding his bookkeeping and disbursements. *The Fla. Bar v. Pink*, 236 So. 2d 97 (Fla. 1970).

**PITTS, NEAL P.**

Judge of Compensation Claims

JAX, ORL; 2009-Current

Judge Neal Powell Pitts (1953-) earned his Bachelor’s from Rhodes College (1975) and his Juris Doctor from the University of Florida (1982). He practiced workers’ compensation, personal injury and wrongful death litigation in Orlando, Florida, prior to his appointment by Governor Charlie Crist. He was a member of Phi Kappa Phi; Phi Alpha Delta, Willis Society, and Ohio Northern Law Review from 1977 to 1978. He authored *Gross Income from Mining: An Analysis of its Complexities as Applied to an Integrated Miner/Manufacturer*, 9 Ohio Northern Law Review 281, 1982 and *Ross v. Spiegel: Ohio’s Long-Arm Statute Reaches the Alien Manufacturer*, 5 Ohio Northern Law Review 557, 1978.<sup>1195</sup>

**POLEN, MARK E.**

Judge of Industrial Claims

Deputy Commissioner

FTL; 1977-1979

Judge Mark E. Polen (1945-2016) earned his Bachelor's from University of Iowa (1966) and his Juris Doctor from the University of Miami School of Law (1969). "He began his legal career in 1969 as a private practice attorney. He became a Judge in 1977 when he began working as the Industrial Claims Judge for Broward County. In 1979, became a Circuit Judge in the 17<sup>th</sup> Judicial Circuit Court of Florida, where he worked in various divisions until 1988. He was then appointed to the Fourth District Court of Appeal."<sup>1196</sup> He unsuccessfully applied for appointment to The Florida Supreme Court in 1986.<sup>1197</sup> He retired from the Fourth DCA in 2013 and passed away in 2016.<sup>1198</sup>

**PORTUALLO, THOMAS**

Judge of Compensation Claims

DAY; 1995-2012

Judge Thomas Portuallo (1961-) earned his Bachelor's from the University of Florida and his Juris Doctor from the Stetson College of Law. He was in private practice from 1986 to 1996 and was then appointed JCC in Daytona. After 16 years' service, he was appointed to the Circuit Court in the Seventh Judicial Circuit by Governor Rick Scott.<sup>1199</sup> He was not re-elected in 2014 and returned to private practice in Jacksonville and later with the County Attorney's office in Volusia County.

**POWELL, MILY**

Judge of Compensation Claims

FTL; 1994-2005

Mily Rodriguez-Powell (1960-) earned her Bachelor's from Florida International University and Juris Doctor from the University of Miami. She was admitted to The Florida Bar in 1985.<sup>1200</sup> She was appointed as a Judge of Compensation Claims originally by Governor Chiles.<sup>1201</sup> Following her service as a JCC, she was appointed to the Circuit bench in 2005 where she served until retiring in 2022.<sup>1202</sup>

**PROBY, LUCIEN C.**

Deputy Commissioner  
MIA; 1953-1956

Deputy Commissioner Lucien C. Proby (1918-1997) was born Greenwood, Mississippi. He earned his Bachelor's at Mississippi College. In World War II he served in the Army Air corps, with the "Flying Tigers in China and then flight instructor for Brazilian air force." After the war, he earned his Juris Doctor from the University of Florida College of Law (1948).<sup>1203</sup> He served only three years as a Deputy Commissioner and then ran a successful "write-in campaign" for Circuit judge.<sup>1204</sup> His campaign was managed by Jay Kaiser (*see* page 254). He served "nearly a decade on the bench."<sup>1205</sup> He then returned to "private practice with Pallot, Silver, Pallot, Stern, Proby, & Adkins" (*see* page 279 re Pallot). He practiced primarily "tax and trial work," and he was the "County Attorney for Monroe County until he retired in 1990" *Id.* in Gainesville. *Id.* Mr. Proby was known for founding the Key West Gator Booster Club.

**PROCTOR, GEORGE L.**

Deputy Commissioner  
JAX; 1959-1962

Deputy Commissioner George L. Proctor (1926-2007) was born in Jacksonville, Florida. He enlisted in the Marine Corps, served "in Okinawa and Peleliu and was awarded the Purple Heart." He earned his Bachelor's and Juris Doctor from the University of Florida. He was licensed to practice law in 1949<sup>1206</sup> and was in private practice in Jacksonville. His obituary notes that he served there as a Judge of the Industrial Claims Court (though the title was "Deputy Commissioner") was later appointed Bankruptcy Judge in 1975. He served on the federal "bench for over 30 years," and "announced his retirement effective in 2008," but he passed away before reaching that. "Judge Proctor was a member of many professional organizations including: American College of Bankruptcy, American Bankruptcy Institute, American Bar Association, and the National Conference of Bankruptcy Judges."<sup>1207</sup>

**PUMPIAN, ARTHUR P.**

Deputy Commissioner  
WPB; 1981-1987

Deputy Commissioner Arthur Phillip Pumpian (1947-2023) earned his Bachelor's at University of Delaware (1969) and his Juris Doctor from George Washington University (1975). He was admitted to The Florida Bar in 1975 and served as Deputy Commissioner from 1981 to 1987.<sup>1208</sup> Mr. Pumpian practiced in West Palm Beach at "Danielson, Clarke, Pumpian & Ford, P.A. specializing in General Civil Trial, Appellate Practice, Insurance, Workmen's Compensation, Personal Injury, Products Liability, and Wrongful Death." *Id.* Deputy Pumpian "gained local notoriety in 1996 when he was shot by a client of the firm during an assault in which attorney Kennie Edwards was killed."<sup>1209</sup> He unsuccessfully ran for Circuit Judge in 2006.<sup>1210</sup> After his service as Deputy Commissioner, he "served as a mediator and then taught high school history until he retired."<sup>1211</sup>

**PUNANCY, SHELLEY M.H.**

Judge of Compensation Claims  
WPB; 2000-2016

Judge Shelley Mae Herron Punancy (1948-) earned her Bachelor's from Barry University (1983) and her Juris Doctor from Nova University School of Law (1986). She was admitted to The Florida Bar in 1987. She initially practiced with Beisler & Beisler in Palm Beach.<sup>1212</sup> She was "an associate attorney with the firm Conroy, Simberg, & Gannon since 1996"<sup>1213</sup> when she was appointed by Governor John "Jeb" Bush in 2000. The news noted that she was "the first black to serve as a judge for compensation claims" *Id.* (this was not accurate; the first black Florida workmen's compensation adjudicator was Jesse McCrary. Judge Punancy may have been the first in West Palm Beach district). Judge Punancy retired in 2016.<sup>1214</sup>

**RAYMAN, MOREY**

Deputy Commissioner  
MIA; 1954-1955

Deputy Commissioner Morey Raman (1921 -1981) was born in Chicago, Illinois. He earned his Bachelors<sup>1215</sup> and LL.B. from the University of Miami School of Law.<sup>1216</sup> He was admitted to The Florida Bar in 1952.<sup>1217</sup> Deputy Rayman served “five years with Army Air Corps in WWII, in the south pacific” theater.<sup>1218</sup> During his legal practice Deputy Rayman was an Assistant Attorney General and a “former member of the Florida Industrial Commission” *Id.* Deputy Rayman was appointed by “acting Governor Charley E. Johns,” and he resigned from office when Governor Johns<sup>1219</sup> was not reelected.<sup>1220</sup> He was replaced by “Burton M. Cohen, John C. Christie, and Israel Abrams...of Miami” who earned \$600 per month.<sup>1221</sup> Under the constitution in the 1950s, incapacity of the Governor made the President of the Senate “acting Governor.”<sup>1222</sup> He was noted as having founded the first “Juvenile Bureau in Dade County.”<sup>1223</sup> And being “involved in exposing living conditions in labor camps in Dade county.” *Id.* He was a member of the ACLU and former president of Fraternal Order of Police.” *Id.*

**REASBECK, JAMES**

Deputy Commissioner  
FTL; 1968-1969

Deputy Commissioner James Reasbeck (1926-2019) was born in Pennsylvania. He served in the “U.S. Maritime Service and served as a radio officer on merchant ships” during World War II.<sup>1224</sup> He attended Allegheny College in 1947 but was ”drafted into the U.S. Army in 1950 during the Korean War. *Id.* He earned his Bachelors<sup>1225</sup> and “his law degree from the University of Miami in 1957.”<sup>1226</sup> He was admitted to The Florida Bar in 1960.<sup>1227</sup> He practiced law at the firm of Reasbeck, Fegers, & Reasbeck. He was appointed to the Court of Industrial Claims in 1967 and then elected to the Court of Record in 1968.<sup>1228</sup> Later, Reasbeck was appointed to the Circuit Court in Broward County in 1972, as the Court of Record transitioned and was abolished (*see* Chapter 8). He retired in 1997 after 30 plus years as a Judge in the 17<sup>th</sup> Judicial Circuit in Broward County.”<sup>1229</sup>

**REESE, THOMAS S.**

Judge of Industrial Claims

Deputy Commissioner

FTM; 1976-1979

Judge Thomas S. Reese (1941-) was born in Green Bay, Wisconsin. He earned his Bachelor's from the University of Miami (1963) and his Juris Doctor from the University of Florida.<sup>1230</sup> He was admitted to The Florida Bar in 1972.<sup>1231</sup> He entered active duty and served as a Captain in the U.S. Army Special Forces for six and one half years. He served in combat in the Republic of Vietnam and with the Green Berets in Central and South America."<sup>1232</sup> He was an "Industrial Claims Judge until October of 1979 when he was appointed to the Circuit bench by Governor Graham. Judge Reese was elected by his peers as Chief Judge in 1989 and served three consecutive two year terms." *Id.* Judge Reese worked "as a member of the Gender Bias Study Implementation Commission and contributed to the initiatives by the Supreme Court which have resulted in significant efforts to eliminate gender bias in the legal community." *Id.* He served on several other Supreme Court committees including the "Commission on the Confidentiality of Court Records," the Supreme Court Statistics and Workload Committee," and the Judicial Council, the Supreme Court Committee on Court Reporting. He was a Director of the Coalition for a Drug Free Lee County. *Id.* He was a member of the Rotary Club and a founder of "the 20th Judicial Circuit Delinquency and Gang Prevention Council." *Id.* Judge Reese retired in 2010.<sup>1233</sup>

**REMSNYDER, DONNA**

Judge of Compensation Claims

SPT; 1992-2012. MEL; 2012-2014

Judge Donna Remsnyder (1957-) earned her Bachelor's from Florida State University (1980), and her Juris Doctor from Stetson University (1983). She was appointed as a Judge of Compensation Claims in April of 1993 in District "E," St. Petersburg. In 2011, she transferred to District Melbourne and served there until her retirement in 2014. Judge Remsnyder served on the Board of Directors for the Tampa Bay Chapter of the 440 Scholarship Fund. She served on a Joint Rules Committee in 1994, the Florida Bar's Workers' Compensation Rules Committee from 2000 to 2001, and on the DOAH Rules Committee

in 2004. She was a frequent speaker on Workers' Compensation related topics for both the Florida Bar and Local Bar Associations.<sup>1234</sup>

**RING, MICHAEL**

Judge of Compensation Claims  
FTL; 2019-Current

Judge Michael Ring (1959-) earned his Bachelor's from the University of Florida and his Juris Doctor from Nova Law School. He was admitted to the Florida Bar in 1990. In January of 2019, he was appointed as a Judge of Compensation Claims in Fort Lauderdale by Governor Scott. Prior to his appointment he worked with the law firm of Rigell, Leal, and Ring and the Law Offices of Michael J. Ring. During that time, he represented Employers, Insurance Companies, and Third-Party Administrators in Workers' Compensation matters. Judge Ring taught numerous seminars on various topics in the field of workers' compensation throughout his 28-year legal career. He was admitted to the United States District Court for the Southern District of Florida in 2004. *Id.*

**ROBBINS, ANN L.**

Judge of Compensation Claims  
SPT; 1990-1994

Judge Ann L. Robbins (1952-) earned her Bachelor's from Ball State University, her Masters from Purdue University, and her J.D. from Stetson University College of Law.<sup>1235</sup> She served as an Assistant City Attorney for St. Petersburg. She was then appointed as a Judge of Compensation Claims in St. Petersburg from 1990 to 1994. She was not reappointed by Governor Chiles following the statutory changes from the 1993 special legislative session, and the clarity of the appointment process. "Attorneys on both sides of workers' compensation were troubled by her non-reappointment and others."<sup>1236</sup> She returned to practice as Assistant County Attorney of Hillsborough County. *Id.*



**ROESCH, LAURA**

Judge of Compensation Claims  
PMC; 2000-2016

Judge Laura Roesch (1955-) is a native Floridian and was raised in the Vero Beach/Fort Pierce area. She earned her Bachelor's from Radford University (1985) and her Juris Doctor from Indiana University School of Law (1988). Judge Roesch practiced as an associate and then as a partner in a small private law firm in Panama City. Her practice initially included family and civil law until she limited her practice solely to workers' compensation, claimant and defense. Upon the retirement of the Honorable C. Douglas Brown, Judge Roesch was appointed to serve as Judge of Compensation Claims in Panama City by Governor Bush in 2001. Judge Roesch was reappointed to the bench by Governor Bush in 2005. She served on numerous workers' compensation panels at seminars and conferences concerning workers' compensation trial and procedural topics and volunteered as a moot court judge at the FWCI Earle Zehmer Workers' Compensation Moot Court Competition annually. Judge Roesch's community activity involves volunteering with the Bay Conservancy project as well as the "Justice Teaching" program. She served as a member of Florida's Workers' Compensation Oversight Board; the Bay County Planning Commission; Bay County law library; Fourteenth Judicial Circuit's Grievance, First Saturday Legal Clinic, Bench & Bar, and Pro Bono Committees; League of Women Voters; Bay County Ad Hoc Recycling Committee; Bay County Teen Court, Inc.; Big Brothers/Big Sisters; Girl Scouts of America; Gulf Coast Triathlon Committee; Bay County Extension Office Master Gardeners' program; St. Andrews Bay American Inn of Court, and Rotary Club of Panama City Beach literacy project.<sup>1237</sup>

**ROSEN, STEPHEN**

Judge of Compensation Claims  
JAX; 2009-2010; SPT; 2010-2020

Judge Stephen Rosen (1948-) earned his Bachelor's from Hamline University (1970) and his Juris Doctor from South Texas College of Law (1974). Since being admitted to the Florida Bar in 1974, Judge Rosen has spent his entire legal career practicing workers' compensation law. He began his practice in the Tampa office of Marlow, Mitzel, & Ortmayer and later Stephen L. Rosen, P.A. He has

represented insurance carriers in the past, but, since 1976, he represented only workers and uninsured employers. Judge Rosen was a member of the initial Florida Bar Workers' Compensation Board Certification Committee and has been Chair of The Florida Bar Workers' Compensation Section. From 1990 to 1993, he had the honor of acting as Chair of the Statewide Judicial Nominating Committee for Judges of Compensation Claims. He is also a founding member of the Florida Workers Advocates. He has been a frequent lecturer and author on workers' compensation issues. He has appeared before the Florida legislature to propose amendments to the workers' compensation laws and has served on legislative advisory committees. He is the recipient of the W. L. "Bud" Adams Award for excellence in the field of workers' compensation in 1991. *Id.*

**ROSS, RODNEY G.**

Deputy Commissioner  
ORL; 1967-1968

Deputy Commissioner Rodney G. Ross (1935-1982) was "born in Great Bond, Kansas, and moved to Orlando from Miami in 1964."<sup>1238</sup> "He served as a Judge of Industrial Claims from 1967 to 1968,"<sup>1239</sup> and he "was a senior member of the Orlando law firm of Pitts, Eubanks, & Ross, P.A." *Id.* Commissioner Ross was a member of the Florida Defense Lawyers Association, the Orange County and American Bar Associations, Federation of Insurance Counsel, and (the) University Club of Orlando." *Id.* Judge Pitts (*see* page 282) remembered Mr. Ross was serving as a deputy commissioner when he joined Judge Pitts' father to form Pitts, Eubanks, and Ross in 1969. Judge Pitts worked under his supervision for three years while an associate at the firm from 1978 to 1982. Coincidentally, Judge Pitts serves in the same Orlando division in which Deputy Ross served.<sup>1240</sup>

**ROUNDTREE, WALTER**

Deputy Commissioner  
MIA; 1936-1940

Deputy Commissioner Walter E. Roundtree (1907-1967) earned his Juris Doctor from the South Florida College of Law and was admitted to practice in 1935.<sup>1241</sup> Deputy Roundtree's law office was in the Ingraham Building,<sup>1242</sup> which is a Miami landmark notable in the

1930s for its 12-story height. The Indiana limestone structure was later named to the National Register of Historic Places. After his Deputy service, he served and was dismissed from the position of director of Workmen's Compensation in 1949 as a result of allegations that he "received state travel expenses to which he was not entitled," and that he "made an official trip to Fort Pierce" to attend a political function.<sup>1243</sup> When he was removed, the FIC's first Chairman, Wendell Heaton, was named acting director; he served until July 1950 when he was hired as "general counsel of the division," and Rodney Durance was named director.<sup>1244</sup> He was the general counsel for the State Treasurers Office from 1949 to 1967 and had served as "an official of the State Industrial Commission for 13 years prior to that time."<sup>1245</sup>

**SABATINO, JAMES R.**

Deputy Commissioner  
Judge of Industrial Claims  
MIA; 1968-1970

Judge James R. (Jimmy) Sabatino (1927-2019) was born in Hazleton, Pennsylvania. He enlisted in the U.S. Army following high school and served in Vienna, Austria. When he was discharged, he earned his Bachelor's from George Washington University and his Juris Doctor from University of Miami School of Law. He began practice in Miami and Bay Harbor Islands. He formed a partnership with Sally Spindel (his wife), Sabatino and Spindel, and they practiced together for more than 30 years. He "served as an Industrial Claims Judge for the State of Florida and was an author, lecturer, and adjunct professor, serving for many years on the faculties of both Nova Southeastern Law School and the University of Miami."<sup>1246</sup> His adjudicatory service was "from November 1968 to June 1969," *Id.* appointed during the tenure of Governor Claude Kirk. He resigned to run for State Comptroller in November 1969. All statewide offices were won by Democratic candidates, and thus, he lost. Governor Claude Kirk was not reelected.<sup>1247</sup>

**SALZMAN, BARRY M.**

Judge of Industrial Claims

SPT; 1974-1977

Judge Barry Mark Salzman (1942-) earned his Bachelor's from the University of Florida (1964) and his Juris Doctor from the Stetson University College of Law (1967). He was admitted to The Florida Bar in 1967.<sup>1248</sup> He was an “advocate, lecturer, lobbyist, and teacher,” practicing “personal injury, workers' compensation, social security disability claims, and many other areas of civil litigation including appeals.” He listed his involvements as a “Judge of Industrial Claims, adjunct professor of law with appointments to several statewide committees and boards, including the Department of Labor Workers' Compensation Advisory Committee, Governor's Workers' Compensation Task Force, and Workers' Compensation Oversight Board, the Executive Council of The Florida Bar Workers' Compensation Section and as past chairman of the Workers' Compensation Section of the Academy of Florida Trial Lawyers.”<sup>1249</sup>

**SANCERNI, LOURDES**

Judge of Compensation Claims

ORL; 2022-Current

Judge Lourdes Sancerni (1976-) is a native Floridian. She earned her Bachelor's from Florida International University and her Juris Doctor from the University of Florida Law School (2002). She became a member of the Florida Bar in April of 2003. Prior to Judge Sancerni's judicial appointment, she represented insurance carriers, employers, and self-insured employers throughout Florida, through her tenures at Moore, Ingram, Johnson & Steele and McConnaughay, Coonrod, Pope, Weaver & Stern. She was appointed as a Judge of Compensation Claims for the Orlando District by Governor DeSantis in 2022.<sup>1250</sup>

**SCARLETT, JOSEPH A.**

Deputy Commissioner

ORL; 1962-1963

Deputy Commissioner Joseph Alexander Scarlett III (1929-2009) was born in Deland, Florida. He earned his Juris Doctor from Stetson Law

School (1952)(which was then in Deland). He began his practice as a public defender in “the old Volusia County Courthouse, downtown DeLand.”<sup>1251</sup> He later clerked for Florida Supreme Court Justice Glenn Terrell (1960-1962). When Justice Terrell passed, “Governor Ferris Bryant appointed Mr. Scarlett to serve Volusia, Lake, Seminole, Orange, Brevard, and Osceola counties as a Judge of Industrial Claims for two years.” *Id.* He was “replaced by three judges at the end of his term.” *Id.* He ran unsuccessfully for State Attorney in 1964. He was appointed “Public Defender by Governor Hayden Burns, and he served (from) 1965 (to) 1969” *Id.* before returning to private practice. Judge Scarlett was involved with “Big Brothers, the Quarterback Club, and the Elks Club.”<sup>1252</sup>

### **SCHEINER, HOWARD**

Judge of Compensation Claims  
WPB; 1995-1999

Judge Howard Scheiner (1940-) earned his Bachelor’s from Florida Atlantic University (1983) and his Juris Doctor from Florida State University (1985). He was admitted to The Florida Bar in 1986.<sup>1253</sup> Judge Scheiner “began his legal career as a law clerk at the Third District Court of Appeal.”<sup>1254</sup> Before his term as a Judge, “Judge Scheiner represented insurance carriers, injured workers, employers, plaintiffs, and physicians in personal injury and worker’s compensation cases.” *Id.* After not being reappointed, he has since practiced mediation. While a judge, he served on “The Florida Bar Worker’s Compensation Rules Committee” *Id.* and was a “frequent lecturer on mediation techniques, ethics, and Worker’s Compensation law.” *Id.*

### **SCULCO, THOMAS**

Judge of Compensation Claims  
ORL; 2005-2022

Judge Thomas Sculco (1961-) earned his Bachelor’s from Brown University (1990) and his Juris Doctor from Boston College (1993). He was appointed as a Judge of Compensation Claims by Governor Bush in March of 2005. Before that he was in-house defense counsel for The Hartford in Lake Mary, Florida, and practiced workers’ compensation defense for Zimmerman, Kiser, & Sutcliffe in Orlando.

Judge Sculco co- authored Chapter 6, *Workers' Compensation Appellate Practice and Procedure*, of The Florida Bar's workers' compensation practice guide and has lectured at several seminars on workers' compensation issues. He was the Chairman of the Orange County Bar Association's Workers' Compensation Committee and an adjunct professor at the FAMU School of Law in Orlando. He served on The Florida Bar's workers' compensation board certification committee and on the bar's workers' compensation rules committee. He is board-certified in both appellate practice and workers' compensation law.<sup>1255</sup>

**SEGAL, MARTIN**

Deputy Commissioner  
ORL<sup>1256</sup>; 1949-1951

Deputy Commissioner Martin Segal (1914-1997) was a New York native, who grew up in Orlando, and earned his law degree “from the University of Florida Law School in 1937.”<sup>1257</sup> He served in World War II, enlisting in the Navy<sup>1258</sup> “the day after Pearl Harbor was bombed.”<sup>1259</sup> Deputy Segal “served as an Orlando city judge, a judge of the Industrial Claims Court, and a member of the state racing commission.” He was noted to be among those named “honorary colonels” by Governor Warren in 1951, a list that included state luminaries such as Edward Ball (DuPont), news professionals, the Governor’s brother, and more.<sup>1260</sup> He was founder of “the law firm Roth, Segal, and Levine.”<sup>1261</sup> He also served as “a board member of several New York Stock Exchange corporations. *Id.* He served on the Florida state racing commission in 1967<sup>1262</sup> with Louie Bandel (*see* Page 191). In 1971, Judge Segal was reportedly critically injured when shot three times with a .38 in the family home in Orlando.<sup>1263</sup>

**SEPPI, ARTHUR S.**

Judge of Industrial Claims  
Deputy Commissioner  
Judge of Compensation Claims  
FTL; 1973-1991

Judge Arthur S. Seppi (1921-1992) was born in Hecla, South Dakota. He was raised in Michigan and left there “to serve in the U.S. Navy.”<sup>1264</sup> When discharged in 1945, he “moved to Broward County”

and earned his Bachelors and Juris Doctor<sup>1265</sup> “from the University of Miami Law School (1952). He was “self-employed as an independent insurance adjuster from 1954 to 1965”<sup>1266</sup> and then “began the active practice of law in 1965.” *Id.* Judge Seppi “served as Assistant Prosecutor for the City of Fort Lauderdale and was on the panel of Arbitrators for the American Arbitration Association. *Id.* On one occasion, at the annual workers’ compensation conference, Judge Seppi reportedly overstayed his welcome in a hospitality suite. One of the firm partners, returning there from dinner, found Judge Seppi had “made himself at home in the suite bedroom.” The lawyer was unable to wake him and the story, embellished or fact, became legend. There were contemporaneous rumors of photographs taken with the sleeping judge, but none were ever seen publicly,<sup>1267</sup> nor located in the research for this text. The early 1990s was a contentious period in the history of Florida workers’ compensation. There was disagreement regarding the reappointment process and the Governor’s authority (*see* Judge Jones, Page 252). On April 29, 1992, Governor Chiles suspended Judge Seppi by Executive Order 92-113. Judge “Seppi notified the Governor of his intention to retire, which was accepted by the Governor.”<sup>1268</sup> Judge “Seppi died by his own hand on October 29, 1992.” *Id.* The Chair of the Senate Committee on Executive Business, Ethics, and Elections, which was investigating the circumstances, was coincidentally Senator Charlie Crist who would later serve as Governor and (re)appoint multiple Judges of Compensation Claims. *Id.*

**SHAFFER, W. WALLACE**  
Deputy Commissioner  
LKL; 1941-1945

The Florida Bar has no record of W. Wallace Shafer (1904-1963), but he is listed in reported cases. *Mullen v. Mullen*, 122 So. 2d 488 (Fla. 2nd DCA 1960). Deputy Commissioner Shafer earned his Bachelor’s from the University of Florida,<sup>1269</sup> where he was a member of Blue Key.<sup>1270</sup> The obituary of his son Walter notes that “Wallace served as a Florida state senator and had a successful law practice in Lakeland as a partner in the firm Bentley & Shafer which later became Bentley, Shafer, Miller, & Sinder.”<sup>1271</sup> W. Wallace Shafer was elected to The Florida House in 1941. He had been Assistant County Solicitor of Polk County. He was a native of Haines City and served there as City Attorney until joining Ed. R. Bentley in private practice following the

1941 session.<sup>1272</sup> His service in 1941 is notable in the history of Florida Workers' Compensation (The use of deputies was mandated by statutory amendment that year). That session, "he (was) keenly interested in the citrus and workman's compensation bills and did much hard and effective work on these and other measures."<sup>1273</sup> He headed a subcommittee in the House that "worked with representatives of the Florida Federation of Labor and Associated Industries of Florida" to craft a committee bill to outlaw "the use of force, violence, coercion, intimidation or threats in an attempt to control or constrain any lawful trade, craft, or business."<sup>1274</sup> In 1948, Wallace Shafer ran unsuccessfully for State Attorney in the 10<sup>th</sup> Circuit.<sup>1275</sup>

### **SMITH, JOHN**

Deputy Commissioner

MIA; 1961-1962

The Florida Industrial Commission Reports for 1961 and 1962 do not list the Deputy Commissioners then serving. However, the directory published by The Bar lists Deputy Smith. John Smith is the thirteenth most common name in the U.S. (the top three are James Smith, Michael Smith, and Robert Smith").<sup>1276</sup> That commonality frustrated this research. Nonetheless, two attorneys named John Smith were identified in Miami in 1961. One was admitted to The Florida Bar in 1961, John Edward Smith.<sup>1277</sup> Though there was no minimum experience for Deputy appointment, that seems unlikely. John Edward's subsequent firm profile at Steel, Hector, and Davis, made no mention of workers' compensation or service as an adjudicator. John Edward's son denied any recollection of any reference to his father being an adjudicator. The second, John H. Smith, was a "Metro Judge" in Miami in 1959<sup>1278</sup> and in 1961.<sup>1279</sup> Judge Smith was not retained when the County Commission held elections in 1964.<sup>1280</sup> He was later reinstated, and stood for reelection (retention) again in 1966.<sup>1281</sup> Notably, he served in that role alongside Louie Bandel (*see* Page 191), a former Deputy. No obituary or contemporary news reporting has been located to provide clarity as regards John Smith's service. Though this is somewhat supposition, it seems most likely that John H. Smith served as a part-time Deputy Commissioner concurrent with his Metro Judge responsibilities. This is most consistent with the facts and circumstances. As 1961 brought the full-



time Deputy (*see* Chapter 15), it seems likely that Deputy Smith thus faced a choice and left the FIC in favor of the Metro bench.

### **SOJOURNER, MARGARET**

Judge of Compensation Claims

LKL; 2010-2017; ORL; 2017-2023

Judge Margaret E. Sojourner (1953-) earned her Bachelor's from the University of Florida (1976) and a Juris Doctor from Stetson University College of Law (1979). After admission to the bar, she was employed as a Research Assistant to Judge Winifred Sharp at the 5<sup>th</sup> District Court of Appeal. In 1981, she began employment with the firm of Haas, Boehm, Brown, Rigdon, & Seacrest, P.A., where she represented employers and insurance carriers. In 1984, she became a partner in the firm of Daze & Sojourner, P.A., a general practice firm, including representation of injured workers. In 1987, she was employed with the staff counsel office of Travelers Insurance where she limited her practice to workers compensation matters and the appeals of those matters. In 1998, she joined the firm of Langston, Hess, Bolton, Znosko, & Helm, P.A., where she continued to represent employers and carriers in workers compensation matters and in the appeals of these matters. Ultimately, she became a partner in the firm, which at the time of her appointment as a Judge of Compensation Claims was known as Langston, Hess, Augustine, Sojourner, & Moyles, P.A. She has been Board Certified in Workers Compensation since 1992. Judge Sojourner served as a Guardian Ad Litem through the Orange County Bar Association and as a tutor to at risk children through Outreach Love.<sup>1282</sup>

### **SOPER, HORACE A. II**

Judge of Industrial Claims 27 years old

FTL; 1970-1972

Judge Horace Adams Soper, II (1943-) earned his Bachelor's from Tulane University and law degree from the University of Florida College of Law. He was admitted to The Florida Bar in 1967.<sup>1283</sup> He was appointed as a "Judge of the Industrial Claims Court of Broward County"<sup>1284</sup> on December 7, 1970. He succeeded James McCauley who had become judge of the Broward Court of Record (*see* Chapter 8). For "two years (Soper was) a prosecutor in the county solicitor's

office.” *Id.* Prior to prosecuting, he practiced in “personal injury litigation.” *Id.* He was a member of the “Broward County Republican Executive Committee and the Broward County Young Republicans.” *Id.* The district he served included Broward, Collier, and Palm Beach Counties. In 1972, during the significant realignment of Florida’s judiciary, Horace Soper became a County Court Judge in Ft. Lauderdale at an annual salary of \$28,000.<sup>1285</sup> Judge Soper sought appointment to the Circuit bench in 1990. The news then characterized him as “a former Circuit Court judge who is now a private practice lawyer in Ft. Lauderdale.”<sup>1286</sup> Therefore, it is likely he was appointed to the Circuit bench at some point.

**SPANGLER, E. DOUGLAS, JR.**

Judge of Compensation Claims

FTM; 2006-2015, TPA; 2015-2019

Judge E. Douglas Spangler, Jr. (1947-) earned his Bachelor’ from Florida State University (1972) and his Juris Doctor from Florida State University College of Law (1975). He was admitted to The Florida Bar in 1975.<sup>1287</sup> He began his legal career as assistant state attorney for the 12<sup>th</sup> Judicial Circuit in Sarasota County. He practiced workers’ compensation (both claimant and defense) and served as a certified civil mediator<sup>1288</sup> in the firm of E. Douglas Spangler, P.A.<sup>1289</sup> He was initially appointed as a Judge of Compensation Claims in the Fort Myers district and served as the senior judge in the two-judge district.<sup>1290</sup> He transferred to Tampa District in his final term. Judge Spangler retired in 2019.

**SPEH, PAUL E.**

Deputy Commissioner

JAX; 1953-1954

Deputy Commissioner Paul Speh (1912-1969) was born in Washington D.C. He earned his Bachelors and Juris Doctor from the University of Florida (1933). He was admitted to practice law the same year.<sup>1291</sup> “He was appointed a deputy workmen’s compensation commissioner in 1953”<sup>1292</sup> in Jacksonville,<sup>1293</sup> and he served until he became assistant general counsel for the Florida Industrial Commission in 1955. He was appointed as the Director of the “Commission’s workmen’s compensation division”<sup>1294</sup> in 1957,

“succeeding Rodney Durance who resigned to reenter private practice” *Id.* in Tampa. Durance “resigned because he could no longer afford the financial sacrifice incident to public service.” *Id.* The Director salary in 1957 was “\$9,120 a year. *Id.* During his tenure as Director, there was significant friction with the Florida Medical Association regarding imposition of provider fee schedules,<sup>1295</sup> (*see also* Langham, Chapter 33, note 152).

**STANTON, TIMOTHY**

Judge of Compensation Claims

GNS; 2018-2022. JAX; 2022-

Judge Timothy Stanton (1956-) earned his Bachelor’s from Florida Atlantic University (1992) and his Juris Doctor from the University of Florida College of Law (1997). While in law school, Judge Stanton was also a member of the Florida Journal of International Law. Following graduation, Judge Stanton worked at several law firms, representing both employer/carriers and claimants. In 2003, he opened his own mediation practice as a certified civil circuit court mediator, mediating workers’ compensation, civil, and foreclosure actions. In 2013, Judge Stanton became a state mediator in the Tampa district, where he remained until Governor Rick Scott appointed him as a Judge of Compensation Claims in 2018. Judge Stanton also served in the U.S. Navy from 1977 until 1983 and received an Honorable Discharge. Following his discharge from the Navy, Judge Stanton worked for the next ten years as a manager in aerospace and other high technology manufacturing.<sup>1296</sup>

**STEPHENSON, CAROL J.**

Judge of Compensation Claims

WPB; 2017-2022

Judge Carol Stephenson (1952-) earned her Bachelor’s from Vanderbilt University (1974) and her Juris Doctor from University of Cincinnati Law School (1981). Judge Stephenson began her legal career as a judicial staff attorney for the First District Court of Appeals in Cincinnati in 1981, and she is licensed to practice in Ohio (inactive). Admitted to The Florida Bar in 1983, she was an associate in a personal injury and general practice firm in West Palm Beach. She then practiced as field legal counsel for an insurance company in

the areas of workers' compensation and civil litigation. In May 2017, Governor Rick Scott appointed Judge Stephenson to the West Palm Beach District. She participates on the Workers' Compensation Committee of the Palm Beach Bar Association and the local Friends of 440 Scholarship Fund. *Id.*

**STEUDLER, GORDON**

Judge of Industrial Claims

MIA; 1970-1977

Judge Gordon Fremont Steudler (1918-1978) was a Pennsylvania native who served as a lieutenant in the Army Air Corps in World War II,<sup>1297</sup> and some evidence suggests he was wounded in action. A 1946 news article notes that model "Sandra Nelson ...and her husband, Gordon F. Steudler, have moved to Florida," where "he plans to study law."<sup>1298</sup> He is included in the 1972 Dade Bar Judicial Survey results.<sup>1299</sup> A 1974 article confirms his service as a Judge, regarding the retirement lunch of Edna Scholze, an 11-year secretary at the "Workman's Compensation division of the Florida Department of Commerce."<sup>1300</sup> He is recalled by practitioners, and one noted that "Gordon Steudler was a sole practitioner located on the 7th floor of the Ainsley Bldg. in Miami when he was appointed."<sup>1301</sup> His obituary notes full name, and that "he was a judge in (the) Bureau of Workmen's Compensation."<sup>1302</sup> In 1979, Judge Steudler was in the press for perceptions of *ex parte* communications with an attorney, Stephan Tarr (*see* Page 303).<sup>1303</sup> It is possible that public or press interest in this topic was driven in part by the Legislature's 1978 statutory amendment subjecting the judges to the Code of Judicial Conduct (*See* Chapter 15).

**STEVENS, SCOTT STEVEN**

Deputy Chief Judge

TLH; 2002-2005

Judge Steven Scott Stevens (1957-) earned his Bachelor's from the University of Maryland (1981) and his Juris Doctor from University of Baltimore (1984). He earned five additional degrees (LL.M., M.S., M.A., M.A., and Ph.D.). He practiced in Baltimore, Maryland initially before moving to Tampa in 1988. He practiced seven years in Florida before teaching at the University of South Florida and the University

of Tampa. Dr. Stevens had been previously nominated for Lakeland district JCC position when Judge Flanders was appointed to the Circuit Bench in 2000,<sup>1304</sup> and Judge Hofstad was appointed (*see* Page 244). He was appointed Deputy Chief Judge in 2002 and served until November 2005. He was appointed to the Florida 13<sup>th</sup> Circuit Court in 2005 and served until 2021.<sup>1305</sup> He was the first appointed to that job title, following the 2001 statutory amendments that transferred the Judges to the Division of Administrative Hearings, most other workers' compensation to the Department of Financial Services, and eliminated the Department of Labor and Employment Security that had evolved from the original Florida Industrial Commission (*see* Chapter 4).

**STEWART, LEON F.**

Deputy Commissioner

DAY; 1964-1968

Deputy Commissioner Leon F. Stewart (1923-1976) earned his Bachelor's from University of Alabama and his Juris Doctor from Stetson University.<sup>1306</sup> "He served in the U.S. Army Air Corps from 1943 to 1947,...with the 8<sup>th</sup> Air Force as lead navigator, flying 30 combat missions during World War II." After the war, he commanded "a Reserve Squadron at Daytona Beach." He was appointed in 1964 and served until 1968. He was responsible for a territory including Brevard, Lake, Seminole, Osceola, and Volusia Counties. He was appointed by Governor Farris Bryant and was paid \$15,000 per year.<sup>1307</sup> He then became a Justice of the Peace in Daytona Beach, and when the state courts were realigned and the JP and small claims positions were eliminated, he became a County Judge.<sup>1308</sup> It is very probable that he later became a Circuit Judge.<sup>1309</sup> He later co-founded the Leon F. Stewart Treatment Center,<sup>1310</sup> which became the Stewart-Marchman Treatment Centers,<sup>1311</sup> of significant notoriety. That organization operates multiple treatment facilities in the communities around Daytona Beach, Florida.<sup>1312</sup>

**STONE, SILAS R.**

Deputy Commissioner  
Port St. Joe<sup>1313</sup>; 1951-1952

Deputy Commissioner Silas Roselle Stone (1914-2001) “was a native of Port St. Joe.”<sup>1314</sup> “He proudly served his country as a commissioned officer during World War II,” *Id.* at Camp Blanding<sup>1315</sup> (Starke, FL). “After the war,...he earned a law degree from the University of Florida.” He “practiced law in Port St. Joe and Gulf County for many years and also served as county prosecuting attorney.” Despite his service as Deputy Commissioner, his time with the FIC is not mentioned in his obituary.<sup>1316</sup>

**STRICKLAND, STAN**

Judge of Compensation Claims  
ORL; 1991-1995

Judge Stan Strickland (1952-) earned his Bachelor’s from Florida State University (1975), a Masters from Florida State University (1977), and a Juris Doctor from Mercer University (1984). After practicing law for several years, he became a Judge of Compensation Claims in 1991 appointed to a newly-created position in Orlando. In 1995, he was appointed as an Orange County Judge, and, in 1998, as a Circuit Judge for the 9<sup>th</sup> Judicial Circuit. In July 2002, he served as an Associate Judge on the 5<sup>th</sup> District Court of Appeal. Following 20 years on the bench, he retired in December 2011, and now serves as a private mediator in a variety of legal categories.<sup>1317</sup>

**STURGIS, KATHY**

Judge of Compensation Claims  
FTM; 2006-2016

Judge Kathy Sturgis (1952-) was born in Brooklyn, New York. She earned her Bachelor’s from Mount Holyoke College (1977) and her Juris Doctor from Stetson University College of Law (1986). Judge Sturgis was an associate with the Florida offices of Peper, Martin, Jensen, Maichel, and Hetlage, a national law firm. Her practice there was primarily corporate and commercial real estate. She served as the president of the Lee County Bar Association in 1992 and was active in the Lee County community with various civic and charitable

organizations. She lectured on Employment Law issues for the University of South Florida Institute of Government and was a guest lecturer on mediation for Southwest Florida College. Kathy was certified as a circuit court mediator in 1995, a family law mediator in 1996, and a private mediator before being appointed as the state workers' compensation mediator in Fort Myers in August of 1996. She was appointed as JCC for the Ft. Myers District by Governor Bush in November of 2006.<sup>1318</sup>

### **SWANKO, EDWARD H.**

Deputy Commissioner  
MIA; 1960-1961

Deputy Commissioner Edward Henri Swanko (1924-2002) was born in Perth Amboy, New Jersey. Deputy Swanko earned his Bachelor's (1952<sup>1319</sup>) and LL.B. from the University of Miami.<sup>1320</sup> He "was appointed judge in workmen's compensation by ...Governor Leroy Collins"<sup>1321</sup> After his service as Deputy Commissioner, he became a Dade County Judge in 1973 and served until he resigned in 1988. He was periodically noted as an "acting" Circuit Judge. *Derma Lift Salon, Inc. v. Swanko*, 419 So. 2d 1180 (Fla. 3rd DCA 1982). However, it appears those were temporary assignments. *Stein v. Foster*, 557 So. 2d 861 (Fla. 1990). Judge Swanko served 20 years in the Air Force in "W.W.II and the Korean Conflict," retiring as a Major.<sup>1322</sup> He was a "member of the Miami Junior Chamber of Commerce and the Coral Gables and Dade County 'Hire the Handicapped.'"<sup>1323</sup> He retired to Lake City in 1992.<sup>1324</sup>

### **TARR, STEPHAN HENRY**

Deputy Commissioner  
Judge of Industrial Claims  
MIA; 1966-1970

Judge Stephan H. Tarr (1933-) earned his Bachelor's from University of Miami (1958) and his Juris Doctor from the University of Miami School of Law (1961). He was admitted to The Florida Bar in 1962.<sup>1325</sup> In 1966, Judge Tarr openly supported the re-election of Governor Hayden Burns (1965-1967) who was defeated in the primary, and whose defeat was seen by some as contributing to the election of Claude Kirk, Florida's first Republican Governor since

Reconstruction.<sup>1326</sup> This illustrates the political participation of judges prior to the imposition of the Code of Judicial Conduct in 1978. He served as a Judge of Industrial Claims from 1966 to 1970, and as a mediator. He was a member of The Florida Bar and the Association of Trial Lawyers of America.<sup>1327</sup> In 1979, attorney Tarr made the news in Miami regarding his representation of a police officer in a workers' compensation case, and there were allegations that he discussed the case with Judge Gordon Steudler *ex parte*<sup>1328</sup> (see Page 299).

### **TELLER, HERBERT**

Deputy Commissioner

MIA; 1961-1965

Deputy Commissioner Herbert J. Teller (1925-2003) earned his Bachelor's<sup>1329</sup> and LL.B from the University of Miami (1952).<sup>1330</sup> He was admitted to The Florida Bar in that same year<sup>1331</sup> and to the U.S. Supreme Court in 1964.<sup>1332</sup> Mr. Teller was in private practice and made the news in 1957 for filing the 200,000<sup>th</sup> lawsuit in Dade County. The news reported "it took 58 years for the first 100,000 suits to be filed, and only 11 years for the second 100,000."<sup>1333</sup> Miami and the rest of south Florida was growing. In 1961, "Miami attorney Herbert J. Teller was appointed a deputy commissioner of the State Industrial Commission by Chairman A. Worley Brown. Teller would handle workmen's compensation cases from the Miami area. His office will be at the State Office Bldg, 1350 NW 12<sup>th</sup> Ave."<sup>1334</sup> In 1970, Herbert Teller was Miami Beach Assistant City Attorney. He was a "former industrial claims judge" responsible for "handling the city's legal work on insurance and workmen's compensation cases."<sup>1335</sup> In 1972, he was a candidate for Judge, Group 8. His biography said he was an "attorney and was a judge of industrial claims, former assistant city attorney for Miami Beach and has been in the practice of law for 20 years with trial and appellate work."<sup>1336</sup> He was not elected in that race.<sup>1337</sup>



**TERLIZZESE, PAUL T.**

Judge of Compensation Claims  
MEL; 1999-2012

Judge Paul Terlizzese (1964-) earned his Bachelor's from Florida Atlantic University (1985) and his Juris Doctor from Stetson University College of Law (1988).<sup>1338</sup> He was admitted to The Florida Bar that same year.<sup>1339</sup> He practiced with the Rissman, Weisberg, Barrett, Hurt, and Donahue firm for almost ten years before being appointed as a Judge of Compensation Claims in 1999. He served for 12 years before not being reappointed in 2012. He returned to private practice with Miller, Kagan, Rodriguez, & Silver for four years, and then with Hurley, Rogner, Miller, Cox, & Waranch beginning in 2016.<sup>1340</sup>

**THOMPSON, RICHARD**

Judge of Compensation Claims  
ORL; 1995-2004

Judge Richard S. Thompson (1963-) earned his Bachelor's from Clemson University (1985) and his Juris Doctor from Florida State University School of Law (1988). He was admitted to The Florida Bar that same year.<sup>1341</sup> During law school, he interned at the State Attorney's Office and the Florida Legislature. He began private practice at Zimmerman & Sheffield, and about four years later, he began representing injured workers at Vaughn & Donohoe, becoming a partner there before departing in 1995. He was appointed as a Judge of Compensation Claims in the Orlando District in 1995 and served nine years before resigning to reenter private practice as litigation director for Zenith Insurance. In 2009, he became Vice President of Legal Claims with The Zenith.<sup>1342</sup>

**THURMAN, JOHN**

Judge of Compensation Claims  
ORL; 1997-2006. GNS; 2006-2009

Judge John Thurman (1947-2020) earned his Bachelor's from University of Central Florida and his Juris Doctor from the University of Florida School of Law. He was admitted to The Florida Bar in 1974.<sup>1343</sup> He was elected to the Circuit bench in 1984 and was re-

elected unopposed in 1990. He presided in Citrus County. Health issues led to allegations of docket delays, but a complaint was not successful before the Judicial Qualifications Commission.<sup>1344</sup> Judge Thurman was defeated in the 1996 election by Michael Blackstone.<sup>1345</sup> His wife, State Representative Karen Thurman, was a leader in the Democratic caucus. In 1997, Judge Thurman was appointed as a Judge of Compensation Claims in Orlando. When Judge Jonathan Ohlman (*see* page 276) was appointed to the Circuit bench, Judge Thurman was transferred to Gainesville where he served until retiring in 2009.<sup>1346</sup>

**TIDWELL, LUIS F.**

Deputy Commissioner  
Judge of Industrial Claims  
Deputy Commissioner  
TPA; 1969-1989

Judge Louis Frazier Tidwell (1937-2020) was likely admitted to the U.S. Air Force Academy,<sup>1347</sup> but he earned his Bachelors from Emory University and his LL.B. from Duke University.<sup>1348</sup> He was admitted to The Florida Bar in 1963 *Id.* and practiced law in Tampa, Florida. After 20 years' service, a notable term, Judge Tidwell's "career ended after investigators seized crack cocaine and a pornographic videotape from his home."<sup>1349</sup> He was convicted and imprisoned. "Tidwell's troubles began in 1989, when investigators seized a videotape of Tidwell smoking crack and having sex with a 14-year-old girl. The Judge was charged with a variety of sex and drug offenses." *Id.* While on bail, he was arrested again for illegal drugs, "indicating extremely irrational behavior."<sup>1350</sup> Judge Tidwell "pleaded no contest in 1990 to one count of delivering cocaine, 17 counts of committing a lewd and lascivious act upon a minor, and four counts of committing a lewd and lascivious act in the presence of a minor."<sup>1351</sup> He was sentenced to "12 years in prison...(followed by) house arrest for two years." *Id.* He was suspended by the Bar,<sup>1352</sup> removed from Office, and eventually disbarred. *Florida Bar v. Louis Frazier Tidwell*, 613 So. 2d 12 (Fla. 1992). In 1989, he was in the news again for selling his home to his brother Thomas<sup>1353</sup> for \$10, allegedly to preclude seizure and forfeiture.<sup>1354</sup> Judge John Lazzara (*see* page 260) was appointed to replace him in Tampa. In 2007, Judge Tidwell's conviction resurfaced in the news when he was accused of practicing law without a license. He was allegedly representing clients in Social Security

proceedings. That report notes that he “admitted to trading drugs for sex with a 14-year old over the course of three years.”<sup>1355</sup> It recounts that he was “sentenced to 12 years, but he got out after four.” *Id.* He then opened a business assisting people with social security matters. Judge Tidwell was ordered to stop taking new clients in 2007.<sup>1356</sup>

**TOMLINSON, JOHN G. JR.**

Deputy Commissioner  
Judge of Compensation Claims  
MIA; 1979-2000

Judge John Glen Tomlinson, Jr. (1941-) earned his Bachelor’s from the University of Florida and his Juris Doctor from Stetson University School of Law.<sup>1357</sup> He was admitted to The Florida Bar in 1966.<sup>1358</sup> Judge Tomlinson served in the military before settling in Miami.<sup>1359</sup> John Tomlinson was an employer/carrier defense lawyer, of Williams & Tomlinson, when he was appointed.<sup>1360</sup> Judge Tomlinson served from 1979 to 2000, “when Governor Jeb Bush declined to reappoint.”<sup>1361</sup> He replaced Leonard Cardone (*see* Page 202) and was later replaced by Sylvia Medina-Shore<sup>1362</sup> (*see* Page 270). He practiced mediation after leaving the bench, with Jere Chait and David Roemer until 2003.<sup>1363</sup> He then moved to “his ancestral home in Clinch County, Georgia.” *Id.* There, he worked with the Department of Commerce, State Workers’ Compensation Bureau.<sup>1364</sup> Judge Tomlinson was one of several targets of spurious allegations of malfeasance by attorney Gene Flinn, who was disbarred in some part due to his assault on the bench. *The Florida Bar v. Gene Flynn*, 575 So. 2d 634 (Fla. 1991).

**TRASK, DAVID L.**

Judge of Industrial Claims  
Deputy Commissioner  
FTL-1974, MIA; 1974-1986

Judge David Trask (1912-1994) was born in New York and served in the Army Signal Corps in WWII. He earned his Bachelor’s from Fordham University (1936) and his Juris Doctor from Columbia University. He was first appointed to the bench in 1974 by Governor Reubin Askew. In 1982, “after several reappointments, his title was changed to Judge/Deputy Commissioner of Workman’s

Compensation by Governor Bob Graham. “He served the Miami area for 12 years.”<sup>1365</sup> He is perhaps best known for his judicial resistance to being unceremoniously removed from office through the budget process. “In August 1983, when Wallace Orr notified this Appellee that his office would be abolished effective December 31, 1983, Judge Trask was the second-senior Deputy Commissioner in District K, with a term due to end pursuant to §440.45, Fla. Stat., in January 1986.”<sup>1366</sup> He filed suit, eventually prevailed in the Florida Supreme Court, and he was allowed to complete his term. *Orr v. Trask*, 464 So. 2d 131 (Fla. 1984). “Trask kept extraordinary office hours. He visited people in hospitals and in private residences and held hearings after usual court hours and on weekends. He believed that the law should serve people rather than people serve the law.”<sup>1367</sup> He was a member of American Legion and was a Mason. *Id.*

**TURNBULL, DANIEL F. JR.**

Deputy Commissioner  
Judge of Compensation Claims  
FTM; 1988-2006

Judge Daniel Finlayson Turnbull, Jr. (1944-) was from Tallahassee, Florida. He earned his Bachelor’s from the University of South Florida<sup>1368</sup> (1966<sup>1369</sup>) and his Juris Doctor from Florida State University College of Law. He was admitted to The Florida Bar in 1969.<sup>1370</sup> He “joined the department’s legal office in 1968 as a law clerk.”<sup>1371</sup> He served as “assistant counsel for the state Department of Labor” through the 1980s.<sup>1372</sup> In 1988, he stepped in to dismiss lawsuits and reassure the public when another attorney at the Department of Labor filed the suits erroneously against several employers.<sup>1373</sup> The suits sought “permanent injunctions prohibiting them from employing anyone.” *Id.* The result would have been to put U.S. Sugar and others “out of business for not paying penalties ranging from \$30 to \$202.” *Id.* In explaining to the press, Judge Turnbull noted “this is the biggest screwup I have ever seen come out of this office.” *Id.* There was some conjecture the suits resulted from computer error or use of improper forms. Judge Turnbull is believed to have presided over Florida’s longest workers’ compensation trial. *Dade Cnty. v. Turnbull*, 572 So. 2d 540 (Fla. 1st DCA 1990)(“The trial lasted 27 days and 80 witnesses testified”).

**UMAN, MORICE S.**

Deputy Commissioner

TPA; 1941-1943

Deputy Commissioner Morris Uman (1905-1975) became a member of the Florida bar in 1927.<sup>1374</sup> His educational history is not known. He was appointed Deputy Commissioner in Tampa on March 11, 1941. He was responsible for Citrus, Sumpter, Pasco, Hillsborough, Pinellas, Manatee, Hardee, Sarasota, Charlotte, DeSoto, and Lee counties. He succeeded C.E Beck of Tampa<sup>1375</sup> (see Page 194). After his service as Deputy, he was appointed to the Tampa Zoning Board in 1951.<sup>1376</sup> He was the State President of B'nai B'rith in 1946<sup>1377</sup> (see Page 177). He argued *Tampa Electric Company v. Crosby*, 168 So. 2d 70 (1964) before the Florida Supreme Court on behalf of the claimant. That decision clarified the discretion of a deputy to adduce further factual evidence when a court reversed and remanded “for further proceedings consistent with the opinion.” He finished his career as a mediator in Hillsborough County and retired there.<sup>1378</sup>

**VICK, GERALD E.**

Deputy Commissioner

MIA; 1961-1968

Deputy Commissioner Gerald E. Vick (1927-1978) was a native Floridian. He was an all-star football player for Miami High School in 1944, and he earned his Bachelor's from Northwestern University (1947). He earned his Juris Doctor from the University of Miami Law School (1951). He was a member The Florida Bar and American Bar Association. He had practiced law in Miami beginning in “1952 and then served for seven years as a Judge in Industrial Claims.”<sup>1379</sup> During his tenure, he was nominated to serve as a municipal judge but was not selected.<sup>1380</sup> Deputy Vick returned to practice following his service, representing injured workers. Some perceived him as “an attorney well known for his ability to maneuver big settlements for relatively minor injuries.”<sup>1381</sup> He was a member of Order of the Masonic Lodge.<sup>1382</sup>

**VOCELLE, CHARLES L.**

Deputy Commissioner  
Judge of Compensation Claims  
MIA; 1986. LKL; 1986-1998

Judge Charles L. Vocelle (1923-2014) was born in St. Mary's, Georgia. He "served during World War II in the Pacific Theater in the United States Marine Corps from 1943 to 1945."<sup>1383</sup> He earned his Bachelor's from the University of Florida and his Juris Doctor from the University of Miami School of Law. He "practiced law in Miami from 1950 to 1960 and then moved his family to Lake City, Florida, where he continued to practice law until 1986." *Id.* His family then moved to Lakeland, where he served as Judge *Id.* for three terms. He was part of a long line of civil servants in his family and had been employed by the Division of Worker's Compensation during other times. His father was James Vocelle (*see* Page 339). Judge Vocelle was known as an advocate on behalf of injured workers in private practice, and as an advocate of professionalism in the workers compensation system.<sup>1384 1385</sup>

**WAGNER, NORMA**

Judge of Industrial Claims  
Deputy Commissioner  
ORL; 1971-1979

Judge Norma Wagner (1931-2003) was born in Jacksonville, Florida. She earned her Bachelor's from George Washington University and her Juris Doctor from Stetson College of Law (1955)(though she also studied law at George Washington). Her college career was "at night, while working in high level clearance research for the CIA."<sup>1386</sup> Her career included clerking at the Second District Court of Appeal and teaching business law at the University of Florida and Saint Leo College. She also worked three years with the Central Intelligence Agency in Washington, D.C. She was appointed by Governor Tom Adams,<sup>1387</sup> to replace Judge Bruce McEwan.<sup>1388</sup> She told the press she was appointed "with only limited experience in workmen's compensation-because of the work she and her father did for the Democratic Party."<sup>1389</sup> Judge Wagner had served as "Democratic precinct committee-woman for Winter Park" prior to her appointment.<sup>1390</sup> When she was appointed, "the Orlando District

Office was at 3165 McCrory Avenue.” *Id.* In the press, there were questions about “women’s liberation,” and Judge Wagner was frank in her response, “I see no reason why a woman cannot be as competent as a man.” *Id.* Disabusing any confusion, she noted she was “not the first woman to serve as industrial claims judge.” *Id.* She noted that she was third. The first and second had gone on to return to private practice or to the Circuit bench (Hon. Elizabeth Miller, Page 271; Hon. Rhea Grossman, Page 231). Judge Wagner was “recommended (for) reappointment...apparently ignoring a drinking problem that she says prompted her to join Alcoholics Anonymous.”<sup>1391</sup>

### **WAKEFIELD, THOMAS H.**

Deputy Commissioner

MIA; 1948-1948

Deputy Commissioner Thomas Havens Wakefield (1919-2005) was a lifelong resident of Miami and Key Biscayne. He attended the University of Florida before World War II. He then served “four years in the army during World War II attaining the rank of captain.”<sup>1392</sup> After his discharge, he earned his Juris Doctor from the University of Florida College of Law (1946). He was soon appointed Deputy Commissioner and served a very short time. He was a founder with Charles Gregory (BeBe) Rebozo of the Key Biscayne Bank, special counsel for the United States Air Force, chairman of the Key Biscayne Savings and Loan Association (which was involved in the challenges of the S&L Crisis),<sup>1393</sup> general counsel for The Parrot Jungle; Porter, Wager, Russell, Inc.; and Burger King Corporation.<sup>1394</sup> He was noted for having represented President “Nixon’s close friend, Bebe Rebozo”<sup>1395</sup> and other property owners in Key Biscayne.<sup>1396</sup> This was largely related to property rights in the Islandia Chain. Thomas Wakefield was noted to be “one of the former owners of Adams Key.”<sup>1397</sup> Because of his involvement in the Key Biscayne Bank, and a donation to President Nixon from Howard Hughes,<sup>1398</sup> Thomas Wakefield was subpoenaed to appear before the Senate Watergate committee regarding that contribution.<sup>1399</sup>

**WALKER, JONATHAN**

Judge of Compensation Claims

PMC- 2016-2020, PNS; 2020-Current

Judge Jonathan Walker (1966-) earned his Bachelor's from University of West Florida (1988) and his Juris Doctor from Samford University's Cumberland School of Law. He was admitted to the Florida Bar in 1997. He was initially appointed as the Judge of Compensation Claims for the Panama City Beach District in October 2016, and later transferred, in 2020, to the Pensacola District. In February 2022, Governor Ron DeSantis reappointed Judge Walker. Following admission to the Bar, Judge Walker was an assistant state attorney for several years. Thereafter, he worked as an assistant county attorney in Walton County, Florida. For 16 years, Judge Walker practiced with the statewide law firm of Conroy & Simberg. He was the managing partner of the Pensacola office of that firm immediately before his appointment. During his time with Conroy & Simberg, Judge Walker practiced exclusively in workers' compensation defense and lectured throughout Florida on various workers' compensation issues. He has spoken at multiple seminars throughout Florida as a Judge of Compensation Claims. Judge Walker serves on the executive committee of the conference of the judges of compensation claims, and is on the Second Friday seminar committee for the OJCC. He is also a team leader with the C. Roger Vinson American Inns of Court (Pensacola chapter).<sup>1400</sup>

**WALKER, SHIRLEY**Chief Judge (First Black Female Adjudicator; Second Black Adjudicator, *see* Page 333)

TLH; 1987-2001

Judge Shirley Walker (1948-) earned her Bachelor's from Fisk University (1969), a Master's from Brown University (1971), and her Juris Doctor from Vanderbilt University (1978). She was a "bureau chief in the Attorney General's Office in 1978, the same year she graduated from law school."<sup>1401</sup> However, she was not admitted to The Florida Bar until April 1979.<sup>1402</sup> She remained with the Attorney General's office until 1987,<sup>1403</sup> and she was appointed Chief Deputy Commissioner in 1988<sup>1404</sup> by Governor Bob Martinez (1987 to 1991). She served in that capacity for 14 years, until the (then) Chief Judge position was eliminated in conjunction with the dissolution of the



Department of Labor and Employment Security and resulting transfer of the OJCC to the Division of Administrative Hearings in 2001. It is notable that Judge Walker's initial appointment occurred before any statutory requirement for Judges of Compensation Claims to have experience in workers' compensation.

**WALLACE, WEBSTER G.**

Deputy Commissioner  
MIA; 1961

Deputy Commissioner Webster G. ("Red") Wallace (1902-1961) was born in New York and moved to Miami in 1923. He earned his Bachelor's and LL.B.<sup>1405</sup> (1931) from the University of Miami School of Law (1931). He was admitted to practice that same year. *Id.* He practiced as a title attorney for Everglades National Park from 1933 to 1936. Judge Wallace served in the Army during World War II. After his discharge in 1943, he served as attorney for Dade legislative delegation and represented the Miami Chamber of Commerce regarding the Florida Turnpike bill in 1953. Within a year before his death, he had accepted an appointment by Governor Farris Bryant as deputy commissioner of the Florida State Industrial Commission." Deputy Wallace was a Member of the Dade and Florida Bar, American Legion, University of Miami Law School Alumni Association, and a Charter member of the Dade Young Democrats.<sup>1406</sup>

**WARREN, EDMUND WALTER, JR.**

Deputy Commissioner  
Palatka<sup>1407</sup>; 1951-1952

Deputy Commissioner Edmund Walter Warren (1912-1973) was a native of Palatka, Florida. His father,<sup>1408</sup> a physician, was Mayor of Palatka.<sup>1409</sup> Deputy Warren earned his "Florida Bar certificate from the State Board of Law Examiners" in March 1937.<sup>1410</sup> Walter Warren was a "member of the Florida House of Representatives," according to his father's obituary.<sup>1411</sup> However, that has proven difficult to verify in state records. Governor Fuller Warren served from 1949 to 1953 and coincidentally shares the same last name. However, no direct relationship between the two has been found.

**WEAVER, SIDNEY**

Judge of Compensation Claims  
MIA; 1965-1966

Judge Sidney M. Weaver (1921- 1998) was born in Jenson Beach, Florida. He earned his Bachelor's and Juris Doctor from the University of Miami. He was admitted to the bar in 1955.<sup>1412</sup> He served as a Circuit Judge and was said to have served in every division of the Florida Circuit Court system. He later became a bankruptcy judge and served as chief judge there. He retired from the Bankruptcy Court in 1993. He was a World War II veteran in the 15<sup>th</sup> Air Force where he earned a Purple Heart and Distinguished Flying Cross. Judge Weaver piloted for Pan American for 19 years "before beginning his judicial career." He was a member of Masonic Temple, Mahi Shrine, Royal Order of Jesters, Iron Arrow Honorary Society, Optimist club, Hurricane Club, and Past president of University of Miami Law Alumni.<sup>1413</sup>

**WEILAND, WILLIAM**

Judge of Industrial Claims  
Deputy Commissioner  
Judge of Compensation Claims  
ORL; 1970-1993

Judge William M. Wieland (1924-1993) came to Florida after service as "a naval aviator in World War II."<sup>1414</sup> He earned his Juris Doctor from the University of Miami and entered private practice in Orlando, defending "cases all over the state" and "appellate work." *Id.* In the 1960s, he worked with Corporate Group Services in Orlando.<sup>1415</sup> "In 1970, he was appointed by Governor Claude Kirk as a Deputy Commissioner for the Orlando area."<sup>1416</sup> On two occasions he was invited to sit on the appellate bench for the Industrial Relations Commission." *Id.* Legend has it that he also twice conducted trials outside of Florida (an interesting jurisdiction issue that was apparently never raised).<sup>1417</sup> "While at the office preparing for a hearing on February 3, 1993, he suffered a fatal heart attack."<sup>1418</sup> Judge Wieland was known for his sense of humor, his willingness to mentor, and his compassion. *Id.* Judge Weiland's son and grandsons persevered in the workers' compensation practice.

**WEISS, JACK**

Judge of Compensation Claims  
FTM; 2015-Current

Judge Jack Weiss (1965-) has served as a Judge of Compensation Claims since 2015. He earned his B.A., J.D., and LL.M from the University of Florida. He was a law clerk for the 4<sup>th</sup> District Court of Appeal. His subsequent 22-year law practice focused on workers' compensation, and he handled claims statewide. He was also the appellate attorney in numerous workers' compensation appeals before the First District Court of Appeal, as well as the Florida Supreme Court. Judge Weiss has been board certified in workers' compensation law since 2000. He serves on the conference committee of the National Association of Workers' Compensation Judiciary, and he is the treasurer for the Florida conference of judges of compensation claims. He served as vice-chair of The Florida Bar's Workers' Compensation Rules Committee and chair of the Workers' Compensation Committee of the Palm Beach County Bar Association, Florida Defense Lawyers Association, and St. Petersburg Bar Association, where he also served as treasurer. He currently serves on The Florida Bar's Standing Committee on Professionalism as well as its Workers' Compensation Rules Advisory Committee. Judge Weiss is a leader with the Calusa American Inn of Court. He is a charter member of the St. Petersburg Bar Foundation and a fellow of The Florida Bar Foundation. He has been a Florida Supreme Court certified circuit mediator since 2014. Judge Weiss writes and lectures frequently on workers' compensation topics.<sup>1419</sup>

**WHEELER, DAN**

Deputy Commissioner  
MIA; 1956-1959

Deputy Commissioner Dan Wheeler (1917-2006) was born in Jacksonville, Florida. He earned his Bachelors and LL.B. from the University of Miami.<sup>1420</sup> "In World War II, he was a navigator bombardier in the United States Air Force, flying over 26 combat missions against the Japanese. He was awarded the air medal and five stars. He earned his Juris Doctor from the University of Miami School of Law (1953) and was admitted to The Florida Bar in 1953.<sup>1421</sup> "Governor LeRoy Collins appointed him as a Judge of the Florida Industrial Commission. After a period of years, Mr. Wheeler

resigned in order to return to private practice until his retirement in 1981”<sup>1422</sup> He was among those listed for an *ad hoc* “Compensation Group” in 1971. This was called Top Ten Associates and strove to “improve the administration of justice in Florida’s workmen’s compensation law.” The “Chairman (was) John Christie” (*see* Page 206) and it included “Howard Pelzner, George Lanza, Dudley Burton, Dan Wheeler, Israel Abrams (*see* Page 185), Andrew Richards, Jay Kaiser (*see* Page 254), Richard Sicking, and Warren Rose.”<sup>1423</sup> Judge Wheeler was a Mason and a member of the Rod and Reel and Army-Navy Clubs.<sup>1424</sup> He unsuccessfully ran for state legislature in 1963.<sup>1425</sup>

**WHITE, KENNETH A.**

Deputy Commissioner  
PNS; 1951-1952

Deputy Commissioner Kenneth A. White (1915-1973) earned his Juris Doctor from the University of Florida Law School. He was “a native, and lifelong resident of Pensacola.”<sup>1426</sup> In addition to his short service as a Deputy Commissioner, he was “a former FBI agent and a veteran of World War II.”<sup>1427</sup> Prior to World War II, Judge White served on the Draft Board, “advis(ing) draftees” regarding the registration process.<sup>1428</sup> He practiced law including criminal defense, property, and personal injury law. He was also a “Pensacola City Judge”<sup>1429</sup> at least twice.<sup>1430</sup> In Pensacola, and likely elsewhere in Florida, the “municipal judge” was elected by the city council.<sup>1431</sup>

**WHITFIELD, G. TALBOT, JR.**

Deputy Commissioner (thought to be the youngest ever appointed, 23 years old)  
TLH; 1937-1941

Deputy Commissioner Talbot Whitfield, Jr. (1914-1953) was a Florida native. He earned his Bachelor’s from the University of Florida and his Juris Doctor from Miami University School of Law. He practiced in Tallahassee at “the law firm of Whitfield and Whitfield.”<sup>1432</sup> He moved to Miami from Tallahassee in 1945, where he worked for the Office of Price Administration.<sup>1433</sup> Talbot Whitfield of Tallahassee represented “an American Federation of Labor organizer” accused of “soliciting union membership fees in public places in Taylor County in 1942.”<sup>1434</sup> He was the son of G. Talbott

Whitfield who served as Clerk of The Florida Supreme Court for 24 years until his passing in 1939,<sup>1435</sup> and as “secretary to the state board of bar examiners.”<sup>1436</sup> Deputy Whitfield was also the nephew of “Justice J.B. Whitfield of the Supreme Court.”<sup>1437</sup> Deputy Whitfield is notable as the youngest Florida workers’ compensation adjudicator ever appointed-23 years old. G. Talbot Whitfield Jr.’s nephew, “Talbot ‘Sandy’ D’Alemberte” was a Miami lawyer, state legislator, Florida State University College of Law Dean, and president of the American Bar Association.<sup>1438</sup>

**WHITMORE, RODGERS A.**

Deputy Commissioner  
LKL; 1965-1969

Deputy Commissioner Rodgers A. Whitmore (1921-1977) was born in Richmond, Virginia. He earned his law degree (LL.B.) from Stetson University (1949).<sup>1439</sup> Another graduate that day was Charles Daughtry Towers of Jacksonville (brother of Deputy Commissioner Bette Miller, *see* page 271). Rodgers Whitmore served as a “Sergeant in the Army Air Corps in WWII.”<sup>1440</sup> In 1949, he was a special assistant attorney general in Tallahassee. He worked in the session that year on a project producing a an innovative daily legislative digest.<sup>1441</sup> Following his service as a Deputy Commissioner, he is believed to have returned to private practice. Upon retirement, he returned to Richmond, Virginia.

**WHITTLE, CHESTER E.**

Deputy Commissioner  
MIA; 1951-1952

Deputy Commissioner Chester Whittle (1917-1997) earned his Juris Doctor from the University of Florida and was admitted to The Florida Bar on June 4, 1941.<sup>1442</sup> He was a native of Sarasota and practiced law in Orlando from 1942. In 1950, he formed a law firm with William Ellis, son of a former Florida Supreme Court Justice,<sup>1443</sup> and the end of that partnership in 1955 produced discord and litigation. *Whittle v. Ellis*, 122 So. 2d 237 (Fla. 2nd DCA 1960). Mr. Whittle “voluntarily ceased the practice of law on 20 May 1965,” after a referee “recommended that (he)...be suspended from the practice of law for a period of two years.” *The Fla. Bar v. Whittle*,

197 So. 2d 499 (Fla. 1967), the Court provided no insight as to allegations or other details. That said, it was likely related to his “no contest” plea in 1965 regarding charges of tax evasion. At the time, Mr. Whittle was “an Orlando lawyer and president of the Home Federal Savings and Loan Association of Orange County.”<sup>1444</sup> The news coverage at that time noted his prior service as “a former member of Florida’s old University Board of Control,”<sup>1445</sup> but there was no mention of the FIC.

### **WILLIS, JOE**

Deputy Commissioner

Judge of Compensation Claims

SPT; 1982-1991. SAR; 1991-1996. ORL; 1996-1997

Judge Joe Edward Willis (1947-) graduated from Stetson University College of Law and was admitted to The Florida Bar in 1976.<sup>1446</sup> He was a Judge of Industrial Claims in Pinellas County and Orlando during his multiple terms of service. Judge Willis was not reappointed by Governor Lawton Chiles when the changes from the 1993 special session had clarified the governor’s authority and created a new nominating commission. Attorneys on both sides of workers’ compensation were troubled by his non-reappointment and others.<sup>1447</sup> He was later nominated once again to replace Judge Flanders (*see* Page 222) in Lakeland when she was appointed to the Circuit bench in 2000.<sup>1448</sup> Judge Willis has also worked as a mediator in private practice as well as a Worker’s Compensation defense attorney. He retired from private practice in Manatee County.<sup>1449</sup>

### **WING, ALONZO MACK**

Deputy Commissioner

SPT; 1951-1952

Deputy Commissioner Alonzo Mack Wing (1918-1971) was a Chattanooga, Tennessee, native who attended St. Petersburg Junior College, where he played varsity basketball. He earned his Bachelor’s from Washington and Lee University, where he played varsity golf. He earned his Juris Doctor from the University of Florida (1943). Deputy Wing served a “two-year tour of duty (concluding) in October 1946 with the Army of occupation in Germany.”<sup>1450</sup> He “left the private practice of law to become vice president and trust officer of

Union Trust National Bank” the year before he passed away. *Id.* Mr. Wing “headed the founding group of Franklin Federal Savings and Loan” and “was a director and general counsel for the Barnett National Bank of St. Petersburg.” *Id.* He was an officer of the Chamber of Commerce and a member of several civic organizations.

### **WINN, NOLAN**

Judge of Compensation Claims

PNS; 2006-2020

Judge Nolan Winn (1953-) earned his Bachelor’s from Jacksonville University (1976) and his Juris Doctor from Tulane law School (1983). He was a member of the Florida Bar and the Louisiana State Bar Associations. He began his legal career with a small insurance defense firm in Jacksonville where he specialized in insurance agent errors and omissions, general civil litigation and workers’ compensation defense. In 1990, he opened his own practice concentrating initially in workers’ compensation and insurance defense. In 1994, Judge Winn was certified by the Supreme Court as a Circuit and County Court Mediator. He continued as a sole practitioner and by 1995, his practice had transformed into representation of claimant’s, self-insured, and uninsured employer’s in workers’ compensation. He was previously appointed as a Judge of Compensation Claims *pro hac vice* by Governor Martinez in 1990 and again by Governor Bush in 2003.<sup>1451</sup>

### **WOOD, HAYES**

Deputy Commissioner

MIA; 1965-1973

Deputy Commissioner Hayes Wood (1901-1973) was born in either Pennsylvania<sup>1452</sup> or Georgia,<sup>1453</sup> moved to Orlando as a child, and to “Miami in 1919”<sup>1454</sup> or “in the 1930s.”<sup>1455</sup> He earned his Bachelor’s from the University of Miami,<sup>1456</sup> “where he played on the first University of Miami football team. He earned his Juris Doctor from the University of Miami School of Law (1955).<sup>1457</sup> Six of his descendants likewise graduated from University of Miami School of Law, and one graduated from Florida State University. *Id.* He served as Dade County tax collector, and he took leave to “go into the navy” in 1942. He was charged with embezzlement and was “released from

the Great Lakes Naval Station” to return to Miami to defend the case. He was “convicted of embezzling \$670 in tax money” but acquitted as to an additional \$4,967.” He resigned as tax collector, was granted a new trial by the Florida Supreme Court, and “all charges were later dropped.” He ran unsuccessfully for the legislature, and he was later appointed Deputy Commissioner by Governor Haydon Burns, and reappointed by Claude Kirk (in that era, he was appointed by the FIC with the Governor’s approval).<sup>1458</sup> He was involved with Miami Exchange Club, Elks Club, Miami Beach Kiwanis Club, and Young Democratic Clubs of America. He served on the Dade County Commission in 1949 and 1951.<sup>1459</sup> His last known address registered with The Florida Bar recalls the address of the District office in 1973: 2801 Ponce DeLeon Blvd, Coral Gables.<sup>1460</sup>

### **WOODS, MARVIN B.**

Deputy Commissioner  
LKL; 1953-1954

Marvin B. Woods (1926-1992) earned his Bachelor’s and LL.B.<sup>1461</sup> from the University of Florida.<sup>1462</sup> He was admitted to the Florida bar in 1949.<sup>1463</sup> He was admitted to the U.S. Supreme Court January 20, 1969.<sup>1464</sup> Marvin Woods was elected to the Circuit bench in the 10<sup>th</sup> Circuit in 1972. He resigned in 1975 according to the Lakeland Ledger.<sup>1465</sup> He purportedly cited the lack of cost of living pay increases. The news reported that in his resignation he suggested to the Governor that without recognition of the importance of judicial pay, Florida’s courts would be “on a collision course with mediocrity.” *Id.* There are those who perceive criticality of judicial pay in both recruitment and retention. Those who advocate on that premise might reverse this early devotee to that train of thought.

### **WYNN, JOHN**

Deputy Commissioner  
MIA; 1947-1948

Deputy Commissioner John C. Wynn (1901-1968) was a Judge of the Dade Civil Court of Record and a state legislator. He attended “Auburn (University), the University of Florida, University of Alabama, and Cumberland University,<sup>1466</sup> but graduated from the University of Alabama.<sup>1467</sup> He was born in Marianna and was elected



mayor there in 1932.<sup>1468</sup> served in both the House and the Senate (until 1938<sup>1469</sup>) from that area. While a Senator, he “sponsored legislation which resulted in payment of old age pensions (and)... increased the salaries of school teachers.”<sup>1470</sup> He moved to Miami in 1945 and served as assistant county solicitor and as a deputy commissioner of the Florida Industrial Commission before being appointed to the Civil Court of Record in 1953 by Governor Dan McCarty. He ran unsuccessfully for Circuit Judge in Miami in 1954.<sup>1471</sup> In 1956, Deputy Wynn joined the team of “incoming Dade County state attorney,” Richard Gerstien.<sup>1472</sup> He served as Mr. “Gerstien’s executive assistant,” and as “head (of) the rackets and frauds division.” *Id.* Judge Wynn “volunteered for service in the World War, and (was) a member of the American Legion.<sup>1473</sup> He was a member of the Elks club.<sup>1474</sup>

#### **YOUNG, RITA L.**

Judge of Compensation Claims

TPA; 2018-2020. SPT; 2020-Current

Judge Rita Young (1959-) earned her Bachelor’s from the University of Mississippi (1981) and her Juris Doctor from the University of Florida (1989). She was admitted to the Florida Bar in 1989. She previously served as an Assistant State Attorney in the 5<sup>th</sup> Circuit of Florida and was Division Director of the Hernando County State Attorney's Office. After serving as an Assistant State Attorney, she joined a private firm and practiced in the areas of criminal defense, divorce and family law, and workers' compensation. In 1997, she joined the Tampa District office as a State Mediator and later transferred to the St. Petersburg office where she served as State Mediator until her appointment as a Judge of Compensation Claims in Tampa. She transferred back to St. Petersburg when Judge Rosen (*see* Page 289) retired. She has lectured and served on numerous panels to include Probation Life Skills Program, Panel Forum on Violence in Schools, and National Business Institute Forum Speaker. She has served as an Adjunct Professor at Saint Leo College and Pasco Hernando Community College. She was first appointed as a Judge of Compensation Claims in the Tampa District in January 2019.<sup>1475</sup>



*Tin Can Tourist Camp.* Credit Florida Memory, Florida Secretary of State, State Archives,

# **B.**

## **Appendix B Commissioners Florida Industrial Commission (FIC), and Industrial Relations Commission (IRC)**

**ALLEN, JAMES H.**  
FIC 1948

Commissioner James Allen (1880-1950) was one of “the two pioneers of the” “Florida Pulp and Paper Co.” in Pensacola, which later was acquired by St. Regis Paper.<sup>1476</sup> He served as “president of the St. Regis bag plant.”<sup>1477</sup> Governor Millard Caldwell (1945-1949<sup>1478</sup>) and “Democratic nominee for Florida Governor” Fuller Warren appointed James H. Allen of Pensacola to “a citizens flood control committee” comprised primarily of Florida Representatives and Senators. When he was appointed to the Commission, he was described as a “Pensacola industrialist” who was “president of Florida Pulp and Paper company, the Alabama Pulp and Paper company, and a director of the St. Regis Paper company.”<sup>1479</sup> James H. Allen was Mayor of Miami Springs in 1960 when he was elected to serve on the “first 11-man Metro Commission” of Dade County.<sup>1480</sup> “The Metro Charter was adopted May 21, 1957.” *Id.* He was noted to be opposed to the “25-million-dollar causeway down the middle of Biscayne Bay.” *Id.* He also sought to “create a civilian advisory board to handle Port Authority matters and place operation of Miami International under (the) County Manager.” *Id.*

**BARNES, RAYMOND E.**  
Chair FIC, 1948-1951

Commissioner Raymond E. Barnes (1911-1963) was a native of Kynesville (Marianna), Florida, and earned “his LL.B. degree at Cumberland University” in Tennessee. In addition to his service as Chairman, his obituary notes he was “director of the Workmen’s Compensation Division of the FIC from 1948 to 1953.”<sup>1481</sup> When he

was appointed, the salary was \$8,000 (\$103,012.78 in 2024 dollars) and the Chairman job was fulltime. Mr. Barnes had “served as chairman of Corporate Group Services,” *Id.* a lobbying organization,<sup>1482</sup> and as “executive secretary of Lawyers Title and Guarantee Fund.”<sup>1483</sup> He was a “prominent (Orlando) attorney” *Id.* and “chairman of the Orange County-Orlando Express Authority” *Id.* when he passed away in 1963. At that time he was also the “president of Associated Industries of Florida and a former president of the International Association of Industrial Accident Boards and Commissions.” *Id.* During his term as FIC Chair, he “use(d) \$40,000 of reserve funds to pay 40 new employees,” (sic) some of whom worked “directly under Governor Warren.”<sup>1484</sup> The primary purpose of the new positions was “an expanded industrial safety program.” *Id.*

### **BRITTON, CHARLES A.**

FIC 1937

Commissioner Charles A. Britton (1903-1977) was a Pensacolan. He taught apprentices at “the Pensacola Naval Air Station.” This was a four-year program for “learning the mechanical end of aviation.”<sup>1485</sup> He was a “full time organization representative of the American Federation of Labor in Florida.”<sup>1486</sup> In that era (1937), there was some competition for union membership between that organization and the Committee for Industrial Organization (CIO). *Id.* The successors of those two groups eventually merged to form the AFL-CIO in 1955.<sup>1487</sup> Commissioner Britton served with Chair Wendell Heaton (*see* Page 330) and Ewell Lay (*see* Page 332). “Britton was appointed July 1, 1937, to serve four years.”<sup>1488</sup> In 1938, “he resigned ...when the make-up of the three-member board was challenged because both he and Chairman Wendell C. Heaton...represented labor.” *Id.* He became “area Superintendent of the Bureau of Apprenticeship” in Columbia, South Carolina, and resigned that position in 1952 to “take over duties with the Technical Service Division of the Bureau in Washington D.C.”<sup>1489</sup>

### **BROOKS, CONLEY**

FIC 1947-1949

Commissioner Conley Brooks (1921-2013) was from Foley, Alabama, and served as a commissioner during the Caldwell

administration.<sup>1490</sup> Commissioner Brooks was the “general manager of the Foley division of Brooks-Scanlon incorporation,”<sup>1491</sup> at 26 years old. Brooks-Scanlon was a lumber company that operated in the U.S. and Canada, with a sawmill in Foley, Florida (close to Perry, Florida, in the “big bend”).<sup>1492</sup> Commissioner Brooks later moved to Minneapolis where the company was headquartered and served as “as chairman, CEO, and board member” of “his family’s successful lumber business.”<sup>1493</sup> He represented industry on the Florida Industrial Commission.<sup>1494</sup> Mr. Brooks replaced M.J. Foley who “resigned ...after six years” when he left Florida.<sup>1495</sup>

### **BROWN, ADRIAN WORLEY**

FIC Chair 1960 – 1963

Commissioner A. Worley Brown (1926-1997) was a native of Florida and “worked in insurance in Florida for several years before”<sup>1496</sup> he moved to Atlanta in 1964. He served as “Florida’s Industrial Commissioner for four years.” *Id.* In Georgia, he worked for Rock City Box Co., and “was named president and CEO in 1967.” *Id.* That company merged with Tennessee Paper Mills “to form Rock-Tenn Co., and Mr. Brown was named president and CEO.” *Id.* He retired after twenty years, “in 1993 due to health reasons.” *Id.* He served as the President of the International Association of Accident Boards and Commissions in 1963, when it held its convention in Miami Beach.<sup>1497</sup> He is the namesake of a Boys and Girls Club in Norcross, Georgia.<sup>1498</sup> Following his diagnosis with Parkinson’s Disease and Lewy Body dementia, his family “establish(ed) the A. Worley Brown Chair in Neurology” and “renovate(d) the A. Worley Brown Family Parkinson’s Disease Clinical Research Unit at Wesley Woods.”<sup>1499</sup>

### **CAMERON, JAMES**

FIC 1954-1955

Commissioner James Cameron (1919-1999) was appointed by “Acting Governor Charley Johns”<sup>1500</sup> in August 1954. He was “an official of Wynn and Lovett Grocery Company in Jacksonville.” *Id.* “The Winn & Lovett Company was headquartered in Jacksonville. In 1955, they merged with Dixie Home Store to form Winn-Dixie Supermarkets.”<sup>1501</sup> Commissioner Cameron was the “35-year-old employe (sic) relations director” for the chain.<sup>1502</sup> His role was

“representing industry,” a position that had then “been vacant for several months.”<sup>1503</sup> He replaced “Herbert E. Wolfe of St. Augustine, who resigned.”<sup>1504</sup>

### **CANADAY, ARTHUR**

IRC 1976-1979

Commissioner Arthur Canaday (1933-1923) was Governor “Askew’s former general counsel.”<sup>1505</sup> He “resign(ed) to run for (District) court, (but) los(t) to Richard W. Ervin III,”<sup>1506</sup> the son of Richard W. Ervin, Jr., former Florida Attorney General;<sup>1507</sup> Richard W. Ervin, III was elected, served on the Florida First District Court, and reviewed workers’ compensation appeals. Mr. Canaday was then appointed to the IRC to succeed Elmer Friday when Commissioner Friday (*see* Page 328) was appointed IRC Chair in 1976.<sup>1508</sup> Commissioner Canaday was a native of New York and was raised in Jacksonville. His career included service as a federal judge (this was likely in a Magistrate or Commissioner role), lawyer, and the IRC.<sup>1509</sup> He served on the 1978 Commission on the Florida Appellate Court Structure (which recommended eliminating the Deputy Commissioners/workers’ compensation judges).<sup>1510</sup>

### **CARROLL, THOMAS**

JAX - 1962-1975<sup>1511</sup> (*see* Page 203, Deputy Commissioner and Judge of Industrial Claims)

IRC - 1977-1979

Commissioner Thomas Carroll (1920-2012) served in the Army Air Corps in World War II and was assigned thereafter to McCoy Air Force Base in Orlando. He moved from there to Gainesville where he earned his Bachelor’s and Juris Doctor from the University of Florida College of Law (1949), after which he moved to Tallahassee.<sup>1512</sup> Following law school, he clerked for Justice Elwyn Thomas.<sup>1513 1514</sup> In 1960, he moved to Jacksonville and was in private practice there.<sup>1515</sup> In 1962, he was appointed as a Judge of Industrial Claims in Jacksonville; that district then was Duval, Nassau, and St. Johns counties.<sup>1516</sup> He was involved in the work of the National Commission on State Workmen’s Compensation Law in 1972.<sup>1517</sup> He returned to Tallahassee in 1975 and later served on the Industrial Relations Commission (IRC) in 1977<sup>1518</sup> and 1978.<sup>1519</sup> His

appointment to the IRC was not to replace a retiring member, but was to one of the “two new seats” added to the Commission in 1977.<sup>1520</sup>

**CARSON, LEONARD**

IRC 1973<sup>1521</sup>-1976

Commissioner Leonard Carson (1939-) earned his Juris Doctor from the University of Florida (1966).<sup>1522</sup> “He practiced corporate law until his appointment as claims judge.” *Id.* He “served as (an) industrial claims judge in Miami” *Id.* (see Page 121). Governor Askew appointed him to the IRC in 1973 and then was appointed chairman in 1974. Judge Carson resigned as Chair of the IRC in 1976 when he “was appointed chairman of the Public Employee Relations Commission (PERC) by (Governor) Askew.”<sup>1523</sup>

**COLEMAN, BURNIS**

IRC 1971

Commissioner Burnis Coleman (1905-2007) earned his Juris Doctor from the University of Florida, and “was one of the earliest graduates”<sup>1524</sup> of that school. He was an attorney and worked “as General Counsel of the Florida Industrial Commission for more than 25 years.” *Id.* When Walter Lightsey left the commission, Commissioner Coleman was appointed by Governor Reubin Askew. This was the first time the three commission positions were each simultaneously held by attorneys<sup>1525</sup> (see Chapter 11).

**FOLEY, MILTON .J.**

FIC 1941-1947

Commissioner Milton Joseph Foley (1910-2001) represented employers on the FIC.<sup>1526</sup> He was from Foley, Florida, an unincorporated community in Taylor county (a “company town,” see endnote 1492). He was appointed to succeed Herbert E. Wolfe of St. Augustine in February 1941.<sup>1527</sup> Mr. Foley was “head of a lumber company” and had “resigned as a member of the State Board of Forestry to accept the Industrial Commission place.” *Id.* In 1947, Mr. Foley “resigned...after six years as a member of the industrial commission.”<sup>1528</sup> He left Florida to “become executive vice president

of Powell River Company” *Id.* in Canada, a paper company started by his uncle, M.J. Scanlon (Mr. Foley was likely the cousin of Brooks Conley, *see* Page 325). When he resigned from the commission, the news reported he had been a “World War II Army pilot.”<sup>1529</sup> When he passed in 2001, it was noted he was “one of the last surviving members of teams coached by legendary Knute Rockne at Notre Dame University.”<sup>1530</sup>

### **FRIDAY, ELMER**

IRC 1974<sup>1531</sup>-1979

Commissioner Elmer Friday (1935-2006) was a “sixth generation Florida” native.<sup>1532</sup> He earned his Juris Doctor from the University of Florida Law School. He served in the Navy in World War II and attended college at “the University of Oklahoma, where he was the starting left tackle.” *Id.* He was “Lee County’s only county court judge from 1957 to 1961, but left his judgeship in 1962 to become a state senator,”<sup>1533</sup> “for seven years,”<sup>1534</sup> before being “Secretary of State for four years.” He was appointed in 1974<sup>1535</sup> and served “on the Industrial Relations Commission until it was dissolved in 1979.”<sup>1536</sup> For a period, he was appointed chair in 1976 (replacing Leonard Carson, *see* Page 327). He was then a county court judge again in 1982. He sought appointment as Circuit Judge in 1984, where he served until retiring in 1990 (the jurisdictional threshold for Circuit Court then was \$5,000). Over his career, Commissioner Friday served on various commissions, including: “the Florida Constitutional Advisory Commission, the Florida Constitutional Reform Commission, the Judicial Counsel of Florida, the Board of Governors of the Florida Bar, the Florida Judicial Qualifications Commission, and the Supreme Court Study Commission.”<sup>1537</sup>

### **GLOVER, PARKS**

FIC Chair 1940-1941

Commissioner Parks Glover (1898-1975) may have been Governor Fred Cone’s (Governor 1937-1941) nephew.<sup>1538</sup> Certainly, they were both from Columbia County. From 1937<sup>1539</sup> to 1939, Mr. Glover served as “secretary to the Florida State Racing Commission.”<sup>1540</sup> Mr. Glover resigned from the FIC in 1941 as Governor Holland took office. He was replaced by Boyce A. Williams (*see* Page 341).



### **GRAY, ROBERT A.**

FIC 1936; Secretary of State

Commissioner “Robert A. Gray's (1882-1975) affiliation with the state government of Florida began in 1903 when he served as a clerk for the 1903 legislative session. In 1910, he represented Gadsden County in the legislature. Except for his sojourn in Washington as Senator Park Trammell's personal secretary and his army service in World War I, Gray lived and worked in Tallahassee for the rest of his life. He worked alternately for the State Treasury, the Comptroller's Office, and the Motor Vehicles Division. When Senator William Igou resigned as Secretary of State, Gray was appointed on August 12, 1930, to serve out his term. He then ran for the job himself and won, eventually serving his state in this capacity for 31 years. He resigned in 1961, but remained active in church and social groups.”<sup>1541</sup> “The R. A. Gray Building is located (in Tallahassee) on the west side of South Bronough Street between Pensacola and Madison Streets.”<sup>1542</sup> It houses the State Library and Archives of Florida.

### **HARPER, JAMES A.**

FIC 1948-1951

Commissioner James Harper (1895-1983) was a Louisiana native.<sup>1543</sup> When he was appointed, he was “secretary-treasurer of the Florida State Electrical Workers’ Association,” *Id.* and the “president of the Florida Federation of Labor,” *Id.* an affiliate of the American Federation of Labor (AFL). He was defeated in his bid for re-election in 1950 by Frank Roche of Miami.<sup>1544</sup> The news cited legislative defeats (including proposals to increase unemployment compensation and workmen’s compensation), but it also noted “dissatisfaction over job allocations in the industrial commission (to which) Harper was appointed ...by Governor Warren.” *Id.* Despite his union leadership defeat, Governor Warren declined to seek his removal from the FIC, and noted he “was appointed to a four-year term.” *Id.*

### **HEATON, WENDELL**

FIC Chair 1935-1938

Commissioner Wendell C. Heaton (1896-1970) was “of Tallahassee and West Palm Beach,<sup>1545</sup> and was the President of the Florida

Federation of Labor in 1937,<sup>1546</sup> and he held that post “for eight consecutive terms.”<sup>1547</sup> The Florida Supreme Court concluded that it would not intervene in Chairman Heaton’s reappointment in 1938.<sup>1548</sup> *State ex rel. Landis v. Heaton*, 180 So. 766 (1938). Chairman Heaton purportedly resigned from the Chair position in June 1939, though the resignation was undated, on “plain paper,” and Heaton commented “the signature on the resignation is not my signature.”<sup>1549</sup> There was some conjecture at that time that Heaton might run for Governor, but that did not materialize. He returned to workmen’s compensation in 1949 when Walter Roundtree (*see* Page 290) was removed from office following reimbursement accusations. Heaton was “acting director” of workmen’s compensation for almost a year before he was replaced by Rodney Durance. Mr. Heaton then became “general counsel of the division,”<sup>1550</sup> then Deputy Commissioner in 1951.<sup>1551</sup> There were those who believed that Deputy Heaton’s transition to the trial bench was “motivated by the simple desire to return to private law practice.” However, the press asserted that it was “actually...common knowledge that Heaton and the other top brass were feuding almost from the beginning” of his tenure as director. *Id.* He was a member of The Florida Bar.<sup>1552</sup> His practice of law is substantiated by press reports of his representing clients before the FIC in 1946.<sup>1553</sup> He later served briefly as Deputy Commissioner (*see* Page 239).

## **HILL, LEO H.** FIC 1939-1940

Commissioner Hubert Leon “Leo” Hill (1897-1963) was the President of the Florida Federation of Labor in 1944. He was from Jacksonville.<sup>1554</sup> Commissioner Hill was appointed to the FIC in 1939 and replaced Ewell Lay of Jacksonville.<sup>1555</sup> In 1941, “Governor Holland ...suspended Leo H. Hill.” He alleged Commissioner Hill was “guilty of malfeasance, nonfeasance, and neglect of duty in office.”<sup>1556</sup> The charges apparently were related to claims for travel reimbursement that were not substantiated. At the time, Commissioner Hill was “president of the Jacksonville Central Labor union and business agent for the Jacksonville Plumbers’ organization.” Governor Holland appointed “Arthur W. Ritzaur of Lake Worth in his place.”<sup>1557</sup> Various sources reflect that he worked after his FIC service as a plumber in Jacksonville.

**JOHNSTON, THOMAS**

FIC Chair 1966-1968

Commissioner Thomas Johnston (1924-1988) was born in Newark, New Jersey.<sup>1558</sup> He was a “Winter Park insurance executive” appointed to the FIC in December 1966 by Governor Claude Kirk. *Id.* He previously served as “district coordinator of Central Florida for the Claude Kirk for Governor campaign,”<sup>1559</sup> in which he was responsible for “nine Central Florida counties.”<sup>1560</sup> A contention that his appointment unbalanced the FIC was accepted by Circuit Judge Guyte McCord, *see* Page 269. According to his obituary, he served until 1969 and “resigned as chairman of the commission, which became the Florida Department of Commerce that year, to campaign for” election as “state insurance commissioner and treasurer.” *Id.* He “was a veteran of the Army Rangers.” *Id.* Commissioner Johnston “was a member of the Disabled American Veterans, the Rangers Association, and the American Association of Retired Persons. *Id.* Following his service in Florida, he had relocated to Ventura, California, where he passed away. *Id.*

**KNOTT, WILLIAM V.**

State Treasurer, *ex-officio* Commissioner 1936

Commissioner William Knott (1863-1965) served under 11 Governors.<sup>1561</sup> He came to “Tallahassee in 1897 when he became Florida's first state financial agent under Governor Mitchell.”<sup>1562</sup> The position was changed to State Auditor by Governor Jennings four years later. It is remembered that “W. V. Knott was so dedicated to his task of finding clerical errors and shortages ... that he declined a promotion to the comptroller's position in order to finish his work as the auditor.” *Id.* He was soon “appointed by Governor Jennings to ... State Treasurer in 1903,” *Id.* and was “re-elected ... the following year for a full term.” *Id.* In 1912, Governor Gilchrist appointed him State Comptroller.” *Id.* Mr. Knott “was well known for his genius for organization, his attention to detail, and his honesty.” *Id.* He ran for Governor, but lost to “the Prohibition candidate, Sidney Catts” (1917-1921, Prohibition party). Mr. Knott “returned to agricultural and other business pursuits until 1921.” *Id.* Then “Governor Cary Hardee appointed him administrator of the state hospital in Chattahoochee.” *Id.* He returned to the state auditor role in 1927 under Governor Martin. He was appointed State Treasurer again in 1928. *Id.* He is

memorialized in Tallahassee with “The Knott Building (which) is part of the Capitol Complex,”<sup>1563</sup> and “the Knott house () a circa 1843 building that was Knott’s home and is currently a museum.”<sup>1564</sup> His service on the Florida Industrial Commission was under the inaugural statute adopted in 1935 which comprised the FIC of a Governor-appointed Chairman and two cabinet officers designated by the Governor. When that agency and this concept were introduced, Mr. Knott’s stature, lengthy of state service, and attention to detail were undoubtedly factors in his designation to this role. His son, James Knott, served as Deputy Commissioner twice (*see* Page 255).

**LAY, EWELL TANNER (ANDY)**  
FIC 1937-1938

Commissioner Ewell Tanner Lay (1897-1991) was born in Pope, Illinois, and attended the University of Chicago.<sup>1565</sup> He was a commission member from Jacksonville. He was “president of the Jacksonville Motor Transit Company” (a company involved in the operation of streetcars and later buses) and was in the leadership of “the Jacksonville Chamber of Commerce.”<sup>1566</sup> <sup>1567</sup> When workmen’s compensation was debated in Florida, Mr. Lay led the presentation of employer perspective, and Mr. Heaton led the presentation of organized labor perspectives. On the Florida Industrial Commission, he served with C.A. Britton of Pensacola (*see* Page 324) and Chair Wendell Heaton (*see* Page 330).<sup>1568</sup> Mr. Lay was “executive secretary of the Associated Industries of Florida,”<sup>1569</sup> until he resigned in 1939<sup>1570</sup> and “represent(ed) the state’s employers on the commission. Also beginning in 1939, he served as “secretary and general manager” of the “Florida Retail Merchants Association,” which included relocation of its headquarters from Tampa to Jacksonville.<sup>1571</sup> He later served as the “executive director of the Florida Dairy Association”<sup>1572</sup> from 1942 until at least 1955.<sup>1573</sup>

**LIGHTSEY, WALTER L.**  
FIC 1954<sup>1574</sup>-1957; 1962-1968  
IRC 1969-1970

Commissioner Walter L. Lightsey (1905-1998) was a Fort Meade, Florida, native (Polk County). “Walter Lightsey, a commissioner with a background in organized labor, represented employees.”<sup>1575</sup> “He

was an electrical engineer and business manager of Local 108 in Tampa.”<sup>1576</sup> In 1967, he was recognized for “12 years on the Industrial Commission,”<sup>1577</sup> dating to an original appointment in 1955 by Acting Governor Johns (The FIC reports for 1958-1962 do not support that). His work history includes the Works Progress Administration during the depression and work with the State Department of Education,<sup>1578</sup> as state coordinator of Employee Education.<sup>1579</sup> Other reports note that he “retired in 1971 as a consultant to Florida Industrial Commission.<sup>1580</sup> When Mr. Lightsey left the commission, it had become the IRC and he was replaced by Burnis Coleman.<sup>1581</sup>

**MCCRARY, JESSE JR.**

IRC 1971<sup>1582</sup>-1973<sup>1583</sup> (First Black WC Adjudicator)

Commissioner Jesse McCrary, Jr. (1937-2007) was an Ocala native. He earned his Juris Doctor from Florida Agricultural and Mechanical University (FAMU)(1965). He had been a “former assistant state attorney general.”<sup>1584</sup> When Frank Nelson left the commission, Commissioner McCrary was appointed by Governor Reubin Askew. This was the first time the three commission positions were each simultaneously held by attorneys. *Id.* He returned to private practice in Miami in 1973.<sup>1585</sup> Commissioner McCrary was “a black Miami attorney,”<sup>1586</sup> and he was Florida’s first black workers’ compensation adjudicator, though not a trial adjudicator (*see* Page 222, Wilkie Ferguson). He was noted as being “the first black assistant Florida Attorney General” in 1967, and “the first black to represent Florida before the U.S. Supreme Court in 1970.<sup>1587</sup> He was later named to “a 17-member study committee to make recommendations on what the state should do about capital punishment.”<sup>1588</sup> In 1978, McCrary was named Florida Secretary of State, “the first person of his race to serve in the Cabinet since Jonathan Gibbs was appointed 110 years” prior, during Reconstruction.<sup>1589</sup> In announcing his appointment, the press noted his involvement in political organizing.

**MILLAN, DANIEL W.**

FIC 1944-1947

Commissioner Daniel W. Millan (1900-1969) was from Jacksonville, Florida, and served as a commissioner during the Caldwell

administration.<sup>1590</sup> The compensation then for a part-time commissioner was \$1,200 per year.<sup>1591</sup> He was “business agent for the local International Association of Machinists (AFL).”<sup>1592</sup> Commissioner Millan was later appointed in the 1950s by “Chairman James Vocelle” (see Page 339) to the “State Industrial Commission’s 15-member advisory council” when he was working as “business representative of Gateway Lodge, International Association of Machinists.”<sup>1593</sup>

## **MOORE, STUART**

FIC 1959

Stuart Moore (1906-1974) was a resident of Boca Raton and was the “industry member.”<sup>1594</sup> He was appointed by “Governor LeRoy Collins ... to succeed M.F. Pafford of Miami Beach.”<sup>1595</sup> Commissioner Moore was “president of the Boca Raton Hotel and Club,” *Id.* and “the representative of industry.” *Id.* In addition to the FIC, Commissioner Moore served as “chairman of the board of the Florida Hotel Association,” “director of the American Hotel Association,”<sup>1596</sup> and President of the South Florida Chapter, Hotel Sales Managers Association.<sup>1597</sup>

## **NELSON, FRANK M. JR.**

FIC 1965-1968

IRC 1969-1971

Commissioner Frank Nelson (1912-1980) was from Panama City, Florida.<sup>1598</sup> He does not appear in the annual FIC reports, but was noted as a member in the news in 1965,<sup>1599</sup> 1968 in the litigation about the FIC composition<sup>1600</sup> (see Chapter 12), and regarding his replacement in 1971 (IRC).<sup>1601</sup> Commissioner Nelson was Panama City’s Mayor in 1957<sup>1602</sup> and served for “three terms.”<sup>1603</sup> Commissioner Nelson’s father, Frank M. Nelson Sr., was previously mayor, and “the father-son combination ...served the longest period as mayor. The total was 14 years.”<sup>1604</sup> He was the “employer representative” on the FIC when Governor Kirk appointed Mr. Johnston as chairman and litigation ensued as to the commission make-up.<sup>1605</sup> Mr. Nelson’s term ended in 1971, and he was replaced by an attorney, “Jesse McCrary Jr. of Miami”<sup>1606</sup> (see Page 333).

**PACE, JOHN C.**  
FIC 1949-1951

Commissioner John C. Pace (1899-1976) was “one of the founders and a director of St. Regis Paper Company.” He was credited with “play(ing) a leading role in Northwest Florida’s growth from sawmill and turpentine roots.”<sup>1607</sup> He served on the “Florida Council of 100” in the early 1960s.<sup>1608</sup> Commissioner Pace was a leader “in establishing The University of West Florida,” and the school’s library is named in his honor.<sup>1609</sup> In the 1960s, as Florida’s university system debated its trimester schedule (three fourteen-week terms per year) and considered semesters and quarters, Mr. Pace championed the perspective of “what is best for the students.”<sup>1610</sup>

**PAFFORD, MARION F.**  
FIC 1956-1958

Commissioner Marion F. Pafford (1903-1969) was “president of Maule Industries, Inc.” until his resignation in 1956. He remained thereafter as a member of the company board.<sup>1611</sup> Maule was “Florida’s largest concrete products manufacturing company and building supply firm.”<sup>1612</sup> Commissioner Pafford resigned from that board in 1961.<sup>1613</sup> Following resignation as Maule president, he was president of West Coast Rock Co. and a director of Chase Federal Savings and Loan Association.<sup>1614</sup> Commissioner Pafford also served “on Florida’s Council for Industry and Commerce” and as “a director of the Miami Heart Institute.”<sup>1615</sup> He was replaced on the Industrial Commission by Stuart Moore (*see* Page 334).<sup>1616</sup> He served as a “representative of industry.” *Id.*

**PEEBLES, WILLARD**  
IRC 1970

Commissioner Willard Peebles (1915-2011) owned a furniture store in Wildwood<sup>1617</sup> and Leesburg.<sup>1618</sup> He was appointed in 1968 as “director of the Labor Division of the Commerce Department ...replac(ing) Thomas W. Johnston.”<sup>1619</sup> He was a member of the “Governor’s Club,” during Governor Claude Kirk’s administration; that group of contributors funded Gubernatorial travel and activities; the contention was that this “financial support...return(ed) the

governor's office to the people.”<sup>1620</sup> Prior to his appointment, Commissioner Peebles served as a County Commissioner in Wildwood, involved with the construction of the Florida Turnpike.<sup>1621</sup> He then served on the State Road Board; the “State Road 520 bridge over Banana River” was dedicated in his name in 1968.<sup>1622</sup> During his service on the Road Board, there was discussion in the press of “Disney World, the giant tourist attraction to open in 1971,” and its “needs which will include increasing Interstate 4’s present four lanes to 12 from Lakeland to Orlando or beyond.”<sup>1623</sup> The State Road Board and Florida Turnpike Authority ceased when the “government reorganization law abolish(ed)” them in 1969;<sup>1624</sup> Commissioner Peebles was a favorite for secretary of transportation but was not chosen. The position with the IRC was thus likely a concession to his continued involvement in government and status as a Gubernatorial supporter and contributor.

### **RITZAU, ARTHUR W.**

FIC 1941-1943

Commissioner Arthur Ritzaur (1887-1951) was a New York native, who relocated to Palm Beach. Governor Holland appointed Commissioner “Ritzaur of Lake Worth” to replace Leo Hill who was suspended by the Governor.<sup>1625</sup> Commissioner Ritzaur was “a member of the state brotherhood of carpenters and joiners”<sup>1626</sup> and had served as “the first director of the merit division of the state industrial commission.” *Id.* Governor Cone had sought his dismissal in 1938 following some perceived scandal about merit system testing, leading to the earlier removal of “Dr. J.C. Davis of Quincy,” *Id.* of the “commission personnel advisory committee in 1938.”<sup>1627</sup> (*see* Page 174).

### **SHAW, LEANDER**

IRC 1974-1979

Commissioner Leander Shaw (1930-2015) was “a native of Salem, Virginia, (and) grew up in Lexington, Virginia.”<sup>1628</sup> His father “later was (the) dean of the graduate school at Florida A&M University.” *Id.* Justice Shaw earned his Bachelor’s from West Virginia State College and his Juris Doctor from Howard University Law School. Before law school, he “enlisted in the U.S. Army, where he served his



country in the Korean War as an Artillery Officer.<sup>1629</sup> “He taught at the old FAMU law school, then went into private practice in Jacksonville.”<sup>1630</sup> During that practice, “Shaw worked as Assistant Public Defender and Assistant State’s Attorney in Jacksonville.”<sup>1631</sup> His role as a Public Defender occurred when that office was “newly created,” *Id.* and he was involved in its efforts to retry hundreds of indigent defendants previously incarcerated after trial without counsel *Id.* (this was reasonably contemporaneous with the landmark decision in *Gideon v. Wainwright*, 372 U.S. 335 (1963) regarding indigent representation, due process and the Fourteenth Amendment). Justice Shaw’s “first judicial experience (came) in 1974 when appointed to the state’s Industrial Relations Commission.”<sup>1632</sup> When “reform” came in “1979 (that) abolished the commission, (Governor) Graham appointed him to the appeal court” *Id.* to a newly created seat.<sup>1633</sup> Leander Shaw was appointed in 1982 to the Florida Supreme Court and became the second “black justice”<sup>1634</sup> in Florida history.

**SLEPIN, STEPHEN MARC**  
IRC 1970-1973

Commissioner Stephen Slep (1937-) earned his Bachelor’s (1959), Masters (1960), and Juris Doctor (1963) all from the University of Miami.<sup>1635</sup> He was admitted to The Florida Bar in 1967,<sup>1636</sup> and he served as the Director of the Commerce Department’s Labor Division.” Before his appointment, he had been “chief trial counsel of the state Board of Education and former assistant state attorney general.”<sup>1637</sup> He was involved in the work of the National Commission on State Workmen’s Compensation Law in 1972.<sup>1638</sup> He is credited with “professionalizing” the IRC, and with shepherding the first instance of the now discredited and unconstitutional Florida Supreme Court Rules of Workers’ Compensation Procedure. *Amends. to the Fla. Rules of Workers’ Comp. Proc.*, 891 So. 2d 474 (Fla. 2004). Mr. Slep resigned in April 1974, and was replaced by Leonard Carson. Elmer Friday was added to the commission, replacing Leonard Carson.

## **SMITH, CARL B.**

Chair, FIC 1944-1947

Commissioner Carl Smith (1893-1984) was a native of Georgia and “came to Tampa in 1922.”<sup>1639</sup> He ran an insurance business that became “Carl B. Smith and Sons.” In 1944, he served on an advisory committee regarding taxation and was appointed “later that year ...chairman of the State Industrial Commission.” *Id.* His obituary notes that the FIC was “the forerunner of the Florida Department of Commerce.” *Id.* Mr. Smith was notable because he “designed, financed, and constructed the Caldwell Building,” *Id.* which was “the home of the State Industrial Commission.” The building is at 107 E. Madison Street, Tallahassee, Florida. Of particular mention, “the building cost the state nothing.” *Id.* (That refrain is common in workers’ compensation, but has periodically met with some credible public resistance<sup>1640</sup>). During his service, there was innovation at the FIC to reduce postage in the distribution of unemployment compensation, “at an estimated saving of \$25,000 a year.”<sup>1641</sup> That equates to about \$341,594 in 2024 dollars.<sup>1642</sup> In the 1940s and 1950s, Florida was not self-insured. Insurance policies were purchased for auto, bonding and workers’ compensation insurance. The news noted that “in the last year of the Caldwell administration (1945-1949), (auto liability regarding the road department) coverage was divided in three policies, the largest going to Carl B. Smith and Sons.”<sup>1643</sup> Upon election of the next governor, Fuller Warren, the press predicted change of all three FIC commissioners.<sup>1644</sup>

## **TURNER, JOHN STIRLING**

FIC 1961-1963

Commissioner John Stirling Turner (1912-1991) was a native of Charleston, Missouri and resident of Pensacola.<sup>1645</sup> He earned his Bachelor’s from the University of Alabama. Commissioner Turner “served in the U.S. Navy” in World War II.<sup>1646</sup> Commissioner Turner was “assistant to the vice president of Chemstrand Corporation.”<sup>1647</sup> He had formerly worked for “General Motors and the U.S. Government.”<sup>1648</sup> He was appointed to the Florida Industrial Commission in 1961, replacing “Stewart Moore of Boca Raton” as the “industry member.”<sup>1649</sup> He was involved with “United Fund activities,” and was the “chairman of the public relations and publicity committee of the Greater Pensacola United Fund” in

1959.<sup>1650</sup> Commissioner Turner was a “director of the Florida Public Relations Association” and belonged to “Industrial Management Associated, Associated Industries of Florida, National Management Association, Pensacola Chamber of Commerce, Masons, and A.&A. Scottish Rite.”<sup>1651</sup>

**VOCELLE, JAMES**  
Chair FIC 1952-1955

Commissioner James Vocelle (1897-1992<sup>1652</sup>) was a native of St. Mary’s, Georgia. He earned his law degree from “the Atlanta Law School” and was “admitted to the Georgia Bar in 1916”<sup>1653</sup> (19 years old). He served as Camden County attorney and was “elected to the Georgia legislature in 1921 at the age of 23.” He was the state Beverage Director in 1948 when Governor Fuller Warren was elected.<sup>1654</sup> In 1956, Commissioner Vocelle was the FIC chair, and the agency had grown to “more than 1,000 employees.”<sup>1655</sup> In 1984, the “Florida Cabinet...declared November 29 James T. Vocelle Day,” which garnered congratulatory letters from “President Reagan, (Governor) Graham, and U.S. Senator Lawton Chiles.”<sup>1656</sup> He was lauded for his service to Indian River County and the state “on numerous state commissions.” *Id.* He was credited with “creat(ing), head(ing) or rebuil(ding)” “three divisions of state government”: “Department of Parole and Probation, Department of Labor, and the Beverage Commission.”<sup>1657</sup> During his career, he served as the “first county attorney for Indian River County” and as “city attorney for Vero Beach.”<sup>1658</sup>

**WALL, HAROLD C.**  
FIC Chair 1939-1940

Commissioner Harold C. Wall (1901-1970) was appointed as the FIC Chairman in 1939 when Wendell Heaton (*see* Page 239) purportedly resigned under odd circumstances. Commissioner Wall had been the unemployment compensation director but resigned that post just prior to being named FIC Chair.<sup>1659</sup> Commissioner Wall was “an insurance agent” from Starke, Florida. He had been appointed to the “unemployment compensation division of the” FIC “when the division was created by the 1937 legislature.”<sup>1660</sup> Chairman Wall resigned November 1, 1940, to accept “assignment to active military service with the Adjutant General’s Department in St. Augustine,” he

was “a captain in the National Guard ...ordered to active service.”<sup>1661</sup> Brigadier General “Wall became state Selective Service director in 1955,” and “served two terms as mayor in his hometown of Starke.”<sup>1662</sup>

### **WENTWORTH, WINIFRED L.**

IRC 1977-1979 (Only Female Commissioner)

Commissioner Winifred Wentworth (1927-2018) earned her Bachelor’s from Florida State University (1948) and her Juris Doctor from the University of Florida (1951). She served as a law clerk at the Florida Supreme Court for multiple justices. She practiced law in private practice and was an Assistant Attorney General. She served as a Commissioner of Florida Industrial Relations Commission from 1977<sup>1663</sup> to 1979. Her appointment to the IRC was not to replace a retiring member, but was to one of “two new seats” added to the Commission in 1977. *Id.* She was appointed to the Florida First District Court of Appeals, when the IRC was abolished in 1979, to a newly created seat.<sup>1664</sup> She served there until 1991. Judge Wentworth was a “contributor to *Essays in Legal History*, 1965; *Fla. Bar CLE volumes CIVIL PRACTICE AFTER TRIAL* 1966, and *FLORIDA STATE AND LOCAL TAXES*, 1984.”<sup>1665 1666</sup>

### **WESTON, LEROY R.**

FIC 1952-1953

Commissioner Leroy R. Weston (1894-1986) was “born in Duval County,” Florida, and “reared in Gadsden County,”<sup>1667</sup> near River Junction.<sup>1668</sup> Commissioner Weston moved to Dade County around 1906,<sup>1669</sup> and was employed “as a construction engineer during the building of the Key West extension of the Florida East Coast railway.” *Id.* He later worked as “a passenger conductor” on that railway, *Id.* Chief of Police in Coral Gables in 1929,<sup>1670</sup> and a candidate for Dade County Sherriff in 1932<sup>1671</sup> and 1936.<sup>1672</sup> In 1936, he lamented that “gangs of criminals from all over this country...assuming more and more control of” Dade County. *Id.* His service in law enforcement spans the late period of prohibition and its repeal in 1933. He complained publicly in 1936 about “a veritable orgy of crime in (the) community.” *Id.* He referenced slot machines, gangs, and “criminals from the North and their ilk.” *Id.* When he ran

in 1936, he was an “investigator for the Florida State Racing Commission.”<sup>1673</sup> During World War II, there was a shortage of “men for the service,” Commissioner Weston returned to railroad work for “the Lake Harbor and Ft. Pierce terminal.”<sup>1674</sup> He retired from the railroad in 1964. *Id.* After leaving the FIC, Mr. Weston was a registered lobbyist for organizations such as the Order of Railway Conductors.<sup>1675</sup>

### **WILLIAMS, BOYCE A.**

FIC 1941-1943

Commissioner Boyce Williams (1887-1961) was a native of Monroe, North Carolina, and attended...Wake Forest College.”<sup>1676</sup> He worked for the American Tobacco Co., and “came to Florida in 1911” *Id.* to work in the timber industry. Commissioner Williams later worked in retail until “enter(ing) the army just as the war (WWI) ended.” *Id.* He served as Lake County Tax Collector, and “as president of the State Tax Collector Association for 12 years before he became chairman of FIC.” *Id.* He was “chairman of the Florida Industrial Commission during the administration of Gov. Spessard Holland.”<sup>1677</sup> He was said to be “the best organizer in Governor Holland’s little cabinet”<sup>1678</sup> (the “little cabinet” description seems to have been coined as shorthand reference to the department or agency heads that were appointed; the Cabinet, then and now, was comprised of elected officials). His role was described that he “represents the people,” and that the other members represented “employees” (A.W. Rizauer, *see* page 336) and “employers” (M.J. Foley, *see* page 327). *Id.* It was noted that “before the advent of Williams, the Commission was regarded as an annex of the Florida Federation of Labor, so pronounced were its union leanings.”<sup>1679</sup> Commissioner Williams “resigned that post to become manager of the Veterans Re-Adjustment Allowance Office for Puerto Rico and the Virgin Islands in 1944.”<sup>1680</sup> He was nominated by President Truman to serve as “Collector of Customs at Tampa.” *Id.*

### **WOLFE, HERBERT E.**

FIC 1938-1940, 1952

Commissioner Herbert Wolfe (1898-1981) was from St. Augustine. He was involved in cattle ranching,<sup>1681</sup> and a “banker and building contractor.”<sup>1682</sup> Commissioner Wolfe was a member of the FIC

personnel committee in 1938 and was involved in the merit system disputes and attempted discharge of Mr. Ritzaur (*see* Page 336).<sup>1683</sup> He was later appointed “to serve out the unexpired term of C.A. Britton of Pensacola”<sup>1684</sup> who resigned amidst challenges to the FIC make-up based upon both Chair Wendell Heaton and Commissioner Britton both being involved in organized labor (*see* page 130). Thus, Wolfe was to “be the member supposed to represent neither employers nor employes” (sic). *Id.* He later served “on the Quadricentennial Commission and St. Augustine Historical Restoration Commission.”<sup>1685</sup>

**WRIGHT, J. DANFORTH.**

FIC Chairman

1967

Commissioner J. Danforth Wright (1916-1987) earned his Juris Doctor from the University of Florida Law School. He “was (the) Vice President of Patrick Fruit Corp., (and)...served as Chairman of the Florida Orange Mutual and Chairman of the Florida Citrus Commission.”<sup>1686</sup> He was the “Chairman of the Florida Industrial Commission under the Hayden Burns Administration and was the founding Director of the Governor’s Highway Safety Commission.” He also “served on the Board of Directors of Minute Maid Corp. and Coca Cola.” Mr. Wright does not appear in the annual FIC reports but was noted as a member in the news.<sup>1687</sup>

# C.

## Appendix C: Florida Trial Adjudicators with 20 years' service or more.

|    | <u>Adjudicator</u>   | <u>District</u> | <u>Term Start</u> | <u>Term End</u> | <u>Years</u> |
|----|----------------------|-----------------|-------------------|-----------------|--------------|
| 1  | Kuker, Alan          | MIA             | 1973              | 2013            | 40           |
| 2  | Lewis, Daniel        | FTL             | 1988              | Current         | 36           |
| 3  | Akins, Elwyn         | GNS             | 1961              | 1991            | 30           |
| 4  | Lazzara, John        | TPA, TLH        | 1990              | 2018            | 28           |
| 5  | Fontaine, Gus        | TLH             | 1965              | 1992            | 27           |
| 6  | Anderson, Wilbur     | JAX, DAY, ORL   | 1989              | Current         | 25           |
| 7  | Beck, Diane          | SAR             | 1996              | 2020            | 24           |
| 8  | DeMarko, Michael     | PNS             | 1977              | 2001            | 24           |
| 9  | Medina-Shore, Sylvia | MIA             | 2000              | Current         | 24           |
| 10 | Langham, David       | PNS, TLH        | 2001              | Current         | 23           |
| 11 | Melindi, Joseph      | TPA             | 1966              | 1989            | 23           |
| 12 | Weiland, William     | ORL             | 1970              | 1993            | 23           |
| 13 | Remsnyder, Donna     | SPT, MEL        | 1992              | 2014            | 22           |
| 14 | Jones, John          | MEL             | 1972              | 1993            | 21           |
| 15 | Murphy, Joseph       | TPA             | 1992              | 2013            | 21           |
| 16 | Tomlinson, John      | MIA             | 1979              | 2000            | 21           |
| 17 | Brechner, Judy       | PSL, FTL        | 1986              | 2006            | 20           |
| 18 | Jenkins, Doris       | TPA             | 1995              | 2015            | 20           |
| 19 | Johnson, Steve       | ORL, MEL        | 1979              | 1999            | 20           |
| 20 | Johnson, William     | MIA             | 1977              | 1997            | 20           |
| 21 | Tidwell, Luis        | TPA             | 1969              | 1989            | 20           |



*Abandoned Sawmill Settlement.* Credit Florida Memory, Florida Secretary of State, State Archives,



# D.

## Appendix E: Chronological List of All Trial Adjudicators

Those with “Term End” of 2024 are still active and may remain so.

|    | <u>Name</u>          | <u>District</u> | <u>Start</u> | <u>End</u> | <u>Years</u> | <u>Page</u> |
|----|----------------------|-----------------|--------------|------------|--------------|-------------|
| 1  | Brown, Fred*         | TPA             | 1935         | 1936       | 3            | 200         |
| 2  | Roundtree, Walter    | MIA             | 1936         | 1940       | 4            | 290         |
| 3  | Beck, Carl E.        | TPA             | 1937         | 1941       | 4            | 194         |
| 4  | Carter, George B.    | ORL, TPA        | 1937         | 1945       | 7            | 204         |
| 5  | Knott, James R.*     | WPB             | 1937         | 1941       | 16           | 255         |
| 6  | McChesney, William   | PNS             | 1937         | 1940       | 3            | 269         |
| 7  | Whitfield, Talbot    | TLH             | 1937         | 1941       | 4            | 316         |
| 8  | Barfield, William    | JAX             | 1941         | 1949       | 8            | 191         |
| 9  | Barnes, Raymond      | MIA             | 1941         | 1942       | 1            | 192         |
| 10 | Bond, William        | TPA             | 1941         | 1943       | 2            | 197         |
| 11 | Clements, Allen      | MIA             | 1941         | 1953       | 12           | 207         |
| 12 | Guyton, Charles      | Marianna        | 1941         | 1945       | 4            | 232         |
| 13 | Shaffer, W. Wallace  | LKL             | 1941         | 1945       | 4            | 295         |
| 14 | Uman, Morrice S.     | TPA             | 1941         | 1943       | 2            | 309         |
| 15 | Marchant, Jephtha P. | MIA             | 1943         | 1944       | 1            | 264         |
| 16 | Bandel, Louie        | MIA             | 1944         | 1945       | 1            | 191         |
| 17 | Castiglia, Thomas B. | TPA             | 1944         | 1948       | 4            | 205         |
| 18 | Dean, Goble          | MIA             | 1944         | 1947       | 3            | 214         |
| 19 | Lewis, Giles         | ORL             | 1944         | 1946       | 2            | 262         |
| 20 | McCord, Guyte        | TLH             | 1945         | 1946       | 1            | 269         |
| 21 | White, Kenneth A.    | PNS             | 1946         | 1948       | 2            | 316         |
| 22 | Wynn, John C.        | MIA             | 1946         | 1948       | 2            | 320         |
| 23 | Durrance, Rodney     | TLH             | 1947         | 1950       | 3            | 219         |
| 24 | Whittle, Chester E   | MIA             | 1947         | 1948       | 1            | 317         |
|    | Knott, James R.*     | JAX             | 1948         | 1950       |              | 255         |
| 25 | Martin, William      | MIA             | 1948         | 1949       | 1            | 265         |
| 26 | Wakefield, Thomas    | MIA             | 1948         | 1949       | 1            | 311         |
|    | Brown, Fred*         | TPA             | 1949         | 1950       |              | 200         |
| 27 | Floyd, Bourke        | Apalachicola    | 1949         | 1950       | 1            | 223         |
| 28 | Hiatt, P.N.          | MIA             | 1949         | 1953       | 4            | 242         |
| 29 | Hodges, Robert L.    | ORL             | 1949         | 1951       | 2            | 244         |
| 30 | Lewis, Hays, Jr.     | Marianna        | 1949         | 1951       | 2            | 262         |
| 31 | Segal, Martin        | ORL             | 1949         | 1951       | 2            | 294         |
| 32 | Wing, A. Mack        | SPT             | 1949         | 1950       | 1            | 318         |
| 33 | Mathews, John E. Jr. | JAX             | 1950         | 1951       | 1            | 267         |

|    |                           |               |      |      |    |     |
|----|---------------------------|---------------|------|------|----|-----|
| 34 | Miller, Elizabeth (Bette) | JAX           | 1950 | 1953 | 3  | 271 |
| 35 | Parker, J. Gwynn          | MIA           | 1950 | 1951 | 1  | 279 |
| 36 | Garner, J. Franklin       | TLH           | 1951 | 1952 | 1  | 226 |
| 37 | Hardee, C.J.              | TPA           | 1951 | 1952 | 1  | 235 |
| 38 | Heaton, Wendell           | TLH           | 1951 | 1953 | 2  | 239 |
| 39 | Hendry, W. Marion         | TPA           | 1951 | 1952 | 1  | 241 |
| 40 | Palermo, E.O.             | TPA           | 1951 | 1961 | 10 | 279 |
| 41 | Phillips, J. O.           | JAX           | 1951 | 1952 | 1  | 281 |
| 42 | Stone, Silas R.           | Pt. St. Joe   | 1951 | 1952 | 1  | 302 |
| 43 | Warren, Edmund, W.        | Palatka       | 1951 | 1952 | 1  | 313 |
| 44 | Moore, James              | MIA           | 1952 | 1953 | 1  | 274 |
| 45 | Barker, Roger             | ORL           | 1953 | 1954 | 1  | 192 |
| 46 | Haines, Webber            | ORL           | 1953 | 1954 | 1  | 233 |
| 47 | Halpert, Samuel           | MIA           | 1953 | 1967 | 14 | 233 |
| 48 | Jopling, Wallace          | GNS/Lake City | 1953 | 1954 | 1  | 254 |
| 49 | McCaughan, George         | MIA           | 1953 | 1955 | 2  | 268 |
| 50 | Meros, George             | SPT           | 1953 | 1954 | 1  | 271 |
| 51 | Proby, Lucien             | MIA           | 1953 | 1956 | 3  | 284 |
| 52 | Speh, Paul                | JAX           | 1953 | 1954 | 1  | 298 |
| 53 | Woods, Marvin             | LKL           | 1953 | 1954 | 1  | 320 |
| 54 | Bond, John                | MIA           | 1954 | 1955 | 1  | 196 |
| 55 | Dandelake, George         | JAX           | 1954 | 1955 | 1  | 212 |
| 56 | Durden, William           | JAX           | 1954 | 1957 | 3  | 218 |
| 57 | Hansford, James           | TLH           | 1954 | 1954 | 0  | 234 |
| 58 | Rayman, Morey             | MIA           | 1954 | 1955 | 1  | 286 |
| 59 | Abrams, Israel            | FTL, MIA      | 1955 | 1960 | 5  | 185 |
| 60 | Christie, John            | MIA           | 1955 | 1960 | 5  | 206 |
| 61 | Cohen, Burton             | MIA           | 1955 | 1958 | 3  | 208 |
| 62 | Collins, Ernest           | PMC           | 1955 | 1956 | 1  | 209 |
| 63 | Darby, Herbert            | GNS           | 1955 | 1960 | 5  | 213 |
| 64 | Knowles, Phillip          | TPA           | 1955 | 1961 | 6  | 256 |
| 65 | Wheeler, Dan              | MIA           | 1956 | 1959 | 3  | 315 |
| 66 | Falk, Jack                | MIA           | 1958 | 1960 | 2  | 221 |
| 67 | Hurt, Edward              | ORL           | 1958 | 1960 | 2  | 248 |
| 68 | Cardone, Leonard          | MIA           | 1959 | 1972 | 14 | 202 |
| 69 | MacKenzie, Donald         | MIA           | 1959 | 1961 | 2  | 264 |
| 70 | Proctor, George           | JAX           | 1959 | 1962 | 3  | 284 |
| 71 | Gilman, Stewart           | ORL           | 1960 | 1961 | 1  | 228 |
| 72 | Green, Jack               | TLH           | 1960 | 1965 | 5  | 230 |
| 73 | Kaiser, Jay               | MIA           | 1960 | 1962 | 2  | 254 |
| 74 | Pallot, Norman            | MIA           | 1960 | 1961 | 1  | 279 |
| 75 | Swanko, Edward            | MIA           | 1960 | 1961 | 1  | 303 |
| 76 | Akins, Elwyn              | GNS           | 1961 | 1991 | 30 | 186 |
| 77 | Anderson, Allan           | SPT           | 1961 | 1962 | 1  | 188 |
| 78 | Bryan, Stockton           | WPB           | 1961 | 1965 | 4  | 200 |

|     |                     |     |      |      |    |     |
|-----|---------------------|-----|------|------|----|-----|
| 79  | Haines, John        | ORL | 1961 | 1962 | 1  | 232 |
| 80  | Knowles, Phillip    | TPA | 1961 | 1962 | 1  | 256 |
| 81  | Lake, John          | MIA | 1961 | 1965 | 4  | 258 |
| 82  | Lamotte, Stewart F. | FTL | 1961 | 1963 | 2  | 259 |
| 83  | Minnet, James       | FTL | 1961 | 1964 | 3  | 273 |
| 84  | Smith, John         | MIA | 1961 | 1962 | 1  | 296 |
| 85  | Vick, Gerald        | MIA | 1961 | 1965 | 4  | 309 |
| 86  | Wallace, Webster    | MIA | 1961 | 1964 | 3  | 313 |
| 87  | Barrs, Joseph       | TPA | 1962 | 1966 | 4  | 193 |
| 88  | Gilbert, John       | TPA | 1962 | 1963 | 1  | 227 |
| 89  | Henderson, James    | MIA | 1962 | 1979 | 17 | 241 |
| 90  | Scarlett, Joseph    | ORL | 1962 | 1963 | 1  | 292 |
| 91  | Teller, Herbert     | MIA | 1962 | 1965 | 3  | 304 |
| 92  | Goff, Curtis        | ORL | 1963 | 1968 | 5  | 229 |
| 93  | Miller, Thomas      | TPA | 1963 | 1969 | 6  | 272 |
| 94  | Betts, Eugene       | FTL | 1964 | 1968 | 4  | 195 |
| 95  | Carroll, Thomas     | JAX | 1964 | 1975 | 11 | 203 |
| 96  | Stewart, Leon       | DAY | 1964 | 1968 | 4  | 301 |
| 97  | Daniel, Silas       | SPT | 1965 | 1968 | 3  | 213 |
| 98  | Dickson, George     | FTL | 1965 | 1968 | 3  | 217 |
| 99  | Fontaine, Gus       | TLH | 1965 | 1992 | 27 | 224 |
| 100 | Nedelman, Sam       | MIA | 1965 | 1966 | 1  | 275 |
| 101 | Perkinson, Stanley  | SPT | 1965 | 1973 | 8  | 281 |
| 102 | Weaver, Sidney      | MIA | 1965 | 1966 | 1  | 314 |
| 103 | Whitmore, Rodgers   | LKL | 1965 | 1969 | 4  | 317 |
| 104 | Wood, Hayes         | MIA | 1965 | 1973 | 8  | 319 |
| 105 | Harrington, Donald  | MIA | 1966 | 1970 | 4  | 237 |
| 106 | Kreisler, Alfred    | MIA | 1966 | 1970 | 4  | 257 |
| 107 | Melindi, Joseph     | TPA | 1966 | 1989 | 23 | 271 |
| 108 | Tarr, Stephan       | MIA | 1966 | 1970 | 4  | 303 |
| 109 | Branham, Charles    | MIA | 1968 | 1982 | 14 | 198 |
| 110 | Butler, George      | WPB | 1968 | 1969 | 1  | 201 |
| 111 | Ottinger, William   | DAY | 1968 | 1972 | 4  | 277 |
| 112 | Pearson, Nels       | FTL | 1968 | 1969 | 1  | 280 |
| 113 | Reasbeck, James     | FTL | 1968 | 1969 | 1  | 286 |
| 114 | Ross, Rodney        | ORL | 1968 | 1969 | 1  | 290 |
| 115 | Sabatino, James     | MIA | 1968 | 1970 | 2  | 291 |
| 116 | Amsden, James       | FTL | 1969 | 1972 | 3  | 188 |
| 117 | Blankner, Leonard   | LKL | 1969 | 1980 | 11 | 196 |
| 118 | McCauley, James     | FTL | 1969 | 1970 | 1  | 268 |
| 119 | McEwan, Bruce       | ORL | 1969 | 1971 | 2  | 270 |
| 120 | Tidwell, Luis       | TPA | 1969 | 1989 | 20 | 306 |
| 121 | Gallagher, Daniel   | TPA | 1970 | 1978 | 8  | 226 |
| 122 | Grossman, Rhea      | MIA | 1970 | 1971 | 1  | 231 |
| 123 | Harum, Albert       | MIA | 1970 | 1973 | 3  | 238 |
| 124 | Long, Hughlan       | MIA | 1970 | 1982 | 12 | 263 |

|     |                     |                  |      |      |    |     |
|-----|---------------------|------------------|------|------|----|-----|
| 125 | Pink, George        | WPB              | 1970 | 1972 | 2  | 282 |
| 126 | Stuedler, Gordon    | MIA              | 1970 | 1977 | 7  | 300 |
| 127 | Weiland, William    | ORL              | 1970 | 1993 | 23 | 314 |
| 128 | Capua, Peter        | MIA              | 1971 | 1974 | 3  | 202 |
| 129 | Ciment, Norman      | MIA              | 1971 | 1972 | 1  | 206 |
| 130 | Soper, Horace       | FTL              | 1971 | 1972 | 1  | 297 |
| 131 | Wagner, Norma       | ORL              | 1971 | 1979 | 8  | 310 |
| 132 | Born, John          | WPB              | 1972 | 1979 | 7  | 197 |
| 133 | Householder, Doris  | DAY              | 1972 | 1991 | 19 | 246 |
| 134 | Jones, John         | MEL              | 1972 | 1993 | 21 | 252 |
| 135 | Carson, Leonard     | FTL              | 1973 | 1974 | 1  | 203 |
| 136 | DuFresne, William   | MIA              | 1973 | 1975 | 2  | 218 |
| 137 | Ferguson, Wilkie    | MIA              | 1973 | 1977 | 4  | 222 |
| 138 | Kuker, Alan         | MIA              | 1973 | 2013 | 40 | 257 |
| 139 | Pacyna, P.A.        | FTL              | 1973 | 1976 | 3  | 278 |
| 140 | Seppi, Arthur       | FTL              | 1973 | 1991 | 18 | 294 |
| 141 | Davis, Richard      | SPT              | 1974 | 1977 | 3  | 214 |
| 142 | Salzman, Barry      | SPT              | 1974 | 1977 | 3  | 292 |
| 143 | Trask, David        | FTL, MIA         | 1974 | 1986 | 12 | 307 |
| 144 | Goderich, Mario     | MIA              | 1975 | 1978 | 3  | 229 |
| 145 | Hand, Joseph        | FTL              | 1975 | 1993 | 18 | 234 |
| 146 | Gay, Rhodes         | JAX              | 1976 | 1992 | 16 | 227 |
| 147 | Reese, Thomas       | FTM              | 1976 | 1979 | 3  | 287 |
| 148 | Alpert, Jonathon    | SPT              | 1977 | 1979 | 2  | 187 |
| 149 | DeMarko, Michael    | PNS              | 1977 | 2001 | 24 | 215 |
| 150 | Everhart, Steve     | SPT              | 1977 | 1979 | 2  | 220 |
| 151 | Johnson, William    | MIA              | 1977 | 1997 | 20 | 252 |
| 152 | Polen, Mark         | FTL              | 1977 | 1979 | 2  | 283 |
| 153 | Danielson, David    | WPB              | 1978 | 1980 | 2  | 213 |
|     | Carroll, Thomas*    | TLH              | 1979 | 1986 | 8  | 203 |
| 154 | Esquiroz, Margarita | MIA              | 1979 | 1983 | 4  | 220 |
| 155 | Hardee, C.J. Jr.    | TPA              | 1979 | 1987 | 8  | 235 |
| 156 | Johnson, Steve      | ORL, MEL         | 1979 | 1999 | 20 | 251 |
| 157 | Masterson, Steve    | SPT              | 1979 | 1982 | 3  | 266 |
| 158 | Murphy, Patrick     | FTM              | 1979 | 1992 | 13 | 275 |
| 159 | Tomlinson, John     | MIA              | 1979 | 2000 | 21 | 307 |
| 160 | Earle, James        | SPT              | 1980 | 1984 | 4  | 219 |
| 161 | Hart, Richard       | JAX              | 1980 | 1989 | 9  | 238 |
| 162 | Jones, Rosemary     | FTL              | 1980 | 1983 | 3  | 253 |
| 163 | Langer, Lawrence    | WPB              | 1980 | 1984 | 4  | 260 |
| 164 | Hurt, Charles       | LKL, ORL         | 1981 | 1995 | 14 | 248 |
| 165 | Pumpian, Art        | WPB              | 1981 | 1986 | 5  | 285 |
| 166 | Willis, Joe         | SPT, SAR,<br>ORL | 1982 | 1996 | 14 | 318 |
| 167 | Frazier, Gary       | SPT              | 1984 | 1990 | 6  | 225 |
| 168 | Jacobson, Melanie   | WPB              | 1984 | 2001 | 17 | 250 |

|     |                      |          |      |      |    |     |
|-----|----------------------|----------|------|------|----|-----|
| 169 | Brechner, Judy       | PSL, FTL | 1986 | 2006 | 20 | 199 |
| 170 | Nelson, Judith       | MIA      | 1986 | 2001 | 15 | 275 |
| 171 | Vocelle, Charles     | MIA, LKL | 1986 | 1998 | 12 | 310 |
| 172 | Campbell, Lisa       | WPB      | 1987 | 1994 | 7  | 201 |
| 173 | Walker, Shirley      | TLH      | 1987 | 2001 | 14 | 312 |
| 174 | Cullen, Steve        | WPB      | 1988 | 2000 | 12 | 210 |
| 175 | Douglas, William     | TPA      | 1988 | 2004 | 16 | 217 |
| 176 | Lewis, Daniel        | FTL      | 1988 | 2024 | 36 | 261 |
| 177 | Turnbull, Daniel     | FTM      | 1988 | 2006 | 18 | 308 |
| 178 | Anderson, Wilbur*    | JAX      | 1988 | 2003 | 25 | 189 |
| 179 | Harnage, Henry*      | MIA,     | 1989 | 1996 | 7  | 236 |
| 180 | Lazzara, John        | TPA, TLH | 1990 | 2018 | 28 | 260 |
| 181 | Robbins, Ann         | SPT      | 1990 | 1994 | 4  | 288 |
| 182 | Brown, Douglas       | PMC      | 1991 | 2000 | 9  | 199 |
| 183 | Hoch, Rand           | DAY      | 1991 | 1995 | 4  | 244 |
| 184 | Hudson, Kathleen     | TPA      | 1991 | 1995 | 4  | 246 |
| 185 | Strickland, Stan     | ORL      | 1991 | 1995 | 4  | 302 |
| 186 | Adams, Gail          | JAX, ORL | 1992 | 2000 | 8  | 185 |
| 187 | Devonmille, Olivia   | PSL      | 1992 | 1997 | 5  | 216 |
| 188 | Murphy, Joseph       | TPA      | 1992 | 2013 | 21 | 274 |
| 189 | Ohlman, Jonathan     | GNS      | 1992 | 2006 | 14 | 277 |
| 190 | Remsynder, Donna     | SPT, MEL | 1992 | 2014 | 22 | 287 |
| 191 | Hafner, Lauren       | SPT      | 1994 | 2010 | 16 | 232 |
| 192 | Harris, Ivey         | JAX      | 1994 | 2009 | 15 | 237 |
| 193 | Powell, Mily         | FTL      | 1994 | 2005 | 11 | 283 |
| 194 | Jenkins, Doris       | TPA      | 1995 | 2015 | 20 | 250 |
| 195 | Portuallo, Thomas    | DAY      | 1995 | 2012 | 17 | 283 |
| 196 | Scheiner, Howard     | WPB      | 1995 | 1999 | 4  | 293 |
| 197 | Thompson, Rick       | ORL      | 1995 | 2004 | 9  | 305 |
| 198 | Beck, Diane          | SAR      | 1996 | 2020 | 24 | 194 |
| 199 | McAliley, Robert     | PSL      | 1997 | 2016 | 19 | 267 |
| 200 | Ortiz, Maria         | MIA      | 1997 | 2004 | 7  | 277 |
| 201 | Pecko, Kathryn       | MIA, FTL | 1997 | 2014 | 17 | 280 |
| 202 | Thurman, John        | ORL, GNS | 1997 | 2009 | 12 | 305 |
| 203 | Flanders, Judith     | LKL      | 1998 | 1999 | 1  | 223 |
| 204 | Terlizzesse, Paul    | MEL      | 1999 | 2012 | 13 | 305 |
| 205 | Bello, Juan          | WPB      | 2000 | 2003 | 3  | 195 |
| 206 | Hofstad, Mark        | LKL      | 2000 | 2010 | 10 | 244 |
| 207 | Medina-Shore, Sylvia | MIA      | 2000 | 2024 | 24 | 270 |
| 208 | Punancy, Shelley     | WPB      | 2000 | 2016 | 16 | 285 |
| 209 | Roesch, Laura        | PMC      | 2000 | 2016 | 16 | 289 |
| 210 | Castiello, Gerardo   | MIA      | 2001 | 2017 | 16 | 205 |
| 211 | Condry, James        | ORL      | 2001 | 2017 | 16 | 209 |
| 212 | D'Ambrosio, Mary     | WPB      | 2001 | 2017 | 16 | 211 |
| 213 | Langham, David       | PNS, TLH | 2001 | 2024 | 23 | 260 |
| 214 | Stevens, S. Scott    | DVJ      | 2001 | 2005 | 4  | 300 |

|     |                     |          |      |      |    |     |
|-----|---------------------|----------|------|------|----|-----|
| 215 | Basquill, Timothy   | WPB      | 2003 | 2016 | 13 | 193 |
| 216 | Dane, William       | JAX      | 2003 | 2009 | 6  | 211 |
| 217 | Hill, Charles       | MIA      | 2004 | 2017 | 13 | 242 |
| 218 | Lorenzen, Ellen     | TPA      | 2004 | 2019 | 15 | 263 |
| 219 | Sculco, Thomas      | ORL      | 2005 | 2022 | 17 | 293 |
| 220 | Hogan, Geraldine    | FTL      | 2006 | 2018 | 12 | 245 |
|     | Harnage, Henry*     | MIA      | 2006 | 2013 | 7  | 236 |
| 221 | Spangler, Douglas   | FTM, TPA | 2006 | 2019 | 13 | 298 |
| 222 | Sturgis, Kathy      | FTM      | 2006 | 2016 | 10 | 302 |
| 223 | Winn, Nolan         | PNS      | 2006 | 2020 | 14 | 319 |
| 224 | Farrell, Joseph     | ORL      | 2008 | 2010 | 2  | 221 |
| 225 | Hill, Renee         | GNS      | 2009 | 2017 | 8  | 243 |
| 226 | Pitts, Neal         | JAX, ORL | 2009 | 2024 | 15 | 282 |
| 227 | Rosen, Stephen      | JAX, SPT | 2009 | 2020 | 11 | 289 |
| 228 | Holley, Ray         | JAX      | 2010 | 2024 | 14 | 245 |
| 229 | Humphries, Ralph    | JAX      | 2010 | 2024 | 14 | 247 |
| 230 | Sojourner, Margaret | LKL, ORL | 2010 | 2023 | 13 | 297 |
| 231 | Almeyda, Edward     | MIA      | 2013 | 2024 | 11 | 187 |
|     | Anderson, Wilbur*   | DAY      | 2013 | 2023 | 10 | 189 |
| 232 | Kerr, Margret       | MIA      | 2013 | 2024 | 11 | 255 |
| 233 | Massey, Mark        | TPA      | 2013 | 2024 | 11 | 265 |
| 234 | Deitz, Robert       | MEL      | 2014 | 2022 | 8  | 215 |
| 235 | Forte, Iliana       | FTL      | 2014 | 2024 | 10 | 225 |
| 236 | Weiss, Jack         | FTM      | 2015 | 2024 | 9  | 315 |
| 237 | Clark, Frank        | FTM      | 2016 | 2024 | 8  | 207 |
| 238 | Hedler, Thomas      | WPB      | 2016 | 2024 | 8  | 240 |
| 239 | Johnsen, Greg       | WPB      | 2016 | 2024 | 8  | 251 |
| 240 | Owens, Keef         | PSL      | 2016 | 2022 | 6  | 278 |
| 241 | Walker, Jonathan    | PMC, PNS | 2016 | 2024 | 8  | 312 |
| 242 | Arthur, Rob         | LKL, TPA | 2017 | 2024 | 7  | 190 |
| 243 | Havers, Walter      | MIA      | 2017 | 2024 | 7  | 239 |
| 244 | Jacobs, Jeffrey     | MIA      | 2017 | 2024 | 7  | 249 |
| 245 | Stephenson, Carol   | WPB      | 2017 | 2022 | 5  | 299 |
| 246 | Newman, Jacqueline  | TLH      | 2018 | 2024 | 6  | 276 |
| 247 | Stanton, Timothy    | GNS, JAX | 2018 | 2024 | 6  | 299 |
| 248 | Ring, Michael       | FTL      | 2019 | 2024 | 5  | 288 |
| 249 | Young, Rita         | TPA, SPT | 2019 | 2024 | 5  | 321 |
| 250 | Anthony, Brian      | TPA      | 2020 | 2024 | 4  | 190 |
| 251 | Grindal, Erik       | SAR      | 2020 | 2024 | 4  | 231 |
| 252 | Moneyham, John      | PMC      | 2020 | 2024 | 4  | 273 |
| 253 | Case, Barbara       | WPB      | 2022 | 2024 | 2  | 204 |
| 254 | Jacobs, Jill        | ORL      | 2022 | 2024 | 2  | 249 |
| 255 | Sancerni, Lourdes   | ORL      | 2022 | 2024 | 2  | 292 |
| 256 | Hill, Kimberly      | WPB      | 2023 | 2024 | 1  | 243 |
|     | Anderson, Wilbur*   | ORL      | 2024 | 2024 |    | 189 |

# E.

## Appendix E: Chronological List of All Commissioner Appellate Adjudicators

| Org | Year | Name                   | Role        | Occupation  | Residence        | Region |
|-----|------|------------------------|-------------|---|------------------|--------|
| FIC | 1936 | Heaton,<br>Wendell C.  | Chair       | Atty., Pres. Fla. Fed. of<br>Lbr.                   | Tallahassee      | North  |
| FIC | 1936 | R. A. Gray             | Sect. State | State E'ee, Fla. Senator                            | Tallahassee      | North  |
| FIC | 1936 | W.V. Knott             | Treasurer   | State E'ee  | Tallahassee      | North  |
| FIC | 1937 | Heaton,<br>Wendell C.  | Chair       | Atty., Pres. Fla. Fed. of<br>Lbr.                   | Tallahassee      | North  |
| FIC | 1937 | Lay, Ewell T.          | E'er        | Pres. J'ville Motor<br>Transit Co.                  | Jacksonville     | North  |
| FIC | 1937 | Britton, C.A.          | E'ee        | AFL E'ee  | Pensacola        | North  |
| FIC | 1938 | Heaton,<br>Wendell C.  | Chair       | Atty., Pres. Fla. Fed. of<br>Lbr.                   | Tallahassee      | North  |
| FIC | 1938 | Lay, Ewell T.          | E'er        | Pres. J'ville Motor<br>Transit Co.                  | Jacksonville     | North  |
| FIC | 1938 | Wolfe,<br>Herbert E.   | E'er        | Rancher, banker,<br>contractor                      | St. Augustine    | North  |
| FIC | 1939 | Wall, Harold           | Chair       | State E'ee  | Tallahassee      | North  |
| FIC | 1939 | Wolfe,<br>Herbert E.   | E'er        | Rancher, banker,<br>contractor                      | St. Augustine    | North  |
| FIC | 1939 | Hill, Leo H.           | E'ee        | Pres. J'ville Ctrl. Lbr.<br>Union Fla. Fed. of Lbr. | Jacksonville     | North  |
| FIC | 1940 | Glover, Parks          | Chair       | unknown   | Columbia<br>Cty. | North  |
| FIC | 1940 | Hill, Leo H.           | E'ee        | Pres. J'ville Ctrl. Lbr.<br>Union Fla. Fed. of Lbr. | Jacksonville     | North  |
| FIC | 1940 | Wolfe,<br>Herbert E.   | E'er        | Rancher, banker,<br>contractor                      | St. Augustine    | North  |
| FIC | 1941 | Williams,<br>Boyce .A. | Chair       | Lake Cty. Tax<br>Collector                          | Tavares          | Ctrl.  |
| FIC | 1941 | Foley, Milton<br>J.    | E'er        | Lumber Exec..                                       | Foley            | North  |
| FIC | 1941 | Ritzaur, A.W.          | E'ee        | Member State Bhd. or<br>Carp.s and Joiners          | Lake Worth       | Ctrl.  |
| FIC | 1942 | Williams,<br>Boyce .A. | Chair       | Lake Cty. Tax<br>Collector                          | Tavares          | Ctrl.  |
| FIC | 1942 | Foley, Milton<br>J.    | E'er        | Lumber Exec..                                       | Foley            | North  |
| FIC | 1942 | Ritzaur,<br>Arthur W.  | E'ee        | Member state Bhd. or<br>Carp.s and Joiners          | Lake Worth       | Ctrl.  |
| FIC | 1943 | Williams,<br>Boyce .A. | Chair       | Lake Cty. Tax<br>Collector                          | Tavares          | Ctrl.  |
| FIC | 1943 | Foley, Milton<br>J.    | E'er        | Lumber Exec..                                       | Foley            | North  |
| FIC | 1943 | Ritzaur,<br>Arthur W.  | E'ee        | Member state Bhd. or<br>Carp.s and Joiners          | Lake Worth       | Ctrl.  |
| FIC | 1944 | Smith, Carl B.         | Chair       | Ins. Bus. owner                                     | Tampa            | Ctrl.  |

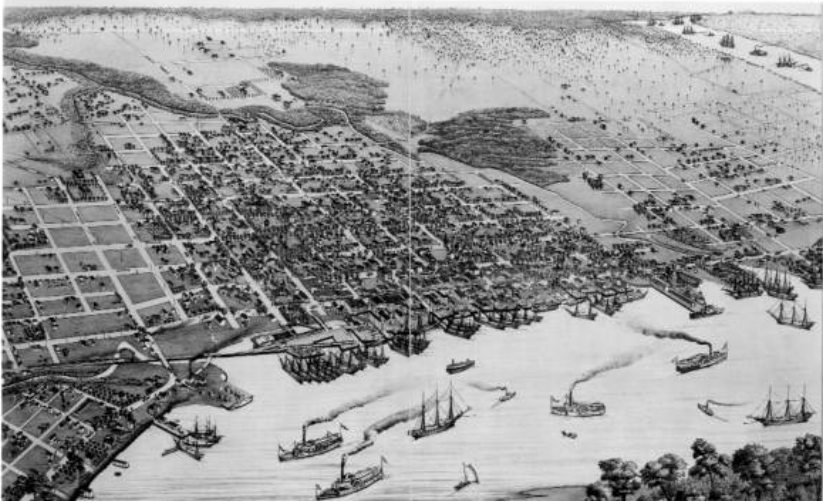
|     |      |                    |        |  |                 |       |
|-----|------|--------------------|--------|--|-----------------|-------|
| FIC | 1944 | Millan, Daniel W.  | E'ee   | Bus. Agent Intl. Assoc. of Machinists.   | Jacksonville    | North |
| FIC | 1944 | Foley, Milton J.   | E'er   | Lumber Exec..                            | Foley           | North |
| FIC | 1945 | Smith, Carl B.     | Chair  | Ins. Bus. owner                          | Tampa           | Ctrl. |
| FIC | 1945 | Millan, Daniel W.  | E'ee   | Bus. Agent Intl. Assoc. of Machinists.   | Jacksonville    | North |
| FIC | 1945 | Foley, Milton J.   | E'er   | Lumber Exec..                            | Foley           | North |
| FIC | 1946 | Smith, Carl B.     | Chair  | Ins. Bus. owner                          | Tampa           | Ctrl. |
| FIC | 1946 | Millan, Daniel W.  | E'ee   | Bus. Agent Intl. Assoc. of Machinists.   | Jacksonville    | North |
| FIC | 1946 | Foley, Milton J.   | E'er   | Lumber Exec..                            | Foley           | North |
| FIC | 1947 | Smith, Carl B.     | Chair  | Ins. Bus. owner                          | Tampa           | Ctrl. |
| FIC | 1947 | Millan, Daniel W.  | E'ee   | Bus. Agent Intl. Assoc. of Machinists.   | Jacksonville    | North |
| FIC | 1947 | Foley, Milton J.   | E'er   | Lumber Exec..                            | Foley           | North |
| FIC | 1948 | Barnes, Raymond E. | Chair  | Chair Corp. Svcs. Group, Atty.           | Orlando         | Ctrl. |
| FIC | 1948 | Allen, James H.    | E'er   | Pulp and Paper                           | Pensacola       | North |
| FIC | 1948 | Harper, James A    | E'ee   | Pres. Fla. Fed. of Lbr.                  | West Palm Beach | South |
| FIC | 1949 | Barnes, Raymond E. | Chair  | Chair Corp. Svcs. Group, Atty.           | Orlando         | Ctrl. |
| FIC | 1949 | Harper, James A    | E'ee   | Pres. Fla. Fed. of Lbr.                  | West Palm Beach | South |
| FIC | 1949 | Pace, John C.      | E'er   | Founder and Director St. Regis Paper Co. | Pensacola       | North |
| FIC | 1950 | Barnes, Raymond E. | Chair  | Chair Corp. Svcs. Group, Atty.           | Orlando         | Ctrl. |
| FIC | 1950 | Harper, James A    | E'ee   | Pres. Fla. Fed. of Lbr.                  | West Palm Beach | South |
| FIC | 1950 | Pace, John C.      | E'er   | Founder and Director St. Regis Paper Co. | Pensacola       | North |
| FIC | 1951 | Barnes, Raymond E. | Chair  | Chair Corp. Svcs. Group, Atty.           | Orlando         | Ctrl. |
| FIC | 1951 | Harper, James A    | E'ee   | Pres. Fla. Fed. of Lbr.                  | West Palm Beach | South |
| FIC | 1951 | Pace, John C.      | E'er   | Founder and Director St. Regis Paper Co. | Pensacola       | North |
| FIC | 1952 | Vocelle, James     | Chair  | Atty.                                    | Tallahassee     | North |
| FIC | 1952 | Weston, Leroy R.   | Public | Law Enf. and investigator                | Miami           | South |
| FIC | 1952 | Wolfe, Herbert E.  | E'er   | Rancher, banker, contractor              | St. Augustine   | North |
| FIC | 1953 | Vocelle, James     | Chair  | Atty.                                    | Vero Beach      | South |
| FIC | 1953 | Weston, Leroy R.   | Public | Law Enf. and investigator                | Miami           | South |
| FIC | 1953 | Wolfe, Herbert E.  | E'er   | Rancher, banker, contractor              | St. Augustine   | North |
| FIC | 1954 | Vocelle, James     | Chair  | Atty.                                    | Vero Beach      | South |
| FIC | 1954 | Cameron, James     | E'er   | Grocery Exec..                           | Jacksonville    | North |



|     |      |                       |        |  |                |       |
|-----|------|-----------------------|--------|--|----------------|-------|
| FIC | 1954 | Lightsey, Walter L.   | E'ee   | Mgr. of LCL 108, Tampa   | Tampa          | Ctrl. |
| FIC | 1955 | Vocelle, James        | Chair  | Atty.  | Vero Beach     | South |
| FIC | 1955 | Cameron, James        | E'er   | Grocery Exec..   | Jacksonville   | North |
| FIC | 1955 | Lightsey, Walter L.   | E'ee   | Mgr. of LCL 108, Tampa   | Tampa          | Ctrl. |
| FIC | 1956 | Vocelle, James        | Chair  | Atty.  | Port St. Lucie | South |
| FIC | 1956 | Pafford, M.F.         | E'er   | Pres. Maule Industries   | Miami          | South |
| FIC | 1956 | Lightsey, Walter L.   | E'ee   | Mgr. of LCL 108, Tampa   | Tampa          | Ctrl. |
| FIC | 1957 | Vocelle, James        | Chair  | Atty.  | Port St. Lucie | South |
| FIC | 1957 | Pafford, M.F.         | E'er   | Pres. Maule Industries   | Miami          | South |
| FIC | 1957 | Lightsey, Walter L.   | E'ee   | Mgr. of LCL 108, Tampa   | Tampa          | South |
| FIC | 1958 | Vocelle, James        | Chair  | Atty.  | Port St. Lucie | South |
| FIC | 1958 | Pafford, M.F.         | E'er   | Pres. Maule Industries   | Miami          | South |
| FIC | 1958 | Lightsey, Walter L.   | E'ee   | Mgr. of LCL 108, Tampa   | Tampa          | Ctrl. |
| FIC | 1959 | Vocelle, James        | Chair  | Atty.  | Port St. Lucie | South |
| FIC | 1959 | Moore, Stuart         | E'er   | Pres. of the Boca Raton Hotel and Club   | Boca Raton     | South |
| FIC | 1959 | Lightsey, Walter L.   | E'ee   | Mgr. of LCL 108, Tampa   | Tampa          | Ctrl. |
| FIC | 1960 | Brown, A. Worley      | Chair  | Ins.   | Daytona        | North |
| FIC | 1960 | Turner, Stirling      | E'er   | Asst. to Vice Pres. Chemstrand   | Pensacola      | North |
| FIC | 1960 | Lightsey, Walter L.   | E'ee   | Mgr. of LCL 108, Tampa   | Tampa          | Ctrl. |
| FIC | 1961 | Brown, A. Worley      | Chair  | Ins.   | Daytona        | North |
| FIC | 1961 | Turner, Stirling      | E'er   | Asst. to Vice Pres. Chemstrand   | Pensacola      | North |
| FIC | 1961 | Lightsey, Walter L.   | E'ee   | Mgr. of LCL 108, Tampa   | Tampa          | Ctrl. |
| FIC | 1962 | Brown, A. Worley      | Chair  | Ins.   | Daytona        | North |
| FIC | 1962 | Turner, Stirling      | E'er   | Asst. to Vice Pres. Chemstrand   | Pensacola      | North |
| FIC | 1962 | Lightsey, Walter L.   | E'ee   | Mgr. of LCL 108, Tampa   | Tampa          | Ctrl. |
| FIC | 1963 | Brown, A. Worley      | Chair  | Ins.   | Daytona        | North |
| FIC | 1963 | Turner, Stirling      | E'er   | Asst. to Vice Pres. Chemstrand   | Pensacola      | North |
| FIC | 1963 | Lightsey, Walter L.   | E'ee   | Mgr. of LCL 108, Tampa   | Tampa          | Ctrl. |
| FIC | 1964 | Wright, J. Danforth   | Chair  | V. Pres. of Patrick Fruit Corp., Chair of Fla. Orange Mut. and Fla. Citrus Comm. | Sanford        | Ctrl. |
| FIC | 1964 | Nelson, Frank M., Jr. | Public | Mayor  | Panama City    | North |
| FIC | 1964 | Lightsey, Walter L.   | E'ee   | Mgr. of LCL 108, Tampa   | Tampa          | Ctrl. |

|     |      |                       |          |  |                |       |
|-----|------|-----------------------|----------|--|----------------|-------|
| FIC | 1965 | Wright, J. Danforth   | Chair    | V. Pres. of Patrick Fruit Corp., Chair of Fla. Orange Mut. and Fla. Citrus Comm. | Sanford        | Ctrl. |
| FIC | 1965 | Lightsey, Walter L.   | E'ee     | Mgr. of LCL 108, Tampa   | Tampa          | Ctrl. |
| FIC | 1965 | Nelson, Frank M., Jr. | Public   | Mayor  | Panama City    | North |
| FIC | 1966 | Johnston, Thomas. W.  | Chair    | Ins. Exec..  | Winter Park    | Ctrl. |
| FIC | 1966 | Nelson, Frank M., Jr. | Public   | Mayor  | Panama City    | North |
| FIC | 1966 | Lightsey, Walter L.   | E'ee     | Mgr. of LCL 108, Tampa   | Tampa          | Ctrl. |
| FIC | 1967 | Johnston, Thomas. W.  | Chair    | Ins. Exec..  | Winter Park    | Ctrl. |
| FIC | 1967 | Nelson, Frank M., Jr. | Public   | Mayor  | Panama City    | North |
| FIC | 1967 | Lightsey, Walter L.   | E'ee     | Mgr. of LCL 108, Tampa   | Tampa          | Ctrl. |
| FIC | 1968 | Johnston, T. W.       | Chair    | Ins. Exec..  | Winter Park    | Ctrl. |
| FIC | 1968 | Nelson, Frank M., Jr. | Public   | Mayor  | Panama City    | North |
| FIC | 1968 | Lightsey, Walter L.   | E'ee     | Mgr. of LCL 108, Tampa   | Tampa          | Ctrl. |
| FIC | 1969 |                       |          |  |                |       |
| FIC | 1969 | Lightsey, Walter L.   | E'ee     | Mgr. of LCL 108, Tampa   | Tampa          | Ctrl. |
| FIC | 1969 | Nelson, Frank M., Jr. | Public   | Mayor  | Panama City    | North |
| IRC | 1970 | Peebles, J. Willard   | Chair    | Furniture store owner  | Wildwood       | Ctrl. |
| IRC | 1970 | Lightsey, Walter L.   | Lbr.     | Mgr. of LCL 108, Tampa   | Tampa          | Ctrl. |
| IRC | 1970 | Nelson, Frank M., Jr. | Public   | Mayor  | Panama City    | North |
| IRC | 1971 | Slepin, Marc Stephen  | Chair    | Atty.  | Tallahassee    | North |
| IRC | 1971 | Coleman, Burnis       | Lbr.     | Atty.  | Tallahassee    | North |
| IRC | 1971 | McCrary, Jesse Jr.    | Industry | Atty.  | Miami          | South |
| IRC | 1972 | Slepin, Marc Stephen  | Chair    | Atty.  | Tallahassee    | North |
| IRC | 1972 | Coleman, Burnis       | Lbr.     | Atty.  | Tallahassee    | North |
| IRC | 1972 | McCrary, Jesse Jr.    | Industry | Atty.  | Miami          | South |
| IRC | 1973 | Slepin, Marc Stephen  | Chair    | Atty.  | Tallahassee    | North |
| IRC | 1973 | Coleman, Burnis       | Lbr.     | Atty.  | Tallahassee    | North |
| IRC | 1973 | Jesse McCrary, Jr.,   | Industry | Atty.  | Miami          | South |
|     | 1973 | Carson, Leonard       | Industry | Atty.  | Ft. Lauderdale | South |
| IRC | 1974 | Carson, Leonard       | Chair    | Atty.  | Ft. Lauderdale | South |
| IRC | 1974 | Shaw, Leander         | Lbr.     | Atty.  | Jacksonville   | North |
| IRC | 1974 | Elmer Friday          | Industry | Atty.  | Ft. Myers      | South |

|     |      |                        |                 |       |                |       |
|-----|------|------------------------|-----------------|-------|----------------|-------|
| IRC | 1975 | Carson,<br>Leonard     | Chair           | Atty. | Ft. Lauderdale | South |
| IRC | 1975 | Shaw,<br>Leander       | Lbr.            | Atty. | Jacksonville   | North |
| IRC | 1975 | Friday, Elmer          | Industry        | Atty. | Ft. Myers      | South |
| IRC | 1976 | Friday, Elmer          | Chair           | Atty. | Ft. Myers      | South |
| IRC | 1976 | Shaw,<br>Leander       | Lbr.            | Atty. | Jacksonville   | North |
| IRC | 1976 | Canaday,<br>Arthur     | Industry        | Atty. | Tallahassee    | North |
| IRC | 1977 | Friday, Elmer          | Chair           | Atty. | Ft. Myers      | South |
| IRC | 1977 | Shaw,<br>Leander       | Lbr.            | Atty. | Jacksonville   | North |
| IRC | 1977 | Canaday,<br>Arthur     | Industry        | Atty. | Tallahassee    | North |
| IRC | 1977 | Carroll,<br>Thomas     | New<br>position | Atty. | Jacksonville   | North |
| IRC | 1977 | Winifred<br>Wentworth  | New<br>position | Atty. | Tallahassee    | North |
| IRC | 1978 | Friday, Elmer          | Chair           | Atty. | Ft. Myers      | South |
| IRC | 1978 | Shaw,<br>Leander       | Lbr.            | Atty. | Jacksonville   | North |
| IRC | 1978 | Canaday,<br>Arthur     | Industry        | Atty. | Tallahassee    | North |
| IRC | 1978 | Carroll,<br>Thomas     | New<br>position | Atty. | Jacksonville   | North |
| IRC | 1978 | Winifred<br>Wentworth  | New<br>position | Atty. | Tallahassee    | North |
| IRC | 1979 | Friday, Elmer          | Chair           | Atty. | Ft. Myers      | South |
| IRC | 1979 | Shaw,<br>Leander       | Lbr.            | Atty. | Jacksonville   | North |
| IRC | 1979 | Canaday,<br>Arthur     | Industry        | Atty. | Tallahassee    | North |
| IRC | 1979 | Carroll,<br>Thomas     | New<br>position | Atty. | Jacksonville   | North |
| IRC | 1979 | Wentworth,<br>Winifred | New<br>position | Atty. | Tallahassee    | North |



*Bird's eye view of Jacksonville, Florida.* Credit Florida Memory, Florida Secretary of State, State Archives,

## Endnotes

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the current Judges assisted with information about their respective districts. Former OJCC Senior  
Counsel Walter Havers combed the archives of The Florida Bar and obtained either a “district map”  
or listing for every year 1969 to present. Mr. Havers also searched the Florida Archives, and obtained  
many annual reports of the Industrial Relations Commission and Florida Industrial Commission.  
From these documents, we also learned that among the first Commission (in those days, the trials  
were conducted by “Commissioners” or “Deputy Commissioners”) offices were facilities in  
Marianna, Port St. Joe, Bradenton, Apalachicola, and Palatka. These offices were all closed in 1953  
according to the Commission minutes. Other documents revealed that Charles M. Guyton was the  
Deputy assigned to Marianna, and that during his term there was no Deputy Commissioner in  
Tallahassee. Special credit goes to Richard Sicking and Judge Alan Kuker, who together provided 42  
names of Judges that served in South Florida. The OJCC interacted with Judges Cohen, Capula,  
Ciment, Gallagher, Israel, Pallot, Sabatino, Tarr, and Tomlinson through correspondence. Relatives of  
former Judges contributed their recollections, including Hon. Mallory Cooper (daughter of William L.  
Durden), Donald Harrington, Jr. (son of Donald Harrington), Edward Hurt Jr. (Son of Edward Hurt  
ORL and nephew of Charles Hurt LKL), Jim Palermo (son of E.O. Palermo), and Glen Wieland (son  
of William Wieland ORL). Attorneys, including James McConaughay, Stephen Rissman, Vicki  
Stolberg, Former OJCC Judges Hon. Gayle Adams, Hon. Olivia Devonmille, Hon. Stan Strickland,  
and Hon. Judith Brechner contributed significantly also. We learned that the Deputy Commissioner  
positions were part-time until 1962. Former Deputies told us that they left the job at that time, because  
the pay was not competitive with private practice. The OJCC thanks all of these individuals for their  
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