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FOURTH ANNUAL REPORT

This report is submitted to the Administrative Procedure Committee and the Administration Commission in compliance with the requirement of Section 120.70, F.S., which states:

"Not later than February 1 of each year, the division shall issue a written report to the Administrative Procedure Committee and the Administration Commission, including at least the following information:

- (1) A summary of the extent and effect of agencies' utilization of hearing officers, court reporters, and other personnel in proceedings under this act.
- (2) Recommendations for change or improvement in the Administrative Procedure Act or any agency's practice or policy with respect thereto."

During calendar year 1977 the Division of Administrative Hearings received 2,309 separate requests for hearings. 1977 was the third full year of operation for Florida's new Administrative Procedure Act and because of the increasing experience this office is accumulating most of these cases are handled in a routine fashion. Many other comments made by the undersigned in the Third Annual Report of this division submitted last year are equally applicable to this

year's report. To avoid needless repetition all introductory comments made in that report are herein referenced as being accurate for this year.

It is encouraging to note that agencies are becoming more cautious in committing expenditures for the use of live court reporters for administrative hearings.

Chapter 120 requires each agency to record the testimony at all administrative hearings but does not mandate the use of a live court reporter. More agencies are becoming aware of the economy of using mechanical devices to record testimony at administrative hearings. Furthermore, although the practices of many agencies could benefit from more closer review, when transcripts of hearings are ordered agencies have begun to realize they can more economically reproduce a single copy of a transcript than ordering separate copies from a court reporter.

Section 120.65 permits the Division of Administrative Hearings to furnish Hearing Officers on a contract basis to a governmental entity not covered by the act. During 1977 the division furnished Hearing Officers to the City of Tallahassee and the City of Clearwater to conduct administrative hearings. These experiences have been satisfactory to all parties involved and the division has entered a formal contract with the City of Clearwater to supply Hearing Officers on a continuing basis as needed. Also, this division is discussing the possibility with other cities of entering into similar relationships.

SUGGESTIONS FOR AMENDMENTS TO CHAPTER 120

No specific recommendations for legislation are being made in this report. This is partly because of the belief of this division that the administrative processes of the state are running smoothly and also because there appear to be no compelling reasons to change the proceedings which have become standardized and more widely understood.

However, there are some general ideas to which the legislature should give attention. This is the avoidance of unnecessary duplication in the administrative hearing process. There are presently several agencies within the state that exist mostly to conduct administrative hearings. It appears that questions should be raised as to whether greater economy of both time and government expenditures could not be reached if these functions were transferred to this division.

Respectfully submitted,



KENNETH G. OERTEL, Director

ANALYSIS OF AGENCY REQUESTS FOR HEARING
OFFICERS FOR CALENDAR YEAR 1977

<u>AGENCY</u>	<u>NO. OF CASES</u>
<u>Department of Administration</u>	3
Career Service Commission.....	85
Florida Land and Water Adjudicatory Commission.....	4
Florida Parole and Probation.....	5
Division of Personnel.....	2
Division of Retirement.....	7
Division of State Planning.....	6
	<u>112</u>
<u>Department of Agriculture and Consumer Services</u>	<u>17</u>
<u>Department of Business Regulation</u>	
Division of Alcoholic Beverages and Tobacco.....	110
Division of General Regulation.....	14
Division of Florida Land Sales and Condominiums.....	13
Division of Hotels and Restaurants.....	4
Division of Pari-Mutuel Wagering.....	2
	<u>143</u>
<u>City of Clearwater - Civil Service Board</u>	<u>2</u>
<u>Department of Commerce</u>	6
Division of Labor.....	23
Division of Prevailing Wages.....	2
Public Employees Relations Commission.....	15
	<u>46</u>
<u>Office of Comptroller</u>	9
Division of Banking and Finance.....	17
Securities Commission.....	8
	<u>34</u>
<u>Department of Education</u>	
Alachua County School Board.....	1
Bay County School Board.....	1
Brevard County School Board.....	1
Broward County School Board.....	1
Citrus County School Board.....	2
Dade County School Board.....	10
Florida State University.....	1

Analysis
Page Two

Hardee County School Board.....	1
Indian River Community College.....	1
Lake County School Board.....	1
Lee County School Board.....	1
Leon County District School Board.....	1
Nassau County School Board.....	1
Orange County School Board.....	3
Osceola County School Board.....	2
Pinellas County School Board.....	4
Professional Practices Council.....	17
Seminole Community College.....	1
University of Florida.....	1
University of South Florida.....	2
Vocational, Technical, Trade and Business Schools.....	3
	<u>56</u>
<u>Department of Environmental Regulation.....</u>	<u>100</u>
<u>Department of General Services.....</u>	<u>2</u>
<u>Department of Health and Rehabilitative Services</u>	
Anclote Manor Hospital (Baker Act).....	40
Broward County Health Department.....	2
Family Planning Clinic.....	1
Florida State Hospital (Baker Act).....	406
Division of Health.....	72
Hillsborough Community Mental Health Center (Baker Act).....	1
Northeast Florida State Hospital (Baker Act).....	10
North Florida Evaluation and Treatment Center (Baker Act)...	70
Office of Community Medical Facilities.....	31
Office of Licensure and Certification.....	5
Division of Retardation.....	1
South Florida State Hospital (Baker Act).....	440
Veteran's Administration Hospital (Baker Act).....	1
G. Pierce Wood Memorial Hospital (Baker Act).....	19
Youth Services Program Office.....	1
	<u>1100</u>
<u>Department of Highway Safety and Motor Vehicles.....</u>	<u>6</u>
<u>Department of Insurance.....</u>	<u>7</u>
<u>Department of Legal Affairs.....</u>	<u>7</u>
<u>Leon County Board of County Commissioners.....</u>	<u>1</u>
<u>Department of Natural Resources.....</u>	<u>4</u>
Southwest Florida Water Management District.....	7
	<u>11</u>
<u>Department of Offender Rehabilitation.....</u>	<u>4</u>

Department of Professional and Occupational Regulation

Board of Accountancy.....	17
Board of Architecture.....	11
Barber's Sanitary Commission.....	3
Board of Chiropractic Examiners.....	4
Construction Industry Licensing Board.....	37
Board of Cosmetology.....	34
Board of Dentistry.....	8
Board of Dispensing Opticians.....	3
Florida Electric Construction Industry Licensing Board.....	2
Board of Funeral Directors and Embalmers.....	9
Board of Medical Examiners.....	4
Board of Nursing.....	34
Board of Nursing Home Administrators.....	1
Osteopathic Medical Examiners.....	12
Board of Pharmacy.....	6
Board of Pilot Commissioners.....	1
Board of Podiatry Examiners.....	1
Board of Professional Engineers and Land Surveyors.....	2
Florida Real Estate Commission.....	266
Board of Veterinary Medicine.....	7
	<u>462</u>

Department of Revenue..... 125

Department of State..... 7

Department of Transportation..... 67

GRAND TOTAL: 2309