



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

February 1, 1988<sup>9</sup>

FIFTEENTH 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 changes or improvement in the Administrative Procedure Act or any agency's practice or policy with respect thereto.

In 1988, the Division handled a record number of cases, but was able to reduce processing time by imposing strict time controls on hearing days, continuances and issuance of orders. As a result, more cases were closed than were received during the calendar year.

The Legislature placed further responsibilities on the Division in the new medical negligence arbitration field. A sharp increase in the number of child and adult abuse cases was

experienced. The first cases involving growth management plans were received, and it is anticipated that a high number of such cases will be processed during the coming year.

Bids were issued for the lease of a new office facility for the Division. The successful bidder renovated an existing building in Tallahassee on Apalachee Parkway to accommodate the growing space needs of the Division. Although a bid protest was filed which delayed the leasing process somewhat, the office move was made on schedule by February 1, 1989.

#### WORKLOAD INCREASES

During calendar year 1988, the Division processed 6,560 hearing requests, an increase of 808 cases (14.04%) from 1987. The cases opened are itemized by agency in the attached Appendix I.

Of the 6,560 cases, 2,294 were Baker Act cases. The remaining cases were filed pursuant to Sections 120.54, 120.56, and 120.57, Florida Statutes. In 1988, each hearing officer handled an average of 271 new cases, conducted an average of 140 hearings, and wrote an average of 108 recommended or final orders of varying length and complexity. During the year, the Division closed 6,858 cases, an increase of 1,094 cases (18.97%) from 1987.

#### UTILIZATION OF PERSONNEL

The Division has 62 established positions comprised of the Director, Assistant Director, 32 Hearing Officers, 1 executive assistant, 16 secretaries, 4 administrative assistants, 2 staff assistants, 1 accountant, and 4 clerks.

Three hearing officer positions were filled in March, 1988. One hearing officer left the Division in 1988 to enter private practice, and another resigned upon his appointment as a United States Magistrate. Five positions are vacant at the present time. They have been advertised and the selection process is complete, with new hearing officers scheduled to begin employment in February and March, 1989.

The assumption of added administrative responsibilities and duties previously performed by the Department of Administration for the Division has had an impact on administrative support personnel. Fiscal responsibilities including SAMAS and LAS/PBS transactions, as well as budget reconciliation, vouchering, and purchasing are handled by personnel in the accountant position, one of the administrative assistant positions, and the executive assistant position. Personnel actions affecting payroll are performed by another administrative assistant on the COPES terminal on-line to the Comptroller's office. The increased volume of cases handled by the Division is managed by the administrative assistants and staff assistants in the Clerk's Office.

#### UTILIZATION OF SPACE

From February, 1981 through January, 1989, the Division leased office space located at 2009 Apalachee Parkway, Tallahassee, Florida. During that eight-year period, the amount of office space required to adequately house the Division increased approximately 78 per cent from 11,202 square feet in 1981 to 19,926 square feet in 1989. The lease for this space

expired on January 31, 1989, and there was no further potential for office expansion at this location.

In March, 1988, the Division solicited proposals for 19,926 net rental square feet of office space in accordance with Department of General Services' rules, to be ready for occupancy by February 1, 1989. DOAH awarded the bid to the lowest and best bidder, American National Bank of Florida, for property located at 1230 Apalachee Parkway, Tallahassee. Subsequently, the Division received protests regarding its award, and was involved in bid protest proceedings which terminated all building renovations and lease negotiation proceedings. A formal hearing was conducted on August 1, 1988 in Tallahassee. On September 1, 1988, the Hearing Officer recommended that the Division Director enter a final order dismissing the case and awarding the lease to American National Bank of Florida. The final order was entered by the Director on September 21, 1988.

The Division and American National Bank of Florida negotiated a five-year full service lease. Building renovations began in October 1988 to accommodate the Division's occupancy on February 1, 1989. The Division has used funds from its existing budget to pay for moving expenses which include relocation of computer and telephone systems, modifications for security in the new building, labor to move and disassemble/reassemble furniture and equipment, etc. The Division began its relocation efforts in mid January and is now housed in its new building.



## OPERATING BUDGET

The Division's FY 1988-89 approved operating budget decreased by approximately six percent from the previous fiscal year. Appendix II is a summary of the Division's operating budgets for FY 1987-89, and its FY 1989-90 legislative budget request.

In FY 1987-88, the Division's actual expenditures were under its approved operating budget by \$522,634 or 12.53%. The return of these funds is attributed primarily to the Division's efforts to exercise fiscal restraint, and to the fact that Concealed Weapons Permitting Program cases did not materialize. The Division was appropriated \$400,867 and two positions to administer this program. The two positions were not authorized by the Legislature in FY 1988-89.

During the February, 1988 special legislative session, the Legislature passed "An Act Relating to Medical Incidents." The Division received a supplemental appropriation of \$273,168 and ten new positions to prepare for anticipated caseload increases resulting from this act.

Line item 50A of the 1988-89 General Appropriations Act included six positions and \$364,757 from the General Revenue Fund to provide for hearing officers and support staff to decide cases resulting from the "Sales Tax on Services Act." Even though this law was repealed, the 1988 Legislature continued these positions and funds for general caseload increases. However, on June 28, 1988, Governor Martinez vetoed this appropriation and the six positions.

As directed by the Legislature, the Division continues to provide annual reports on the number of hours it expends for prehearing conferences, motion hearings, cancelled/continued hearings and final hearings. On December 1, 1988, the Division submitted the results of its second annual study and recommendations to the Legislature and Executive Office of the Governor (see Appendix III).

The purpose of this study is to determine a more equitable method of apportioning DOAH's operating costs among all users. In FY 1988-89, the Division received 42 percent of its approved operating budget from the Departments of Business Regulation, Environmental Regulation, Professional Regulation and Transportation, and 58 percent from the General Revenue Fund. Based on the results of the December, 1988 report, the Division recommended that the above agencies, along with the Department of Health and Rehabilitative Services, contribute to the Division's Administrative Trust Fund. This would result in funding 69 percent of the Division's FY 1989-90 operating budget from the Administrative Trust Fund and 31 percent from the General Revenue Fund.

#### RECOMMENDATIONS CONCERNING THE APA

The 1986 report of the Governor's Committee on the Division of Administrative Hearings stated that:

... the title "Hearing Officer" was ambiguous and failed to convey, especially to private parties and litigants, the actual role of the hearing officer in the adjudicative process. To clarify this Florida should follow the lead of California, Minnesota and other states and change the title of "Hearing Officer" to "Administrative Law Judge."

In view of the Division's experience over a 14 year period, it is believed that implementation of the Committee's recommendation would now serve a salutary purpose by enhancing the sense of fairness and impartiality in the administrative process.

It is therefore recommended that legislation be enacted to amend Chapter 120 and other pertinent statutes to change the title "Hearing Officer" to "Administrative Law Judge", together with a redesignation of the present titles "Director" and "Assistant Director" to "Chief Administrative Law Judge" and "Deputy Chief Administrative Law Judge", respectively. Additionally, it is recommended that one hearing officer position be designated "Assistant Chief Administrative Law Judge for Administration" and three hearing officer positions be designated "District Administrative Law Judge", to conform with current internal organization and middle management responsibilities. Finally, it is recommended that the Division be redesignated as the "Office of Administrative Hearings" for purposes of clarity and to reflect the Division's status as an independent budget entity.

The above recommended legislation would not require the appropriation or expenditure of additional funds.

Respectfully submitted,



SHARYN L. SMITH  
Director of Administrative Hearings

DIVISION OF ADMINISTRATIVE HEARINGS  
ANALYSIS OF AGENCY REQUESTS FOR HEARING  
OFFICERS FOR CALENDAR YEAR 1988

Agency	Jan-Jun	Jul-Dec	TOTAL
Department of Administration.....	1	2	3
Career Service Commission.....	0	1	1
Division of Administrative Hearings.....	0	2	2
Human Relations Commission.....	26	40	66
Bureau of Insurance.....	6	6	12
Division of Retirement.....	3	7	10
Department Total.....	36	58	94
Department of Agriculture and Consumer Services.....	5	9	14
Agriculture-Produce Dispute Cases.....	7	5	12
Department Total.....	12	14	26
Department of Business Regulation.....	0	1	1
Division of Alcoholic Beverages and Tobacco	67	55	122
Division of Hotels and Restaurants.....	20	20	40
Division of Land Sales and Condominiums and Mobile Homes.....	22	23	45
Division of Parimutual Wagering.....	22	1	23
State Athletic Commission.....	1	0	1
Department Total.....	132	100	232
City of Clearwater.....	15	5	20
Department of Community Affairs.....	171	23	194
Office of Comptroller.....	6	1	7
Department of Banking and Finance.....	49	39	88
Division of Securities.....	2	2	4
Office Total.....	57	42	99
Department of Corrections.....	39	39	78
Mental Health Institute.....	23	22	45
Office Total.....	62	61	123

Agency	Jan-Jun	Jul-Dec	TOTAL
Department of Education.....	5	1	6
Divisions:			
Bd of Independent Colleges and Universities.....	0	2	2
Board of Regents.....	1	1	2
Education Practices Commission.....	44	48	92
EPC, Declaration of Default.....	15	34	49
Exception Education Cases.....	0	2	2
FL School for the Deaf & Blind.....	2	1	3
Ind Post-Sec/Voca/Tech/Trade & Bus Schools.....	0	6	6
State University System.....	0	1	1
Universities:			
Florida Atlantic University.....	0	1	1
Florida State University.....	3	0	3
University of Florida.....	2	2	4
University of North Florida.....	0	1	1
School Boards:			
Alachua County School Board.....	1	1	2
Bay County School Board.....	1	3	4
Broward County School Board.....	7	19	26
Charlotte County School Board.....	1	0	1
Clay County School Board.....	0	2	2
Collier County School Board.....	1	5	6
Columbia County School Board.....	2	0	2
Dade County School Board.....	36	23	59
Duval County School Board.....	2	3	5
Escambia County School Board.....	1	2	3
Gadsden County School Board.....	1	0	1
Gilchrist County School Board.....	1	0	1
Hamilton County School Board.....	0	1	1
Lake County School Board.....	2	0	2
Lee County School Board.....	2	0	2
Leon County School Board.....	1	0	1
Levy County School Board.....	1	0	1
Liberty County School Board.....	2	0	2
Manatee County School Board.....	0	1	1
Marion County School Board.....	0	1	1
Monroe County School Board.....	0	1	1
Orange County School Board.....	0	2	2
Palm Beach County School Board.....	6	6	12
Pinellas County School Board.....	15	7	22
Polk County School Board.....	0	1	1
Putnam County School Board.....	0	2	2
St. Lucie County School Board.....	0	1	1
Sarasota County School Board.....	0	2	2
Seminole County School Board.....	5	1	6
Volusia County School Board.....	0	1	1
Wakulla County School Board.....	3	0	3
Department Total.....	163	185	348

Agency	Jan-Jun	Jul-Dec	TOTAL
Englewood Water Management District.....	0	5	5
Department of Environmental Regulation.....	128	124	252
Florida Game and Fresh Water Fish Commission.....	3	1	4
Department of General Services.....	26	28	54
Office of the Governor			
Administration Commission.....	17	17	34
Hospital Cost Containment Board.....	32	35	67
Florida Land & Water Adjudicatory Commission.....	2	7	9
Office Total.....	51	59	110
Department of Health and Rehabilitative Services			
Non-Baker Act Cases:			
Miscellaneous.....	30	34	64
Audit Services.....	36	32	68
DHRS-Child Abuse Cases.....	259	270	529
DHRS-Child Support Cases.....	12	2	14
Developmental Services Program.....	0	1	1
Economic Services Program.....	1	0	1
Emergency Medical Services.....	1	0	1
Health Program Office.....	11	11	22
Health Program Office Pharmacy.....	1	1	2
James A. Haley Veteran's Hospital.....	1	0	1
Office of Central Administrative Services.....	10	13	23
Office of Community Medical Facilities.....	164	105	269
Office of Entomology.....	3	9	12
Office of Laboratory Services.....	0	1	1
Office of Licensure & Certification.....	80	45	125
Office of Personnel.....	0	3	3
Program of Children's Medical Services.....	0	1	1
Program Development for Children Med. Serv.....	0	2	2
Program Development for Children, Youth & Families	1	1	2
Program Development for Human Services.....	0	1	1
Program Development for Medicaid Disputes.....	13	18	31
Non-Baker Act Total.....	623	550	1173
Baker Act Cases:			
Anclote Manor Hospital.....	17	15	32
Florida State Hospital.....	438	476	914
G. Pierce Wood Memorial Hospital.....	198	294	492
Horizon Hospital.....	0	1	1
Northeast Florida State Hospital.....	248	294	542
South Florida State Hospital.....	137	170	307
West Florida Community Care Center.....	5	1	6
Baker Act Total.....	1043	1251	2294
Department Total.....	1666	1801	3467
Department of Highway Safety and Motor Vehicles.....	19	17	36

Agency	Jan-Jun	Jul-Dec	TOTAL
County of Hillsborough.....	0	5	5
Department of Insurance and Treasurer.....	77	57	134
Department of Labor and Employment Security.....	11	17	28
Division of Employment & Training.....	1	2	3
Department Total.....	12	19	31
Department of Law Enforcement.....	0	37	37
Criminal Justice Standards and Training Commission	14	34	48
Department Total.....	14	71	85
Department of Legal Affairs.....	1	1	2
Department of Lottery.....	1	0	1
Department of Natural Resources.....	20	17	37
Marine Fisheries Commission.....	0	1	1
Department Total.....	20	18	38
Parole and Probation Commission.....	0	1	1
Department of Professional Regulation .....	1	1	2
Board of Accountancy.....	2	4	6
Accupuncture.....	1	0	1
Board of Architecture.....	5	0	5
Barbers Board.....	12	7	19
Board of Chiropractic Examiners.....	4	17	21
Clinical Social Workers.....	3	1	4
Florida Construction Industry Licensing Board....	112	87	199
Board of Cosmetology.....	42	14	56
Board of Dentistry.....	15	32	47
Electrical Contractors Licensing Board.....	9	5	14
Board of Funeral Directors and Embalmers.....	0	3	3
Board of Geologists.....	0	1	1
Board of Hearing Aid Specialists.....	5	4	9
Board of Land Surveyors.....	6	5	11
Board of Landscape Architects.....	1	1	2
Board of Marriage and Family Therapist.....	2	6	8
Board of Massage.....	1	1	2
Board of Medical Examiners.....	61	67	128
Mental Health Counselors.....	11	0	11
Board of Nursing.....	27	38	65
Board of Nursing Home Administrators.....	0	1	1
Board of Opticianry.....	4	4	8
Board of Optometry.....	8	6	14
Board of Osteopathic Medical Examiners.....	12	13	25
Board of Pharmacy.....	8	17	25
Board of Physical Therapists.....	0	2	2
Board of Pilot Commissioners.....	4	1	5

Agency	Jan-Jun	Jul-Dec	TOTAL
Department of Professional Regulation (continued)			
Board of Podiatry.....	11	7	18
Board of Professional Engineers.....	7	9	16
Board of Psychological Examiners.....	1	5	6
Florida Real Estate Commission.....	62	71	133
Board of Veterinary Medicine.....	6	12	18
Department Total.....	443	442	885
Public Service Commission.....	1	0	1
Department of Revenue.....	32	43	75
St. Johns River Water Management District.....	4	8	12
South Florida Water Management District.....	4	7	11
Southwest Florida Water Management District.....	2	6	8
Department of State.....	3	2	5
Division of Corporations.....	1	0	1
Division of Licensing.....	16	6	22
License Denial Cases.....	0	5	5
Department Total.....	20	13	33
Suwannee River Water Management District.....	1	0	1
City of Tarpon Springs.....	1	0	1
Department of Transportation.....	59	50	109
DOT-Sign Cases.....	41	22	63
Department Total.....	100	72	172
GRAND TOTAL.....	3274	3286	6560



## SUMMARY

Division of Administrative Hearings  
Approved Operating Budgets and  
Legislative Budget Request

<u>Appropriation Category</u>	<u>FY 1987-88 Budget</u>	<u>FY 1988-89 Budget</u>	<u>FY 1989-90 Request</u>
Salaries & Benefits	\$2,818,846	\$3,284,007	\$3,723,998
Other Personal Services	575,117	34,560	38,560
Expenses	557,145	590,743	675,025
Operating Capital Outlay	<u>217,431</u>	<u>17,893</u>	<u>112,600</u>
TOTAL	<u>\$4,168,539</u>	<u>\$3,927,203</u>	<u>\$4,550,183</u>
 Positions	 70	 62	 68



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December 1, 1988

Honorable Gwen Margolis, Chairman  
Senate Appropriations Committee  
Room 201, Capitol  
Tallahassee, Florida 32399

Honorable T. K. Wetherell, Chairman  
House Appropriations Committee  
Room 219, Capitol  
Tallahassee, Florida 32399

Ms. Patricia A. Woodworth, Director  
Office of Planning and Budgeting  
Executive Office of the Governor  
The Capitol  
Tallahassee, Florida 32399

Dear Chairmen and Director:

Enclosed is a summary of the cost apportionment study conducted annually by the Division of Administrative Hearings. Please contact me 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

SUMMARY

Cost Apportionment Study  
Conducted by the  
Division of Administrative Hearings

December 1, 1988

## SUMMARY

### Cost Apportionment Study Conducted by the Division of Administrative Hearings

December 1, 1988

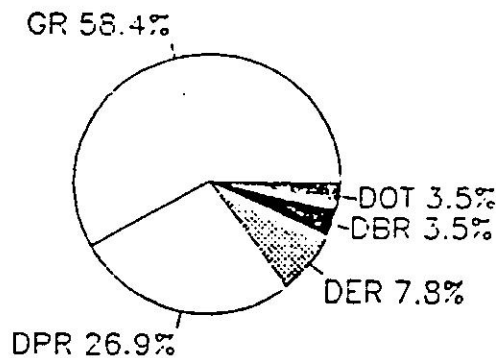
#### BACKGROUND

The Division of Administrative Hearings (DOAH) provides the services of hearing officers to conduct hearings for state agencies pursuant to Chapter 120, Florida Statutes. In FY 1987-88, the Division received 78 percent of its operating budget from the General Revenue Fund, and the balance from trust funds of the Departments of Professional Regulation and Transportation. Because the services provided by DOAH to these two agencies were identical to services provided to other state agencies, DOAH conducted a study to determine a more equitable method of apportioning its operating costs among all users.

A report summarizing the results of the Division's study was submitted to the Chairmen of the House and Senate Appropriations Committees on December 1, 1987. In that report, DOAH recommended that 76 percent of its FY 1988-89 operating budget be apportioned among trust funds of the Departments of Business Regulation (DBR), Environmental Regulation (DER), Health and Rehabilitative Services (HRS), Professional Regulation (DPR), and Transportation (DOT), and that 24 percent be funded from the General Revenue Fund. In FY 1988-89, the Division received 42 percent of its approved operating budget from the agencies noted above, with the exception of HRS, and 58 percent from the General

Revenue Fund. Figure 1 illustrates the allocation of the Division's FY 1988-89 budget:

FIGURE 1  
FY 1988-89 APPROVED OPERATING BUDGET



As directed by the Legislature, the Division continues to track by agency the number of hours it expends for prehearing conferences, motion hearings, cancelled/continued hearings, and final hearings. In July, 1988, the Division submitted preliminary results for the period December 1, 1987 through July 15, 1988 to the Legislature and the Executive Office of the Governor (see Attachment A). Once again, DBR, DER, HRS, DPR and DOT, together with the Department of Administration (DOA) and the Department of Education (DOE), were identified as having the highest utilization percentages.

#### FINDINGS

The following findings are based on the Division's Final Report on Hours Scheduled by Agency for the period December 1, 1987 through November 30, 1988 (see Attachment B).

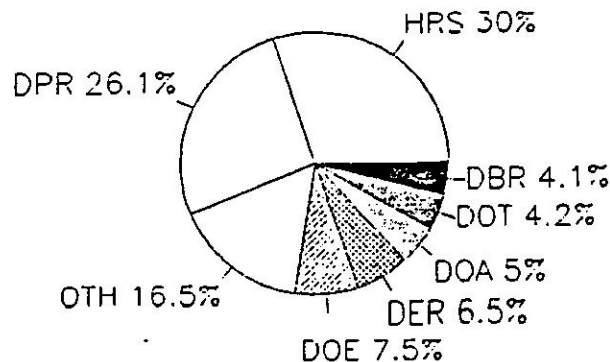
1. The ratio of cancelled/continued hearing hours to final hearing hours is approximately 3:1. Because cases settle or

continue near the scheduled hearing date and DOAH must provide two weeks notice of a hearing pursuant to Section 120.57, Florida Statutes, time cannot be rescheduled easily. However, the hours scheduled are not attributed to an agency if it gives at least thirty days notice of cancellation or continuance of a hearing.

2. Twenty four (24) agencies individually utilized less than four percent of the total hours scheduled, for a combined total of 16.5 percent. A utilization rate of four percent or less was selected as a dividing line for not apportioning costs based upon the assumption that it would be more cost effective to fund these agencies from the General Revenue Fund than to manage trust fund transfers from these agencies.

3. The Departments of Health and Rehabilitative Services and Professional Regulation account for 56 percent of the total hours expended by DOAH. The other agencies with more than four percent of the total hours scheduled are DOA, DBR, DOE, DER and DOT. Figure 2 illustrates percentages of total hours scheduled by agencies:

FIGURE 2  
PERCENTAGE OF TOTAL HOURS SCHEDULED BY AGENCY  
For the Period 12/1/87 through 11/30/88



4. The Division did not include the hours utilized by DOA in its recommended trust fund apportionment because the Governor's Office of Planning and Budgeting advised that DOA would probably be "held harmless" due to trust fund problems experienced by that agency.

5. The Division did not include the hours reported for the Department of Education in its recommended trust fund apportionment because DOE's hours include hearings conducted jointly for DOE and local school boards. If reported individually, utilization would have fallen below four percent for DOE and the school boards.

6. Figure 3 on page six incorporates the hours utilized by DOA and DOE in the "Other" category.

#### CONCLUSIONS

The Division concludes that the following recommendations are practical and fair in apportioning the costs of providing hearing officer services and avoiding funding inequities experienced in the past. These recommendations could be effectuated without any rule or legislative changes, other than those contained in subsequent General Appropriations Acts.

#### RECOMMENDATIONS

1. It is recommended that the Division continue to track hours scheduled by agency and provide the Legislature and Executive Office of the Governor with final reports on October 1 of each year to coincide with the Legislative Budget Request

(LBR) process. Updated reports should also be provided on April 1 of each year to coincide with the legislative appropriation process.

2. It is recommended that each year the Division select a minimum utilization rate below which costs would not be apportioned among agencies. Instead, that portion of the Division's budget would be funded from the General Revenue Fund.

3. It is recommended that transfers to DOAH from the trust funds of those agencies using the majority of the Division's time be provided by the Legislature in amounts equal to their utilization rates to fund the remainder of the Division's operating budget.

#### SUMMARY

The Division prepared its FY 1989-91 LBR in accordance with the preliminary report (Attachment A) submitted in July, 1988 and with Recommendations 2 and 3 above. Based on the percentages contained in Attachment A, the Division's total LBR was apportioned among DBR, DER, HRS, DPR and DOT, and a fund shift from the General Revenue Fund to the Administrative Trust Fund was calculated. This shift resulted in funding 30.69% of DOAH's request from the General Revenue Fund, and 69.31% from the Administrative Trust Fund. A copy of the budget issue detailing the apportionment is attached, along with the Schedule I included in DOAH's LBR (see Attachment C). Recommended apportionment of the Division's final budget request for FY 1989-90 is illustrated in Figure 4 on page six.



FIGURE 3

PERCENTAGE OF TOTAL HOURS SCHEDULED BY AGENCY  
INCLUDING DOA AND DOE IN "OTHER" CATEGORY  
For the Period 12/1/87 through 11/30/88

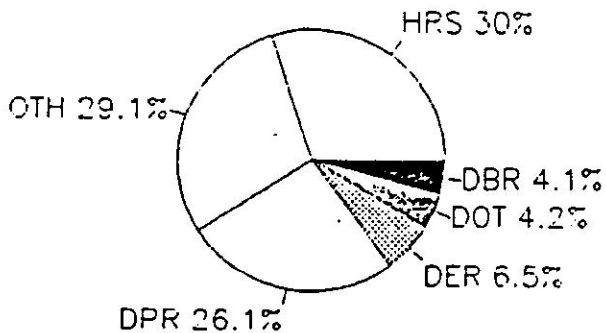
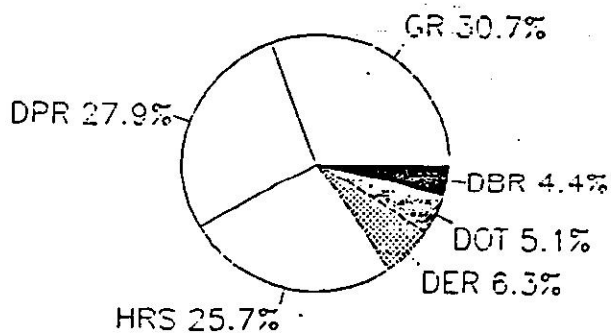


FIGURE 4

RECOMMENDED APPORTIONMENT  
OF FY 1989-90 LEGISLATIVE BUDGET REQUEST



HOURS SCHEDULED BY AGENCY  
 FY 1988-89 Apportionment Study  
 Interim Report  
 For the Period 12/1/87 through 7/15/88

AGENCY	PREHEARING CONFERENCE	MOTION HEARING	CANCELLED/ CONTINUED HEARING	FINAL HEARING	TOTAL HOURS	% OF TOTAL HOURS	% OF DOAH FY 1988-89 BUDGET
AGR	0.00	1.25	60.00	21.25	82.50	0.57%	\$21,339
CLR	0.00	0.00	6.00	14.00	20.00	0.14%	\$5,173
CMP	2.75	4.00	200.00	53.40	260.15	1.79%	\$67,288
COH	0.00	0.00	0.00	0.00	0.00	0.00%	\$0
COM	0.00	0.00	0.00	0.00	0.00	0.00%	\$0
COR	0.00	0.00	26.00	18.75	44.75	0.31%	\$11,575
DBR	7.25	11.50	475.50	144.25	638.50	4.39%	\$165,149
DCA	1.50	3.50	20.00	32.00	57.00	0.39%	\$14,743
DER	9.75	32.50	696.00	172.95	911.20	6.26%	\$235,684
DGS	3.75	7.00	227.00	100.75	338.50	2.33%	\$87,554
DLA	0.00	0.25	14.00	2.00	16.25	0.11%	\$4,203
DLE	5.50	5.50	83.00	24.00	118.00	0.81%	\$30,521
DHR	0.50	1.50	68.00	14.50	84.50	0.58%	\$21,856
DOA	4.25	9.50	500.00	543.75	1,057.50	7.26%	\$273,524
DOE	10.20	16.50	626.00	417.40	1,070.10	7.35%	\$276,783
DOS	0.00	0.50	49.00	17.50	67.00	0.46%	\$17,330
DOT	12.25	14.50	570.00	144.25	741.00	5.09%	\$191,661
DPR	26.95	78.50	3,076.50	882.10	4,064.05	27.92%	\$1,051,174
EPH	0.00	0.00	0.00	0.00	0.00	0.00%	\$0
FWF	0.00	0.00	0.00	1.00	1.00	0.01%	\$259
GOV	4.50	3.00	315.00	32.50	355.00	2.44%	\$91,821
HFA	0.00	0.00	0.00	0.00	0.00	0.00%	\$0
HRS	50.68	92.49	2,544.25	1,046.20	3,733.62	25.65%	\$965,708
HSN	2.00	7.50	68.00	5.00	82.50	0.57%	\$21,339
INS	2.75	10.50	413.00	65.00	491.25	3.37%	\$127,063
JAX	0.00	0.00	0.00	0.00	0.00	0.00%	\$0
LES	2.00	0.00	109.00	9.00	120.00	0.82%	\$31,038
NWF	0.00	0.00	0.00	0.00	0.00	0.00%	\$0
PPC	0.00	0.00	0.00	0.00	0.00	0.00%	\$0
PSC	0.50	0.50	0.00	7.00	8.00	0.05%	\$2,069
REV	0.50	2.00	148.00	13.50	164.00	1.13%	\$42,419
SFW	0.00	0.00	0.00	0.00	0.00	0.00%	\$0
SJR	0.00	0.00	0.00	0.00	0.00	0.00%	\$0
SRW	0.00	0.00	0.00	0.00	0.00	0.00%	\$0
STA	0.00	0.00	0.00	0.00	0.00	0.00%	\$0
SWF	1.50	1.00	16.00	13.00	31.50	0.22%	\$8,148
TOTAL	149.08	303.49	10,310.25	3,795.05	14,557.87	100.00%	\$3,765,420

## KEY TO AGENCY TITLE ABBREVIATIONS

<u>Abbreviated Agency Title</u>	<u>Full Agency Title</u>
AGR	Department of Agriculture and Consumer Services
BOC	City of Boca Raton
CIT	Department of Citrus
CLR	City of Clearwater
CMP	Department of Banking and Finance/Comptroller
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
DOL	Department of Lottery
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
TPS	City of Tarpon Springs

BRADLO1 LAS/PBS SYSTEM  
 BUDGET PERIOD: 1989-91  
 STATE OF FLORIDA

EXHIBIT D-3A  
 EXPENDITURES BY  
 ISSUE AND APPROPRIATION CATEGORY

COL 009	COL 010	CODES
AGENCY FISCAL	AGENCY FISCAL	
FY 89-90	FY 90-91	
POS AMOUNT	POS AMOUNT	

APPRO BILL SECTION 01

ADMINISTRATION, DEPT OF  
 ADMIN HEARINGS, DIV OF  
ADMINISTRATIVE HEARINGS  
CONTINUE CURRENT PROGRAMS  
 FUND SHIFT

TRANSFER FROM GENERAL REVENUE FUND  
 SALARIES AND BENEFITS

GENERAL REVENUE FUND.....

792,959-  
 =====  
 792,959-  
 =====

1000

OTHER PERSONAL SERVICES

GENERAL REVENUE FUND.....

26,726-  
 =====  
 26,726-  
 =====

1000

EXPENSES

GENERAL REVENUE FUND.....

307,154-  
 =====  
 305,305-  
 =====

1000

OPERATING CAPITAL OUTLAY

GENERAL REVENUE FUND.....

58,830-  
 =====  
 40,371-  
 =====

1000

TOTAL: TRANSFER FROM GENERAL REVENUE FUND  
 TOTAL ISSUE.....

1,265,669-  
 =====  
 1,245,441-  
 =====

3400100

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ISSUE NARRATIVE:  
 FIRST YEAR ISSUE NARRATIVE:

PURSUANT TO LANGUAGE CONTAINED IN THE 1987-88 GENERAL APPROPRIATIONS ACT AND SUMMARY STATEMENT OF INTENT, THE DIVISION OF ADMINISTRATIVE HEARINGS (DOAH) CONDUCTED A STUDY TO DETERMINE AN EQUITABLE METHOD OF FUNDING THE DIVISION BY ALL USER ENTITIES. THE DIVISION SUBMITTED ITS REPORT TO THE LEGISLATURE ON DECEMBER 1, 1987 AND RECOMMENDED THAT 76% OF THE DIVISION'S FY 1988-89 OPERATING BUDGET BE APPORTIONED AMONG FIVE AGENCIES WITH THE HIGHEST UTILIZATION RATES: THE DEPARTMENTS OF BUSINESS REGULATION (DBR), ENVIRONMENTAL REGULATION (DER), PROFESSIONAL REGULATION (DPR), HEALTH AND REHABILITATIVE SERVICES (DHR), AND TRANSPORTATION (DOT). UTILIZATION RATES ARE BASED ON THE NUMBER OF HOURS EXPENDED BY DOAH FOR PREHEARING CONFERENCES, MOTION HEARINGS, CANCELLED/CONTINUED HEARINGS, AND FINAL HEARINGS. IN FY 1988-89, ALL OF THESE AGENCIES, WITH THE EXCEPTION OF DHR, HAVE TRANSFERRED FUNDS TO DOAH'S ADMINISTRATIVE TRUST FUND, WHICH COMPRISES APPROXIMATELY 42% OF THE DIVISION'S TOTAL APPROVED OPERATING BUDGET.

THE DIVISION IS CONTINUING ITS STUDY AND WILL SUBMIT AN UPDATED REPORT TO THE LEGISLATURE AND THE GOVERNOR'S OFFICE ON DECEMBER 1, 1988. DOAH SUBMITTED A PRELIMINARY REPORT FOR THE PERIOD DECEMBER 1, 1987 THROUGH JULY 15, 1988, AND AGAIN IDENTIFIED THE FIVE AGENCIES NOTED ABOVE AS HAVING THE HIGHEST UTILIZATION

BPEADLO1 LAS/PBS SYSTEM  
 BUDGET PERIOD: 1989-91  
 STATE OF FLORIDA

EXHIBIT D-3A  
 EXPENDITURES BY  
 ISSUE AND APPROPRIATION CATEGORY

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APPRO BILL SECTION 01

ADMINISTRATION, DEPT OF  
ADMITT HEARINGS, DIV OF  
ADMINISTRATIVE HEARINGS  
CONTINUAL CURRENT PROGRAMS  
 FUND SHIFT  
 TRANSFER FROM GENERAL REVENUE FUND

COL 009	COL 010
AGENCY FINAL	AGENCY FINAL
FY 89-90	FY 90-91
POS AMOUNT	POS AMOUNT
CODES	

51000000  
 51970000  
 0902.00.00.17  
 10  
 36000000  
 34000100

PERCENTAGES. BASED ON THESE PERCENTAGES, THE DIVISION'S TOTAL FY 1989-91 LEGISLATIVE BUDGET REQUEST (LBR) HAS APPORTIONED AMONG THESE AGENCIES AND A FUND SHIFT, BY APPROPRIATION CATEGORY, HAS CALCULATED. THIS SHIFT RESULTS IN FUNDING 30.69% OF DONAH'S FY 1989-91 LBR FROM THE GENERAL REVENUE FUND AND 69.31% FROM THE ADMINISTRATIVE TRUST FUND. THIS ISSUE IS CALCULATED AS FOLLOWS:

AGENCY	REPORT PERCENTAGE	TOTAL REQUEST, FY 1989-90 =	TOTAL REQUEST, FY 1990-91 =
		X REPORT %	X REPORT %
DOR	4.39%	\$ 199,753	\$ 197,124
DER	6.26%	284,842	281,093
DPR	27.92%	1,270,411	1,253,693
DOT	5.09%	231,604	228,556
HRS	25.65%	1,167,122	1,151,763
TOTAL TF	69.31%	\$3,153,732	\$3,112,229
TOTAL GR	30.69%	1,396,451	1,378,074
TOTAL	100.00%	\$4,550,183	\$4,490,303

FUND SHIFT CALCULATION	FY 1989-90	FY 1990-91
ADJUSTED GR TOTAL	\$1,396,451	\$1,378,074
LESS: PRELIM. REQUEST W/ADJUSTMENTS	(2,662,120)	(2,623,515)
TOTAL GR FUND SHIFT	\$ (1,265,669)	\$ (1,245,441)

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DPSC1101 LAS/PBS SYSTEM  
 BUDGET PERIOD: 1989-91  
 STATE OF FLORIDA

SCHEDULE I  
 TRUST FUNDS AVAILABLE

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 SCHEDULE I  
 BUDGET ENTITY TRUST FUNDS AVAILABLE

ADMINISTRATION, DEPT OF 51000000  
 ADMIN HEARINGS, DIV OF 51970000

FUND: ADMINISTRATIVE TRUST FUND 2021

SECTION I: DETAIL OF RECEIPTS

RCPT CD	AUTH	HATCHING % STATE I/C LOCAL I/C	CFDA NO.	COL 001 ACT PR YR EXP 07-08	COL 002 CURR YR EST EXP 1900-09	COL 009 AGENCY FINAL FY 89-90	COL 010 AGENCY FINAL FY 90-91
01	TRANSFERS FROM DBR	015000 120.65	0.00	0.00	131,365	207,922	205,293
02	TRANSFERS FROM DER	015000 120.65	0.00	0.00	295,572	296,496	292,747
03	TRANSFERS FROM DPR	015000 120.65	0.00	0.00	630,411	1,021,033	1,305,676
04	TRANSFERS FROM DOT	015000 120.65	0.00	0.00	102,000	131,366	230,029
05	TRANSFERS FROM HRS	015000 120.65	0.00	0.00			
06	MISCELLANEOUS RECEIPTS	004000 120.65	0.00	0.00	145	53,104	1,199,539
TOTAL TO LINE B IN SECTION III					812,556	1,632,440	3,241,284

SECTION II: DETAIL OF NONOPERATING DISBURSEMENTS

OBJECT CODE	TRANSFER TO BE	CFDA NO.
01 REFUND TO DPR	060000 50000000	
TOTAL TO LINE E IN SECTION III		

SECTION III: SUMMARY

UNENCUMBERED CASH BALANCE - JULY 1	(A)	9,100	4,639	4,639	133,694
ADD: RECEIPTS (FROM SECTION I)	(B)	012,556	1,632,440	3,202,707	3,241,204
TOTAL FUND AVAILABLE (LINE A + LINE B)	(C)	021,656	1,637,079	3,207,426	3,374,978
LESS: OPERATING EXPENDITURES	(D)	803,457	1,632,440	3,153,732	3,112,229
LESS: NONOPERATING DISBURSEMENTS (SECTION II)	(E)	13,560			
LESS: FIXED CAPITAL OUTLAY (TOTAL ONLY)	(F)				
UNENCUMBERED CASH BALANCE - JUNE 30	(G)	4,639	4,639	133,694	262,749
INVESTMENTS AT COST - JUNE 30	(H)				
	(I)				

NOTE: SECTION I, LINE 06, MISCELLANEOUS RECEIPTS IN THE AMOUNT OF \$53,104 IN COLUMN 002, REPRESENTS THE UNFUNDED PORTION OF DOAH'S FY 1988-89 PAY PACKAGE. IT IS ANTICIPATED THAT ADDITIONAL FUNDS WILL BE TRANSFERRED TO DOAH FROM DBR, DER, DPR AND DOT TO COVER THIS COST IN FY 1988-89.

THE PAY PACKAGE FOR FY 1989-90 AND FY 1990-91 HAS BEEN ESTIMATED AT \$129,055 (TRUST FUND SALARIES AND BENEFITS X 5% = \$2,581,103 X 5% = \$129,055) AND IS INCLUDED IN SECTION I, LINES 01 THROUGH 05, COLUMNS 009 AND 010.