



State of Florida
Division of Administrative Hearings
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FOURTEENTH ANNUAL REPORT

This report is submitted to the Administrative Procedures Committee and to the Administration Commission in compliance with the requirements of Section 120.70, Florida Statutes, which provides:

Not later than February 1 of each year, the division shall issue a written report to the Administrative Procedures 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 1987, the Division continued to experience steady growth in personnel and caseload, as well as added responsibilities in such areas as tax, concealed weapons, child abuse, lottery matters and growth management. It is anticipated that these areas will contribute a significant case load increase in the upcoming fiscal year.

Currently, the main problem confronting the Division is the criticality of office space requirements, and the consequent need for new offices at the beginning of 1989.

Workload Increases

During calendar year 1987, the Division processed 5,752 hearing requests, an increase of 681 cases (13.43%) from 1986. The cases opened are itemized by agency in the attached Appendix I.

Of the 5,752 cases, 1,915 were Baker Act cases. The remaining cases were filed pursuant to Sections 120.54, 120.56, and 120.57, Florida Statutes. In 1987, each hearing officer handled an average of 233 new cases, conducted an average of 130 hearings, and wrote an average of 105 recommended or final orders of varying length and complexity. During the year, the Division closed 5,764 cases, an increase of 1,079 cases (23.03%) from 1986.

Office Automation

During 1987 the Division assessed its software and hardware limitations and deficiencies were corrected in both areas. Eleven additional workstations were purchased, two for secretaries and nine for hearing officers. Three additional laser printers were purchased to provide convenient quality printing to all workstations. A high speed dot matrix printer was purchased to print carbon reports and mailouts at a speed of

400 characters per second. To meet the storage needs for the foreseeable future, the Division installed a high speed MD3 hard disk drive (135MB) which is expandable to 480MB of disk storage. The operating level of the XE520 was upgraded in November of 1987, additional memory expansions were acquired for all existing workstations and security of the Division's data was increased by the purchase of an additional backup tape streamer. It was found that a number of accounting and statistical packages have been written and are readily available in MS-DOS. In order to make use of these programs, a PC Slice was purchased. To generate graphs and other pictorial forms, a Color Graphic Slice was purchased. The dot matrix printers can be used to print out graphs and tables.

The Division upgraded its software packages with the purchase of the following:

1. A case tracking and management information system, written in ADS (a fourth generation language) which will effectively handle the needs of the Division for the foreseeable future;

2. Secretarial Word Processing (SWP), a sophisticated word processing package which saves key strokes and increases the productivity of the division's employees;

3. A legal dictionary which is an accessory to SWP and was installed at the same time;

4. Forms Plus, which permits data entry and preparation of standardized forms such as travel vouchers and personnel actions, capturing and recording the data in the management information system; and

5. Context Manager which permits rapid conversion from word processing to case tracking and vice versa. This allows more efficient use of secretarial time and the ease of entry improves operator performance and reduces errors.

Although new cases increased at a rate of 13.43% in 1987, the Division has continued to rely on office automation as a means of effectively handling the workload demands.

In 1987, the Division microfilmed a large portion of its documents and retired the records. This reduced the storage space requirements for the records by 50 cubic feet, or the equivalent of 20 legal-size five-drawer filing cabinets. Computer Output Microfilming (COM) is being assessed to regularly microfilm records upon closure of a case. This will reduce file storage space further and make more files available at the Division.

Utilization of Personnel

The Division currently has 54 established positions comprised of the Director, Assistant Director, 27 hearing officers, 5 administrative assistants, 1 fiscal assistant, 15 secretaries, and 4 clerks. In addition, the Division has 3 hearing officers and 2 secretaries serving in an OPS capacity.

Three career service hearing officer positions were filled in FY 1986-87. Two of these were vacancies due to budget shortfalls the preceding year, and one was vacated by the planned

retirement of a hearing officer during this fiscal year. Additionally, the OPS hearing officer and secretarial positions have been filled to timely administer expected case increases.

Operating Budget

The Division's FY 1987-88 approved operating budget significantly increased from the previous fiscal year. Of this total increase, 28% is attributed to legislative appropriations for two new programs: the Concealed Weapons Permitting Program and the Sales Tax on Services Program. Appendix II summarizes the Division's legislative budget requests for the last three fiscal years.

Applicants for concealed weapons licenses who were denied a license by the Department of State were given the right to an administrative hearing. Based upon the Department of State's projections of license applications and denials, the Legislature authorized two new clerical positions for the Division. Other Personal Services Funds were also provided to contract for hearing officer services. To date, the Division has not received any requests for hearings relating to this program.

The Sales Tax on Services Act (Chapter 87-6, Laws of Florida), which was enacted in the 1987 legislative session, provided for a special three-member hearing officer panel to decide cases involving the imposition or amount of sales tax sought to be imposed by the Department of Revenue. The Legislature appropriated a lump sum of \$364,757 to the Division

to establish the panel and administer the additional caseload. However, through an error in drafting, the hearing officer panel originally included in the lump sum costs was not included in the Appropriations Act.

During the December, 1987 special legislative session, the Legislature authorized the positions for the special tax panel. The Division has requested an increase in its annual salary rate and, upon approval, will establish the positions.

The 1987-88 General Appropriations Act and Summary Statement of Intent stated that: "...the Division of Administrative Hearings shall undertake a study regarding an equitable means of funding the division by all user entities." The Division submitted a summary of its study to the Legislature on December 1, 1987 (see Appendix III). It was recommended that 76% of the cost of funding the Division for FY 1988-89 be apportioned among the trust funds of the five agencies with the highest utilization rates, and that the remaining 24% of the Division's operating budget be funded from the General Revenue Fund.

UTILIZATION OF SPACE

The Division's personnel strength has increased by 29 percent between 1984 and 1987. This has been primarily related to the impact of new programs. From 1984 to 1987, the amount of office space needed to adequately house the Division has increased 23 percent from 13,289 square feet to 16,288 square

feet, respectively. The actual area occupied by the Division increased from 11,773 square feet in 1984 to 16,543 square feet in 1987. The Division leased the last 1,318 square feet available in its building in 1987, and there is no further potential for office expansion in the Division's present location.

The Division's current facility lease expires in January, 1989. With the expiration of this lease, the Division will require new facilities to accommodate current staff along with the anticipated new positions authorized by the Legislature. It is projected that the Division's new lease would commence at approximately 20,000 square feet and should be capable of expanding to at least 40,000 square feet by the end of a ten-year period upon the exercise of additional options.

RECOMMENDATIONS CONCERNING THE APA

The Division does not, at this time, recommend any changes in Chapter 120, F.S., to either the Administration Commission or the Legislature.

Respectfully submitted,



SHARYN L. SMITH
Division of Administrative Hearings

DIVISION OF ADMINISTRATIVE HEARINGS
ANALYSIS OF AGENCY REQUESTS FOR HEARING
OFFICERS FOR CALENDAR YEAR 1987

| Agency | Jan-Jun | Jul-Dec | TOTAL |
|--|---------|---------|-------|
| Department of Administration..... | 0 | 15 | 15 |
| Administration Commission..... | 16 | 20 | 36 |
| Human Relations Commission..... | 22 | 30 | 52 |
| Bureau of Insurance..... | 10 | 4 | 14 |
| Division of Retirement..... | 5 | 4 | 9 |
| Department Total..... | 53 | 73 | 126 |
| Department of Agriculture and Consumer Services..... | 18 | 8 | 26 |
| Department of Business Regulation | | | |
| Division of Alcoholic Beverages and Tobacco..... | 58 | 55 | 113 |
| Division of Hotels and Restaurants..... | 15 | 9 | 24 |
| Division of Land Sales and Condominiums and Mobile Homes..... | 24 | 23 | 47 |
| Department Total..... | 97 | 87 | 184 |
| Department of Citrus..... | 2 | 0 | 2 |
| City of Clearwater..... | 11 | 6 | 17 |
| Department of Community Affairs..... | 4 | 6 | 10 |
| City of Boca Raton..... | 1 | 0 | 1 |
| Department of Commerce..... | 0 | 1 | 1 |
| Office of Comptroller..... | 7 | 2 | 9 |
| Department of Banking and Finance..... | 19 | 34 | 53 |
| Division of Securities..... | 15 | 1 | 16 |
| Office Total..... | 41 | 37 | 78 |
| Department of Corrections..... | 4 | 10 | 14 |
| Mental Health Institute..... | 32 | 28 | 60 |
| Office Total..... | 36 | 38 | 74 |
| Department of Education..... | 2 | 4 | 6 |
| Divisions: | | | |
| Board of Regents..... | 0 | 1 | 1 |
| Education Practices Commission..... | 26 | 34 | 60 |
| EPC, Declaration of Default..... | 5 | 8 | 13 |
| FL School for the Deaf & Blind..... | 0 | 2 | 2 |
| State Board of Independent Colleges and Universities..... | 0 | 1 | 1 |

| Agency | Jan-Jun | Jul-Dec | TOTAL |
|--|---------|---------|-------|
| Department of Education (continued) | | | |
| Community Colleges: | | | |
| Ind Post-Secondary Vocational, Technical, Trade and Business Schools..... | 2 | 1 | 3 |
| Central FL Community College..... | 2 | 0 | 2 |
| Daytona Beach Community College..... | 0 | 1 | 1 |
| Miami-Dade Community College..... | 0 | 1 | 1 |
| Universities: | | | |
| Florida State University..... | 1 | 1 | 2 |
| State University System..... | 1 | 0 | 1 |
| University of Florida..... | 0 | 2 | 2 |
| School Boards: | | | |
| Alachua County School Board..... | 2 | 3 | 5 |
| Bay County School Board..... | 0 | 2 | 2 |
| Brevard County School Board..... | 0 | 1 | 1 |
| Broward County School Board..... | 6 | 3 | 9 |
| Clay County School Board..... | 2 | 1 | 3 |
| Collier County School Board..... | 5 | 3 | 8 |
| Columbia County School Board..... | 2 | 0 | 2 |
| Dade County School Board..... | 40 | 19 | 59 |
| Duval County School Board..... | 2 | 6 | 8 |
| Escambia County School Board..... | 3 | 4 | 7 |
| Gilchrist County School Board..... | 0 | 1 | 1 |
| Hardee County School Board..... | 0 | 1 | 1 |
| Hendry County School Board..... | 1 | 0 | 1 |
| Hernando County School Board..... | 3 | 0 | 3 |
| Highlands County School Board..... | 0 | 1 | 1 |
| Hillsborough County School Board..... | 0 | 1 | 1 |
| Indian River County School Board..... | 0 | 1 | 1 |
| Lee County School Board..... | 1 | 1 | 2 |
| Leon County School Board..... | 1 | 1 | 2 |
| Levy County School Board..... | 1 | 0 | 1 |
| Manatee County School Board..... | 1 | 0 | 1 |
| Marion County School Board..... | 0 | 2 | 2 |
| Orange County School Board..... | 4 | 2 | 6 |
| Osceola County School Board..... | 1 | 0 | 1 |
| Palm Beach County School Board..... | 4 | 8 | 12 |
| Pinellas County School Board..... | 4 | 7 | 11 |
| Polk County School Board..... | 0 | 1 | 1 |
| Putnam County School Board..... | 1 | 0 | 1 |
| St. Johns County School Board..... | 1 | 0 | 1 |
| St. Lucie County School Board..... | 1 | 0 | 1 |
| Sarasota County School Board..... | 0 | 1 | 1 |
| Seminole County School Board..... | 2 | 2 | 4 |
| Union County School Board..... | 1 | 0 | 1 |
| Department Total..... | 128 | 128 | 256 |
| Department of Environmental Regulation..... | 151 | 131 | 282 |
| Florida Game and Fresh Water Fish Commission..... | 1 | 2 | 3 |

| Agency | Jan-Jun | Jul-Dec | TOTAL |
|--|---------|---------|-------|
| Department of General Services..... | 19 | 33 | 52 |
| Office of the Governor..... | 0 | 1 | 1 |
| Hospital Cost Containment Board..... | 42 | 48 | 90 |
| Florida Land & Water Adjudicatory Commission..... | 3 | 4 | 7 |
| Office Total..... | 45 | 53 | 98 |
| Department of Health and Rehabilitative Services | | | |
| Non-Baker Act Cases: | | | |
| Miscellaneous..... | 22 | 5 | 27 |
| Audit Services..... | 77 | 30 | 107 |
| DHRS-Child Abuse Cases..... | 117 | 179 | 296 |
| DHRS-Child Support Cases..... | 5 | 1 | 6 |
| Emergency Medical Services..... | 0 | 3 | 3 |
| Health Program Office..... | 9 | 4 | 13 |
| Health Program Office Pharmacy..... | 2 | 0 | 2 |
| Low Income Energy Assistance..... | 1 | 0 | 1 |
| Office of Central Administrative Services..... | 5 | 13 | 18 |
| Office of Community Medical Facilities..... | 172 | 183 | 355 |
| Office of Entomology..... | 1 | 5 | 6 |
| Office of Licensure & Certification..... | 42 | 84 | 126 |
| Office of Personnel..... | 1 | 1 | 2 |
| Office of Radiological Health Services..... | 0 | 1 | 1 |
| Program Development for Aging and Adult Services.. | 1 | 0 | 1 |
| Program Development for Children's Med. Services.. | 1 | 0 | 1 |
| Program Development for Children, Youth & Families | 1 | 3 | 4 |
| Non-Baker Act Total..... | 457 | 512 | 969 |
| Baker Act Cases: | | | |
| Anclote Manor Hospital..... | 23 | 17 | 40 |
| Florida State Hospital..... | 431 | 534 | 965 |
| G. Pierce Wood Memorial Hospital..... | 193 | 197 | 390 |
| Northeast Florida State Hospital..... | 97 | 192 | 289 |
| Sarasota Palms Hospital..... | 1 | 0 | 1 |
| South Florida State Hospital..... | 104 | 114 | 218 |
| West Florida Community Care Center..... | 5 | 7 | 12 |
| Baker Act Total..... | 854 | 1061 | 1915 |
| Department Total..... | 1311 | 1573 | 2884 |
| Department of Highway Safety and Motor Vehicles..... | 18 | 19 | 37 |
| Department of Insurance and Treasurer..... | 48 | 69 | 117 |
| DIT-Rate/Auto..... | 3 | 2 | 5 |
| Department Total..... | 51 | 71 | 122 |
| Florida Keys Aqueduct Authority..... | 1 | 0 | 1 |
| Department of Labor and Employment Security..... | 13 | 4 | 17 |
| Division of Employment & Training..... | 60 | 9 | 69 |
| Department Total..... | 73 | 13 | 86 |

| Agency | Jan-Jun | Jul-Dec | TOTAL |
|--|---------|---------|-------|
| Department of Law Enforcement..... | 2 | 0 | 2 |
| Criminal Justice Standards and Training Commission | 12 | 27 | 39 |
| Department Total..... | 14 | 27 | 41 |
| Department of Legal Affairs..... | 1 | 5 | 6 |
| Department of Lottery..... | 0 | 1 | 1 |
| Department of Natural Resources..... | 2 | 10 | 12 |
| Florida Fisheries Commission..... | 1 | 1 | 2 |
| Department Total..... | 3 | 11 | 14 |
| Department of Professional Regulation | | | |
| Board of Accountancy..... | 1 | 7 | 8 |
| Accupuncture..... | 1 | 0 | 1 |
| Board of Architecture..... | 3 | 0 | 3 |
| Board of Auctioneers..... | 0 | 1 | 1 |
| Barbers Board..... | 2 | 3 | 5 |
| Board of Chiropractic Examiners..... | 8 | 9 | 17 |
| Florida Construction Industry Licensing Board..... | 179 | 137 | 316 |
| Board of Cosmetology..... | 1 | 16 | 17 |
| Board of Dentistry..... | 8 | 22 | 30 |
| Electrical Contractors Licensing Board..... | 8 | 3 | 11 |
| Board of Hearing Aid Specialists..... | 18 | 11 | 29 |
| Board of Land Surveyors..... | 9 | 10 | 19 |
| Board of Landscape Architects..... | 1 | 1 | 2 |
| Board of Marriage and Family Therapist..... | 0 | 1 | 1 |
| Board of Massage..... | 2 | 3 | 5 |
| Board of Medical Examiners..... | 119 | 63 | 182 |
| Mental Health Counselors..... | 0 | 1 | 1 |
| Board of Nursing..... | 20 | 21 | 41 |
| Board of Nursing Home Administrators..... | 2 | 0 | 2 |
| Board of Opticianry..... | 6 | 0 | 6 |
| Board of Optometry..... | 10 | 5 | 15 |
| Board of Osteopathic Medical Examiners..... | 10 | 8 | 18 |
| Board of Pharmacy..... | 29 | 26 | 55 |
| Board of Pilot Commissioners..... | 4 | 5 | 9 |
| Board of Podiatry..... | 6 | 5 | 11 |
| Board of Professional Engineers..... | 13 | 29 | 42 |
| Board of Psychological Examiners..... | 4 | 4 | 8 |
| Florida Real Estate Commission..... | 93 | 72 | 165 |
| Board of Veterinary Medicine..... | 3 | 4 | 7 |
| Department Total..... | 560 | 467 | 1027 |
| Department of Revenue..... | 6 | 19 | 25 |
| St. Johns River Water Management District..... | 5 | 8 | 13 |
| South Florida Water Management District..... | 3 | 2 | 5 |

| Agency | Jan-Jun | Jul-Dec | TOTAL |
|--|---------|---------|-------|
| Southwest Florida Water Management District..... | 3 | 6 | 9 |
| Suwannee River Water Management District..... | 0 | 1 | 1 |
| Department of State | | | |
| Division of Corporations..... | 0 | 3 | 3 |
| Division of Licensing..... | 7 | 2 | 9 |
| License Denial Cases..... | 0 | 2 | 2 |
| Department Total..... | 7 | 7 | 14 |
| Tarpon Springs Civil Service Board..... | 0 | 1 | 1 |
| Department of Transportation..... | 40 | 105 | 145 |
| DOT-Sign Cases..... | 52 | 58 | 110 |
| Department Total..... | 92 | 163 | 255 |
| GRAND TOTAL..... | 2755 | 2997 | 5752 |

SUMMARY
Cost Apportionment Studies
Conducted by the
Division of Administrative Hearings

December 1, 1987

Summary of Cost Apportionment Studies
Conducted by the
Division of Administrative Hearings

The Division of Administrative Hearings (DOAH) provides the services of hearing officers to conduct hearings for all state agencies pursuant to Chapter 120, Florida Statutes. DOAH's primary funding source is the General Revenue Fund. Two agencies, the Department of Professional Regulation and the Department of Transportation, provide direct funding from trust funds to the Division. The services provided to these two agencies are identical to those provided to other user entities. This dichotomy led to questions concerning the fairness of this process.

The 1987-88 General Appropriations Act and Summary Statement of Intent mandates that: "From the funds provided in Specific Appropriations 51 through 54, the Division of Administrative Hearings shall undertake a study regarding an equitable means of funding the division by all user entities. Recommendations along with any necessary legislation/rule changes shall be submitted to the chairmen of the legislative appropriations committees on or before December 1, 1987."

A preliminary study was conducted in April, 1987, using Division records and hearing officers' personal calendars for 1986. It was concluded that funding should be based on hearing days scheduled. Time scheduled actually reflects the Division's service because, due to statutory time limits for notice, the time allotted cannot be rescheduled upon short notice and therefore cannot be used by another agency. DOAH concluded that because cancelled time is generally used to write orders and administer cases, those costs

should be apportioned among agencies based upon the percentage of days which actually went to hearing. The results of this initial study are summarized in Attachment A ("1986 Apportionment Study").

This preliminary study was submitted to the staff of the House, Senate and Governor's Office. It was agreed that DOAH should conduct a follow-up study based on hourly statistics for calendar year 1987 to enable the Division to determine the percentage of hours scheduled and heard by agency. The information captured by agency includes number of hours scheduled for prehearing conferences, motion hearings, cancelled/continued hearings, and final hearings. These percentages were then used to apportion the Division's FY 1987-88 budget among its users. Attachment B ("1987 Apportionment Study") reflects the data compiled from January 1, 1987 through November 30, 1987.

Findings and Conclusions

1. The 1987 study validates the findings of the 1986 study. The ratio of cancellations to hearings which are actually conducted remains high. The hypothesis advanced by the original study is substantiated.

2. Both studies indicate that the Department of Health and Rehabilitative Services (HRS) and the Department of Professional Regulation (DPR) schedule and cancel the most hours.

3. Based on the 1987 study, the agencies which individually account for four percent or more of the total time scheduled are: HRS, DPR, the Department of Environmental Regulation (DER), the Department of Education (DOE), the Department of Business Regulation (DBR), and the Department of Transportation (DOT). The remaining agencies account for less than four percent individually.

4. All of the agencies which are major users of the Division's services have significant trust fund sources.

Recommendations

1. Based on the latest study (Attachment B), it is recommended that 76% of the cost of funding the Division for FY 1988-89 be apportioned among the trust funds of the following agencies and that 24% be funded from the General Revenue Fund:

| <u>Agency</u> | <u>Trust Fund</u> |
|--|-------------------|
| Health and Rehabilitative Services | 34% |
| Department of Professional Regulation | 25% |
| Department of Environmental Regulation | 9% |
| Department of Business Regulation | 4% |
| Department of Transportation | <u>4%</u> |
| Total Trust Funds | <u>76%</u> |

Since the percentages applied to the other users are small, it would be more efficient to fund the remaining 24% of the Division's operating budget from the General Revenue Fund. (In FY 1987-88, DOAH received 78% of its funding from the General Revenue Fund).

The Department of Education is not included in the recommended trust fund transfers because DOE's percentage reflects hearings that are conducted jointly for DOE and local school boards. If the school boards were reported separately, DOE's total would fall below four percent.

2. It is recommended that by January 31 of each year (beginning in 1989), DOAH provide the Legislature with an update of the hourly statistical data as outlined in the 1987 report. This

would provide results for a complete calendar year, and could serve as a basis for the allocation of General Revenue and trust funds for the next fiscal year.

After conducting two thorough studies, DOAH has concluded that the above recommendations are the most practical approach to solving the funding inequities experienced in the past. These recommendations could be effectuated without any rule or legislative changes, other than those contained in the FY 1988-89 General Appropriations Act.

KEY TO AGENCY TITLE ABBREVIATIONS

| <u>Abbreviated Agency Title</u> | <u>Full Agency Title</u> |
|---------------------------------|---|
| AGR | Department of Agriculture and Consumer Services |
| CLR | City of Clearwater |
| CMP | Department of Banking and Finance |
| COH | County of Hillsborough |
| COM | Department of Commerce |
| COR | Department of Corrections |
| DBR | Department of Business Regulation |
| DCA | Department of Community Affairs |
| DER | Department of Environmental Regulation |
| DGS | Department of General Services |
| DLA | Department of Legal Affairs |
| DLE | Department of Law Enforcement |
| DNR | Department of Natural Resources |
| DOA | Department of Administration |
| DOE | Department of Education |
| DOS | Department of State |
| DOT | Department of Transportation |
| DPR | Department of Professional Regulation |
| FWF | Game and Freshwater Fish Commission |
| GOV | Executive Office of the Governor |
| HRS | Department of Health & Rehabilitative Services |
| HSM | Department of Highway Safety & Motor Vehicles |
| INS | Department of Insurance and Treasurer |
| LES | Department of Labor & Employment Security |
| PSC | Public Service Commission |
| REV | Department of Revenue |
| SFW | South Florida Water Management District |
| SJR | St. Johns River Water Management District |
| SWF | Southwest Florida Water Management District |

DOAH's
FY 1986-87
BUDGET

| Agency | TOTAL DAYS HEARINGS | | TOTAL DAYS ADMIN./ | TOTAL DAYS REC. ORDERS | TOTAL DAYS | % OF AVAILABLE DAYS | APPORTIONED COST |
|---------------|---------------------|-----------------|--------------------|------------------------|----------------|-----------------------|------------------|
| | HELD | CANCELLED | | | | | |
| ADMIN. | 51.25 | 31.50 | 36.90 | 119.65 | 1.46% | \$39,861.94 | |
| AGRICULTURE | 17.75 | 21.30 | 13.47 | 52.52 | 1.00% | 27,433.12 | |
| BANK & FIN. | 32.75 | 77.70 | 28.70 | 139.15 | 1.83% | 50,047.51 | |
| BUSINESS REG | 39.50 | 189.30 | 39.82 | 268.62 | 4.30% | 117,674.42 | |
| CITIES | 26.25 | 12.00 | 20.50 | 58.75 | 1.12% | 30,607.27 | |
| COM. AFFAIRS | 4.75 | 33.30 | 4.69 | 42.74 | 1.00% | 27,344.32 | |
| CORRECTIONS | 13.00 | 20.70 | 11.71 | 45.41 | 1.00% | 27,344.32 | |
| COUNTIES | 1.75 | 25.20 | 1.17 | 28.12 | 1.00% | 27,344.32 | |
| EDUCATION | 100.00 | 133.80 | 60.91 | 294.71 | 4.81% | 131,526.18 | |
| ENV. REG. | 87.75 | 258.90 | 65.01 | 411.66 | 7.04% | 192,389.45 | |
| ETHICS COMM. | 0.25 | 10.20 | 0.59 | 11.04 | 1.00% | 27,344.32 | |
| GEN. SVCS. | 3.00 | 6.00 | 1.17 | 10.17 | 1.00% | 27,344.32 | |
| GOV'S OFFICE | 18.50 | 24.00 | 9.37 | 51.87 | 1.00% | 27,344.32 | |
| HRS | 356.50 | 926.40 | 296.93 | 1,579.83 | 29.35% | 802,567.37 | |
| HSMV | 22.25 | 40.50 | 19.33 | 82.08 | 1.57% | 42,873.39 | |
| INS. & TREAS | 28.00 | 84.60 | 21.67 | 134.27 | 1.74% | 47,498.50 | |
| LABOR | 6.75 | 14.40 | 4.69 | 25.84 | 1.00% | 27,344.32 | |
| LAW ENFORCE. | 12.50 | 28.50 | 10.54 | 51.54 | 1.00% | 27,344.32 | |
| NAT. RES. | 19.50 | 25.80 | 12.08 | 58.18 | 1.11% | 30,389.54 | |
| PAROLE & PROB | 0.25 | 0.00 | 0.59 | 0.84 | 1.00% | 27,344.32 | |
| PROF. REG. | 219.00 | 895.20 | 169.84 | 1,284.04 | 23.70% | 648,065.43 | |
| PSC | 7.00 | 2.10 | 8.20 | 17.30 | 1.00% | 27,344.32 | |
| REVENUE | 1.75 | 16.80 | 1.76 | 20.31 | 1.00% | 27,344.32 | |
| DEPT. STATE | 6.50 | 39.00 | 5.86 | 51.36 | 1.00% | 27,344.32 | |
| ST. ATTORNEY | 3.75 | 0.00 | 2.34 | 6.09 | 1.00% | 27,344.32 | |
| DOT | 64.75 | 189.00 | 49.78 | 303.53 | 4.97% | 135,909.19 | |
| SFWMD | 2.50 | 21.60 | 1.76 | 25.86 | 1.00% | 27,344.32 | |
| SJRWMD | 16.25 | 12.00 | 6.44 | 34.69 | 1.00% | 27,344.32 | |
| SFWMD | 13.00 | 4.00 | 7.03 | 24.83 | 1.00% | 27,344.32 | |
| TOTALS | 1,176.75 | 3,144.60 | 913.65 | 5,235.00 | 100.00% | \$2,734,432.45 | |

% OF AVAIL. DAYS 22.48% 60.07% 17.45%

1. Recommended Order Days are total HO available days less hearing/cancellation days. This attributes days without hearing in accordance with orders to be written.

2. Percentages under 1% were rounded up to that figure. Differences were distributed evenly among remaining categories.

HOURS SCHEDULED BY AGENCY
1987 Apportionment Study

| AGENCY | PREHEARING CONFERENCE | MOTION HEARING | CANCELLED/ CONTINUED HEARING | FINAL HEARING | TOTAL HOURS | % OF TOTAL HOURS | % of DOAH FY 1987-88 BUDGET |
|--------------|--------------------------|-------------------|------------------------------------|------------------|------------------|---------------------|-----------------------------------|
| | | | | | | | |
| AGR | 0.00 | 2.25 | 65.00 | 91.93 | 149.08 | 0.56% | \$21,819 |
| CLR | 0.00 | 0.75 | 20.00 | 64.50 | 85.25 | 0.32% | \$12,477 |
| CMP | 5.00 | 11.75 | 480.00 | 217.75 | 714.50 | 2.68% | \$104,573 |
| COH | 0.00 | 0.00 | 4.00 | 4.00 | 8.00 | 0.03% | \$1,171 |
| COM | 0.00 | 0.00 | 8.00 | 0.00 | 8.00 | 0.03% | \$1,171 |
| COR | 0.00 | 2.75 | 16.00 | 52.50 | 71.25 | 0.27% | \$10,428 |
| DBR | 12.00 | 18.50 | 937.50 | 151.50 | 1,119.50 | 4.21% | \$163,860 |
| DCA | 0.00 | 1.00 | 68.00 | 48.00 | 117.00 | 0.44% | \$17,124 |
| DER | 24.50 | 45.25 | 1,755.00 | 523.75 | 2,348.50 | 8.82% | \$343,724 |
| DGS | 1.50 | 2.50 | 103.00 | 81.00 | 188.00 | 0.71% | \$27,515 |
| DLA | 0.00 | 3.00 | 92.00 | 0.00 | 95.00 | 0.36% | \$13,904 |
| DLE | 3.00 | 3.50 | 145.50 | 72.75 | 224.75 | 0.84% | \$32,894 |
| DNR | 3.50 | 9.50 | 337.00 | 26.50 | 376.50 | 1.41% | \$55,104 |
| DOA | 3.00 | 8.50 | 287.00 | 237.75 | 536.25 | 2.01% | \$78,485 |
| DOE | 21.75 | 23.67 | 677.00 | 593.25 | 1,315.67 | 4.94% | \$192,560 |
| DOS | 1.25 | 4.00 | 119.00 | 27.25 | 151.50 | 0.57% | \$22,174 |
| DPT | 15.50 | 10.90 | 808.50 | 237.50 | 1,080.40 | 4.06% | \$158,126 |
| DPR | 49.75 | 123.28 | 5,212.50 | 1,243.20 | 6,628.73 | 24.91% | \$970,173 |
| FWF | 0.00 | 0.00 | 2.00 | 3.00 | 5.00 | 0.02% | \$732 |
| GOV | 2.00 | 8.00 | 472.00 | 49.00 | 531.00 | 2.00% | \$77,717 |
| HKS | 119.50 | 232.09 | 6,476.00 | 2,205.07 | 9,032.66 | 33.94% | \$1,322,009 |
| HSM | 12.50 | 43.00 | 268.00 | 151.25 | 474.75 | 1.78% | \$69,484 |
| INS | 10.50 | 15.17 | 515.00 | 194.75 | 735.50 | 2.76% | \$107,647 |
| LES | 2.50 | 3.50 | 161.00 | 60.60 | 227.60 | 0.86% | \$33,311 |
| PSC | 2.00 | 1.00 | 0.00 | 12.00 | 15.00 | 0.06% | \$2,195 |
| REV | 0.00 | 7.25 | 106.00 | 9.50 | 122.75 | 0.46% | \$17,966 |
| STW | 3.00 | 14.00 | 72.50 | 84.00 | 173.50 | 0.65% | \$25,393 |
| SJR | 0.00 | 0.00 | 8.00 | 22.50 | 30.50 | 0.11% | \$4,464 |
| SWF | 0.00 | 1.00 | 48.00 | 0.00 | 49.00 | 0.18% | \$7,172 |
| TOTAL | 292.83 | 604.19 | 19,263.50 | 6,434.70 | 26,615.22 | 100.00% | \$3,895,371 |

OVERVIEW

Division of Administrative Hearings
Approved Operating Budget

| <u>Appropriation Category</u> | <u>FY 1986-87 Budget</u> | <u>FY 1987-88 Budget</u> | <u>FY 1988-89 Request</u> |
|-------------------------------|------------------------------|------------------------------|-------------------------------|
| Salaries & Benefits | \$2,235,887 | \$2,696,848 | \$3,103,413 |
| Other Personal Svcs. | 25,810 | 576,317 | 600,692 |
| Expenses | 433,044 | 510,125 | 609,271 |
| Operating Capital Outlay | <u>39,691</u> | <u>112,081</u> | <u>119,765</u> |
| TOTAL | <u>\$2,734,432</u> | <u>\$3,895,371</u> | <u>\$4,433,141</u> |
| Total Positions | 52 | 54 | 60 |



State of Florida
Division of Administrative Hearings
The Oakland Building, 2009 Apalachee Parkway
Tallahassee, Fl. 32399-1550
(904) 488-9675 • SunCom: 278-9675

Sharyn L. Smith
Director

Ann Cole
Clerk

December 1, 1987

Honorable Samuel P. Bell, III
Chairman, House Appropriations
Committee
Post Office Box 191
Daytona Beach, Florida 32015

Honorable James A. Scott
Chairman, Senate Appropriations
Committee
2000 East Oakland Park Boulevard
Fort Lauderdale, Florida 33306

Gentlemen:

Pursuant to language contained in the FY 1987-88 General Appropriations Act and Summary Statement of Intent, enclosed is a summary of the cost apportionment studies conducted by the Division of Administrative Hearings.

Please contact me, Stephen Dean, or Marilyn Lawrence if you have any questions or concerns.

Sincerely,

A handwritten signature in cursive script that reads "Sharyn L. Smith".

Sharyn L. Smith, Director
Division of Administrative
Hearings

/mrl
Enclosure

cc: John Andrew Smith
Glenn W. Robertson, Jr.
James A. Zingale