



State of Florida
Division of Administrative Hearings
The DeSoto Building, 1230 Apalachee Parkway
Tallahassee, FL 32399-1550
(904) 488-9675 • SunCom: 278-9675

Sharyn L. Smith
Director

Ann Cole
Clerk

February 1, 1990

SIXTEENTH 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.

GENERAL

During the past year, the Division continued to experience an upsurge in child abuse cases from 529 in 1988 to 715 in 1989.

Growth management cases also rose dramatically from eight in 1988 to 83 in 1989. These cases were assigned to only three Hearing Officers--one from each of the three geographical districts--to ensure firm control of processing times and to

assist in achieving some uniformity in rulings and approaches to new legal concepts. However, if the number of such cases continues to grow, it may well become necessary to assign additional Hearing Officers.

In December 1989, the Division received the first requests for hearings in medical negligence cases, which require the use of a Hearing Officer as Chief Arbitrator of a three person panel. The constitutionality of the statute, which imposes caps on non-economic damages in return for the arbitration process, was challenged in Echarte et al. v. University of Miami School of Medicine, Case No. 89-36270, in Dade County Circuit Court.

The Division assigned a Hearing Officer to conduct the certification hearing for the Magnetic Levitation Demonstration Project. That case is awaiting final hearing.

In addition, in late 1989, the Florida High Speed Rail Transportation Commission requested the Division to conduct the hearings required in connection with the proposed high speed rail line. A three Hearing Officer panel has been appointed to handle this case which could be a complex and lengthy proceeding. Final Order authority in both of these transportation proceedings is placed in the Governor and Cabinet.

The enactment of Chapter 89-91, Laws of Florida, providing for the use of Division Hearing Officers to conduct proceedings on disputed citrus canker compensation claims has not been implemented as yet due to a challenge presently before the Florida Supreme Court. See State of Florida v. Bonanno, Case No. 74,373.

In June, 1989, the Division initiated a Settlement Assistance Program designed to assist parties in the early settlement of selected types of cases to increase the availability of hearing dates for contested cases. After six months of experience, it has been decided to modify the program whereby only one Hearing Officer will provide settlement assistance when requested by the parties.

UTILIZATION OF PERSONNEL

The Division has 65 established positions comprised of the Director, Assistant Director, 32 Hearing Officers, 1 Executive Assistant, 4 Administrative Assistants, 4 Staff Assistants, 1 Personnel Technician, 1 Office Automation Specialist, 1 Accountant, 1 Senior Executive Secretary, 1 Senior Word Processing Systems Operator Supervisor, 2 Senior Word Processing Systems Operators, 12 Administrative Secretaries and 3 Senior Clerks.

Administrative responsibilities of Division support personnel continued to expand in 1989. The establishment of a word processing center was accomplished to expedite the processing of an ever-increasing load of Baker Act cases; staff assistants were placed in the districts to coordinate the workflow of the secretaries and assist the District Hearing Officers; and an office automation specialist has markedly increased the efficiency and utilization of our computer and data processing system.

WORKLOAD INCREASES

During calendar year 1989, the Division processed 7,194 hearing requests, an increase of 627 cases (9.55 percent) from 1988. The cases opened are itemized by agency in the attached Appendix 1.

Of the 7,194 cases, 2,735 were Baker Act cases. The remaining cases were filed pursuant to Section 120.54, 120.56, and 120.57, Florida Statutes. In 1989, each Hearing Officer handled an average of 240 new cases, conducted an average of 141 hearings, and wrote an average of 125 recommended or final orders of varying length and complexity. During the year, the Division closed 7,475 cases, an average of 250 closures per Hearing Officer, an increase of 617 case closures (9 percent) from 1988.

OFFICE AUTOMATION

The Division's computer system consists of a Unisys XE520 (shared resources processor) and 61 cluster workstations. The two primary applications used are word processing and a customized Case Tracking System. In 1989, the Division brought on-line an automated travel voucher generation program which facilitates the capture of statistical data and which has improved turnaround time of voucher processing. DOAH has also further automated the processing of Baker Act cases, both in the Case Tracking System and in the generation of orders.

The Division's computer system has reached its maximum capacity in terms of memory, disk space and workstations. In 1990, it is planned to upgrade the XE520 to an XE530, a system

with faster processors, increased memory, and the capacity to support up to 128 workstations.

OPERATING BUDGET

The Division's FY 1989-90 approved operating budget increased by 14.25 percent over the previous fiscal year. Appendix 2 is a summary of the Division's operating budgets for FY 1988-89 and FY 1989-90, and its FY 1990-91 amended legislative budget request.

In FY 1988-89, the Division's actual expenditures were under its approved operating budget by \$132,376, or 3.37 percent. The return of these funds is attributed primarily to the Division's efforts to exercise fiscal restraint, and to Hearing Officer vacancies.

Since FY 1987-88, the Division has conducted studies to determine a more equitable method of apportioning its operating costs among all users. The Division is responsible for preparing annual reports which summarize the number of hours DOAH expends for prehearing conferences, motion hearings, cancelled/continued hearings, and final hearings. On December 1, 1989, the Division submitted the results of its third annual study and funding recommendations to the Legislature and Executive Office of the Governor (see Appendix 3).

In FY 1989-90, the Division received 73 percent of its approved operating budget from the Departments of Banking and Finance, Business Regulation, Environmental Regulation, Health and Rehabilitative Services, Professional Regulation and

Transportation, and 27 percent from the General Revenue Fund. Based on the results of the December, 1989, report, the Division recommended that the above agencies, along with the Departments of Education and Insurance, contribute to the Division's Administrative Trust Fund. This would result in funding 84 percent of the Division's FY 1990-91 operating budget from the Administrative Trust Fund and 16 percent from the General Revenue Fund.

RECOMMENDATIONS CONCERNING THE A.P.A.

The Division has no current recommendations concerning the Administrative Procedure Act.

Respectfully submitted,



SHARYN L. SMITH
Director of Administrative
Hearings

SLS/csm

DIVISION OF ADMINISTRATIVE HEARINGS
ANALYSIS OF AGENCY REQUESTS FOR HEARING
OFFICERS FOR CALENDAR YEAR 1989

Agency	Jan-Jun	Jul-Dec	TOTAL
Department of Administration.....	1	1	2
Human Relations Commission.....	47	36	83
Bureau of Insurance.....	2	8	10
Division of Retirement.....	3	8	11
Department Total.....	53	53	106
Department of Agriculture and Consumer Services.....	8	2	10
Agriculture - Produce Dispute Cases.....	4	8	12
Department Total.....	12	10	22
Department of Business Regulation			
Division of Alcoholic Beverages and Tobacco.....	57	52	109
Division of Hotels and Restaurants.....	19	13	32
Division of Land Sales and Condominiums and Mobile Homes.....	14	15	29
Department Total.....	90	80	170
Department of Citrus.....	0	1	1
City of Clearwater.....	8	12	20
Department of Community Affairs.....	51	59	110
Office of Comptroller.....	0	1	1
Department of Banking and Finance.....	32	40	72
Division of Securities.....	2	0	2
Office Total.....	34	41	75
Department of Corrections.....	11	17	28
Mental Health Institute.....	25	23	48
Office Total.....	36	40	76
County of Hillsborough.....	2	1	3
Department of Education.....	4	1	5
Divisions:			
Board of Regents.....	2	3	5
Division of Blind Services.....	3	3	6
Education Practices Commission.....	56	69	125
EPC, Declaration of Default.....	9	18	27
Ind. Post-Sec/Voca/Tech/Trade & Business School...	2	1	3
Universities:			
Florida A & M University.....	1	0	1
Florida State University.....	0	1	1
University of Florida.....	2	0	2
University of South Florida.....	0	1	1

School Boards: (includes Total of 43 Exceptional Education Cases Filed)

Alachua County School Board.....	0	1	1
Bay County School Board.....	1	0	1
Brevard County School Board.....	1	2	3
Broward County School Board.....	7	13	20
Collier County School Board.....	2	0	2
Dade County School Board.....	45	21	66
Dixie County School Board.....	1	0	1
Duval County School Board.....	0	8	8
Hernando County School Board.....	3	0	3
Highlands County School Board.....	1	0	1
Lake County School Board.....	3	1	4
Lee County School Board.....	1	0	1
Leon County School Board.....	0	1	1
Madison County School Board.....	1	0	1
Marion County School Board.....	1	0	1
Monroe County School Board.....	0	2	2
Okeechobee County School Board.....	2	0	2
Orange County School Board.....	0	4	4
Osceola County School Board.....	1	1	2
Palm Beach County School Board.....	5	9	14
Pinellas County School Board.....	14	11	25
Polk County School Board.....	3	1	4
Putnam County School Board.....	1	0	1
St. Johns County School Board.....	1	1	2
Sarasota County School Board.....	1	1	2
Seminole County School Board.....	3	7	10
Volusia County School Board.....	2	1	3
Wakulla County School Board.....	1	0	1
Walton County School Board.....	1	0	1
Department Total.....	180	182	362
Department of Environmental Regulation.....	134	190	324
Florida Housing Finance Agency.....	0	2	2
Florida Game and Fresh Water Fish Commission.....	1	3	4
Department of General Services.....	12	22	34
Office of the Governor.....	0	1	1
Administration Commission.....	28	21	49
Healthcare Cost Containment Board.....	26	43	69
Florida Land & Water Adjudicatory Commission.....	7	5	12
Office Total.....	61	70	131
Department of Health and Rehabilitative Services			
Non-Baker Act Cases:			
Miscellaneous.....	36	49	85
Audit Services.....	48	2	50
DHRS-Child Abuse Cases.....	352	363	715
DHRS-Child Support Cases.....	0	1	1
Emergency Medical Services.....	2	5	7
Health Program Office.....	14	12	26

Non-Baker Act Cases:

(continued)

Health Program Office Pharmacy.....	2	1	3
Office of Central Administrative Services.....	11	20	31
Office of Community Medical Facilities.....	135	53	188
Office of Entomology.....	3	7	10
Office of Licensure & Certification.....	69	59	128
Office of Personnel.....	1	0	1
Program Development for Aging & Audit Services....	0	1	1
Program Development for Children's Med. Services..	2	1	3
Program Development for Children, Youth & Families	1	2	3
Program Development for Human Services.....	0	2	2
Program Development for Medicaid Disputes.....	23	19	42
Program Development for Mental Health.....	1	1	2
Non-Baker Act Total.....	700	598	1298
Baker Act Cases:			
Anclote Manor Hospital.....	18	14	32
Broward County Mental Health Center.....	0	19	19
Florida State Hospital.....	493	526	1019
G. Pierce Wood Memorial Hospital.....	269	219	488
Horizon Hospital.....	0	1	1
Northeast Florida State Hospital.....	362	443	805
South Florida Evaluation and Treatment Center.....	0	2	2
South Florida State Hospital.....	178	185	363
West Florida Community Care Center.....	3	3	6
Baker Act Total.....	1323	1412	2735
Department Total.....	2023	2010	4033
Department of Highway Safety and Motor Vehicles.....	25	20	45
Department of Insurance and Treasurer.....	77	121	198
Department of Labor and Employment Security.....	10	12	22
Division of Employment & Training.....	1	0	1
Department Total.....	11	12	23
Department of Law Enforcement, Criminal Justice Standards and Training Commission	29	34	63
Department of Lottery.....	1	0	1
Medical Arbitration Cases.....	0	2	2
Department of Natural Resources.....	23	32	55
Florida Fisheries Commission.....	2	4	6
Department Total.....	25	36	61
Northwest Florida Water Management District.....	0	1	1
Pinellas County.....	1	0	1
Department of Professional Regulation.....	1	0	1
Board of Accountancy.....	4	8	12
Board of Architecture.....	4	4	8
Board of Auctioneers.....	1	2	3

Department of Professional Regulation (continued)			
Barbers Board.....	4	13	17
Board of Chiropractic Examiners.....	26	11	37
Clinical Social Workers.....	0	6	6
Construction Industry Licensing Board.....	152	94	246
Board of Cosmetology.....	32	12	44
Board of Dentistry.....	33	34	67
Electrical Contractors Licensing Board.....	5	5	10
Florida Real Estate Commission.....	73	77	150
Board of Funeral Directors and Embalmers.....	6	3	9
Board of Geologist.....	3	0	3
Board of Hearing Aid Specialists.....	7	5	12
Board of Landscape Architects.....	2	0	2
Board of Land Surveyors.....	9	3	12
Board of Massage.....	2	6	8
Marriage and Family Therapists.....	0	2	2
Board of Medical Examiners.....	35	70	105
Board of Naturopathic.....	1	0	1
Board of Nursing Home Administrators.....	3	1	4
Board of Nursing.....	26	22	48
Board of Opticianry.....	2	3	5
Board of Optometry.....	10	2	12
Board of Osteopathic Medical Examiners.....	5	9	14
Board of Pharmacy.....	19	11	30
Board of Pilot Commissioners.....	6	2	8
Board of Podiatry.....	6	2	8
Board of Professional Engineers.....	14	7	21
Board of Psychological Examiners.....	3	7	10
Board of Talent Agencies.....	0	3	3
Board of Veterinary Medicine.....	20	4	24
Department Total.....	514	428	942
Public Service Commission.....	8	8	16
Department of Revenue.....	36	47	83
St. Johns River Water Management District.....	4	8	12
South Florida Water Management District.....	6	8	14
Southwest Florida Water Management District.....	9	4	13
Department of State			
Division of Corporations.....	0	1	1
Division of Licensing.....	20	19	39
License Denial Cases.....	4	10	14
Department Total.....	24	30	54
Suwannee River Water Management District.....	2	0	2
Department of Transportation.....	58	49	107
DOT - Sign Cases.....	32	51	83
Department Total.....	90	100	190
GRAND TOTAL.....	3559	3635	7194

SUMMARY

Division of Administrative Hearings
Approved Operating Budgets and
Legislative Budget Request

<u>Appropriation Category</u>	<u>FY 1988-89 Budget</u>	<u>FY 1989-90 Budget</u>	<u>Amended FY 1990-91 Request</u>
Salaries & Benefits	\$3,255,248	\$3,760,881	\$3,642,780
Other Personal Services	35,288	36,726	189,400
Expenses	617,880	590,476	631,887
Operating Capital Outlay	<u>18,787</u>	<u>98,676</u>	<u>69,138</u>
TOTAL	<u><u>\$3,927,203</u></u>	<u><u>\$4,486,759</u></u>	<u><u>\$4,533,205</u></u>
 Positions	 62	 65	 67



State of Florida
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APPENDIX 3

Sharyn L. Smith
Director

Ann Cole
Clerk

December 1, 1989

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 submitted 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, 1989

SUMMARY

Cost Apportionment Study Conducted by the Division of Administrative Hearings

December 1, 1989

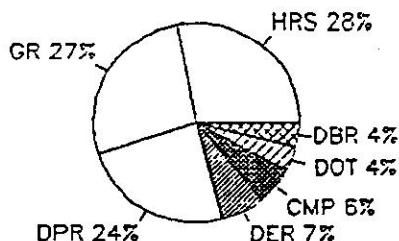
BACKGROUND

Pursuant to Chapter 120, Florida Statutes, the Division of Administrative Hearings (DOAH) provides the services of hearing officers to conduct hearings for state agencies and other governmental entities. Prior to FY 1988-89, only two agencies, the Departments of Professional Regulation (DPR) and Transportation (DOT), contributed to the Division's Administrative Trust Fund. Because the services provided by DOAH to these two agencies were identical to services provided to other state agencies, DOAH was directed by the Legislature to conduct studies to determine a more equitable method of apportioning its operating costs among all users.

Since December 1, 1987, DOAH has prepared annual reports summarizing its analyses of administrative hearing hours scheduled by agencies. Based upon these report results, funding of the Division's operating budget has shifted significantly over the last two fiscal years from the General Revenue (GR) Fund to the Administrative Trust Fund. For example, in FY 1987-88, DOAH received 78 percent of its operating budget from the General Revenue Fund, and the balance was transferred from the trust funds of DPR and DOT. In FY 1988-89, DOAH received 58 percent of its budget from

the General Revenue Fund and 42 percent from the Departments of Business Regulation (DBR), Environmental Regulation (DER), DPR, and DOT. In FY 1989-90, DOAH receives only 27% of its approved operating budget from the General Revenue Fund; 73% is transferred from the agencies noted above, along with the Departments of Health and Rehabilitative Services (HRS) and Banking and Finance/Comptroller (CMP). (It should be noted that funds received from the Department of Banking and Finance are for DOAH's Citrus Canker Supplemental Appropriation and are not tied to prior cost apportionment studies). Figure 1 illustrates the allocation of the Division's FY 1989-90 budget:

FIGURE 1
FY 1989-90 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. Since submission of the last annual report on December 1, 1988, DOAH has also submitted interim reports to the Legislature and Governor's Office (see Attachment A). In each of these reports, CMP, DBR, DER, DOE,

DOT, DPR, HRS, and the Department of Insurance (INS) 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, 1988 through November 30, 1989 (see Attachment B).

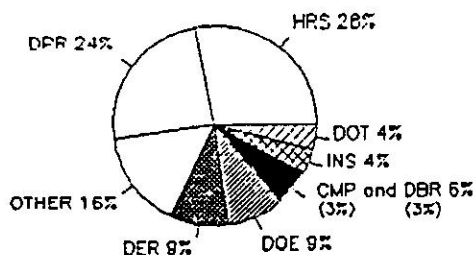
1. The ratio of cancelled/continued hearing hours to final hearing hours is 2.5:1. Because cases settle or continue near the scheduled hearing date and DOAH must provide two weeks notice of a hearing pursuant to Section 120.57, Florida Statutes, time cannot be rescheduled easily. However, the hours scheduled are not attributed to an agency if it gives at least thirty days notice of cancellation or continuance of a hearing.

2. Twenty-four of the 32 agencies individually utilized less than 2.9 percent of the total hours scheduled, for a combined total of approximately 16 percent. A utilization rate of 2.9 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 52 percent of the total hours expended by DOAH. The other agencies with more than 2.9 percent of the total hours scheduled are CMP, DBR,

DER, DOE, DOT, and INS. Figure 2 illustrates the percentages of total hours scheduled by agencies:

FIGURE 2
Percentages of Total Hours Scheduled by Agencies
For the Period 12/1/88 through 11/30/89



4. In previous annual reports, 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 the Department and local school boards. In the past, if reported individually, utilization would have fallen below the selected cutoff rate. This year, DOE has a significant utilization percentage, and has been included in the Division's apportionment recommendation.

5. The Department of Insurance has also been identified as a significant user of the Division's services and has been included in the trust fund apportionment recommendation for the first time.

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.

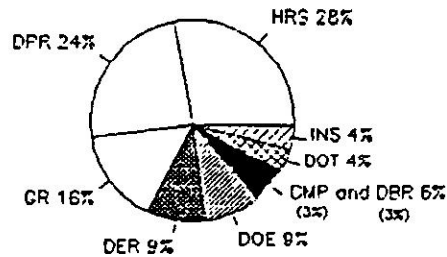
RECOMMENDATIONS:

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 December 1 of each year. Quarterly reports should also be submitted to track agency activity and assist with development of DOAH's Legislative Budget Request (LBR) and legislative appropriations.

2. It is recommended that each year the Division select a minimum utilization rate below which costs would not be apportioned among agencies. (This year, a rate of 2.9 percent was selected). 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. Recommended apportionment of the Division's final LBR for FY 1990-91 is based on the percentages contained in Attachment B (the final report), as illustrated in figure 3:

FIGURE 3
 Recommended Apportionment
 of FY 1990-91 Legislative Budget Request



SUMMARY

The Division prepared its FY 1990-91 LBR in accordance with the interim report dated September 30, 1989 (Attachment A) and the above recommendations. Based on the percentages contained in Attachment A, the Division's total LBR was apportioned among CMP, DBR, DER, DOE, DOT, DPR, HRS and INS, and a fund shift from the General Revenue Fund to the Administrative Trust Fund was calculated. This shift resulted in funding 16 percent of DOAH's request from the General Revenue Fund, and 84 percent 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).

NOTE: There is a slight difference in some of the agency apportionment percentages reflected in the September 30, 1989 interim report (Attachment A) and the November 30, 1989 final report (Attachment B). However, the total funding split (General Revenue: 16% and Administrative Trust Fund: 84%) remains constant.

FY 1989-90 Appoittonment Study

4-20-89

Interim Report

HOURS SCHEDULED BY AGENCY

For the Period 12/1/88 through 3/31/89

AGENCY	PREHEARING CONFERENCE	MOTION HEARING	CANCELLED/ CONTINUED HEARING	FINAL HEARING	TOTAL HOURS	Z OF TOTAL HOURS	FY 1988-89		FY 1989-90		FY 1990-91	
							BUDGET	%	BUDGET	%	BUDGET	%
AGR	1.25	1.25	8.00	7.50	18.00	0.2343Z	\$9,202	\$10,662	\$10,522			
CLR	0.00	0.00	0.00	1.50	1.50	0.0195Z	\$767	\$888	\$877			
CHP	5.00	6.75	275.00	50.50	337.25	4.3902Z	\$172,412	\$199,762	\$197,133			
COH	0.00	0.00	3.00	5.00	8.00	0.1041Z	\$4,090	\$4,739	\$4,676			
COR	0.25	0.25	2.00	0.00	2.50	0.0325Z	\$1,278	\$1,481	\$1,461			
DIR	6.75	8.25	253.00	87.75	355.75	4.6310Z	\$181,870	\$210,720	\$207,947			
DCA	2.25	2.25	82.00	31.00	117.50	1.5296Z	\$60,069	\$69,598	\$68,682			
DER	11.25	14.25	535.50	41.75	602.75	7.8464Z	\$308,144	\$357,025	\$352,327			
DGS	1.50	2.75	85.00	47.25	136.50	1.7769Z	\$69,783	\$80,853	\$79,789			
DIA	0.25	0.25	16.00	19.50	36.00	0.4686Z	\$18,404	\$21,324	\$21,043			
DLE	1.00	1.00	63.00	37.75	102.75	1.3376Z	\$52,529	\$60,862	\$60,061			
DNR	3.50	4.50	18.00	18.50	44.50	0.5793Z	\$22,750	\$26,359	\$26,012			
DOA	3.00	3.25	115.00	88.50	209.75	2.7305Z	\$107,230	\$124,241	\$122,606			
DOE	8.50	13.75	482.00	270.50	774.75	10.0854Z	\$396,075	\$458,905	\$452,866			
DOS	0.00	0.00	1.00	6.25	7.25	0.0944Z	\$3,706	\$4,294	\$4,238			
DOT	5.50	7.00	217.00	84.00	313.50	4.0810Z	\$160,270	\$185,694	\$183,251			
DPR	28.83	34.25	1,177.00	327.00	1,567.08	20.3997Z	\$801,137	\$928,223	\$916,008			
ENG	0.00	0.00	0.00	1.00	1.00	0.0130Z	\$511	\$592	\$585			
FWF	0.25	0.25	6.00	0.00	6.50	0.0846Z	\$3,323	\$3,850	\$3,799			
GOV	5.50	8.50	32.00	78.00	124.00	1.6142Z	\$63,392	\$73,449	\$72,482			
HRS	34.25	43.75	1,474.00	698.50	2,250.50	29.2962Z	\$1,150,522	\$1,333,031	\$1,315,489			
HSH	6.50	9.50	40.00	107.55	163.55	2.1290Z	\$83,612	\$96,875	\$95,600			
INS	1.00	0.75	272.00	50.00	323.75	4.2145Z	\$165,511	\$191,766	\$189,242			
LES	3.25	2.25	36.00	20.25	61.75	0.8038Z	\$31,568	\$36,576	\$36,095			
REV	0.25	0.25	58.00	10.00	68.50	0.8917Z	\$35,019	\$40,574	\$40,040			
SFV	0.00	0.00	6.00	0.00	6.00	0.0781Z	\$1,067	\$1,554	\$3,507			
SJR	0.00	0.00	0.00	5.00	5.00	0.0651Z	\$2,556	\$2,962	\$2,923			
SRW	1.00	1.00	6.00	6.50	14.50	0.1888Z	\$7,413	\$8,589	\$8,476			
SWF	0.50	1.00	20.00	0.00	21.50	0.2799Z	\$10,991	\$12,735	\$12,567			
TOTAL	131.33	167.00	5,282.50	2,101.05	7,681.88	100.0000Z	\$3,927,203	\$4,550,183	\$4,490,303			

FY 1989-90 Apportionment Study
Interim Report
HOURS SCHEDULED BY AGENCY
For the Period 12/1/88 through 6/30/89

Attachment A

AGENCY	PREHEARING CONFERENCE	MOTION HEARING	CANCELLED/ CONTINUED HEARING	FINAL HEARING	TOTAL HOURS	% OF TOTAL HOURS	% of DOAH	
							FY 1989-90 BUDGET	FY 1990-91 BUDGET REQ.
AGR	1.25	1.25	12.00	12.50	27.00	0.1907%	\$8,005	\$8,561
CLR	0.00	0.00	4.00	1.50	5.50	0.0388%	\$1,631	\$1,744
CMP	7.50	8.50	493.00	65.70	574.70	4.0582%	\$170,392	\$182,226
COH	0.00	0.00	3.00	6.50	9.50	0.0671%	\$2,817	\$3,012
COM	0.00	0.00	8.00	2.50	10.50	0.0741%	\$3,113	\$3,329
COR	0.50	0.50	4.00	1.50	6.50	0.0459%	\$1,927	\$2,061
DBR	10.25	12.50	386.00	120.50	529.25	3.7373%	\$156,916	\$167,815
DCA	5.50	4.25	162.00	142.75	314.50	2.2208%	\$93,245	\$99,722
DER	16.75	22.00	854.50	142.75	1,036.00	7.3157%	\$307,161	\$328,496
DGS	1.75	3.00	101.00	56.00	161.75	1.1422%	\$47,957	\$51,288
DLA	0.25	0.25	32.00	27.50	60.00	0.4237%	\$17,789	\$19,025
DLE	1.00	1.00	119.00	109.75	230.75	1.6294%	\$68,415	\$73,166
DNR	5.25	6.25	87.50	43.75	142.75	1.0080%	\$42,324	\$45,263
DOA	4.25	4.50	209.00	153.00	370.75	2.6180%	\$109,923	\$117,558
DOE	14.50	22.25	833.00	343.25	1,213.00	8.5655%	\$359,640	\$384,619
DOS	1.50	1.25	24.00	9.00	35.75	0.2524%	\$10,599	\$11,336
DOT	8.50	10.00	357.00	148.50	524.00	3.7002%	\$155,360	\$166,150
DPR	61.83	76.50	2,601.50	762.00	3,501.83	24.7280%	\$1,038,250	\$1,110,363
ENG	0.00	0.00	0.00	1.00	1.00	0.0071%	\$296	\$317
FWF	0.25	0.25	6.00	0.00	6.50	0.0459%	\$1,927	\$2,061
GOV	6.75	9.75	38.00	78.00	132.50	0.9356%	\$39,285	\$42,013
HRS	77.25	88.25	2,688.50	1,342.55	4,196.55	29.6338%	\$1,244,226	\$1,330,646
HSM	8.50	11.25	122.00	113.05	254.80	1.7993%	\$75,545	\$80,792
INS	3.50	3.00	389.00	59.50	455.00	3.2130%	\$134,902	\$144,272
LES	4.75	3.75	60.00	32.25	100.75	0.7114%	\$29,871	\$31,946
REV	3.50	3.25	116.00	23.50	146.25	1.0327%	\$43,361	\$46,373
SFW	0.25	0.25	24.00	0.00	24.50	0.1730%	\$7,264	\$7,768
SJR	1.25	1.25	16.00	14.50	33.00	0.2330%	\$9,784	\$10,464
SRW	1.00	1.00	6.00	6.50	14.50	0.1024%	\$4,299	\$4,598
SWF	0.75	1.25	40.00	0.00	42.00	0.2966%	\$12,452	\$13,317
TOTAL	248.33	297.25	9,796.00	3,819.80	14,161.38	100.0000%	\$4,198,676	\$4,490,303

9-30-89

FY 1989-90 Apportionment Study
Interim Report
HOURS SCHEDULED BY AGENCY
For the Period 12/1/88 through 9/30/89

AGENCY	PREHEARING CONFERENCE	MOTION HEARING	CANCELLED/ CONTINUED HEARING	FINAL HEARING	TOTAL HOURS	% OF TOTAL HOURS	% of DOAH FY 1989-90 BUDGET	% of DOAH FY 1990-91 AMENDED BUDGET REQ.
AGR	1.75	1.50	34.00	19.75	57.00	0.2881	\$13,022	\$13,155
CLR	0.00	0.00	4.00	10.00	14.00	0.0708	\$3,198	\$3,231
CMP	12.50	14.00	587.00	74.70	688.20	3.4779	\$157,201	\$158,816
COH	0.00	0.00	3.00	6.50	9.50	0.0480	\$2,170	\$2,192
COM	0.00	0.00	8.00	2.50	10.50	0.0531	\$2,398	\$2,423
COR	2.50	10.50	8.00	5.75	26.75	0.1352	\$6,110	\$6,173
DBR	12.00	14.25	482.00	141.75	650.00	3.2849	\$148,475	\$150,001
DCA	8.00	6.75	178.00	147.75	340.50	1.7208	\$77,778	\$78,577
DER	28.75	33.50	1,080.50	294.25	1,437.00	7.2621	\$328,244	\$331,617
DGS	2.00	3.25	117.00	65.00	187.25	0.9463	\$42,772	\$43,212
DIA	0.75	0.75	64.00	27.50	93.00	0.4700	\$21,243	\$21,462
DLE	1.25	1.25	178.00	128.50	309.00	1.5616	\$70,583	\$71,308
DNR	5.25	6.25	103.50	83.75	198.75	1.0044	\$45,399	\$45,866
DOA	5.75	6.00	282.25	197.25	491.25	2.4826	\$112,213	\$113,366
DOE	20.00	26.00	1,200.00	511.00	1,757.00	8.8792	\$401,340	\$405,464
DOS	2.00	1.75	42.00	17.50	63.25	0.3196	\$14,448	\$14,596
DOT	16.00	18.00	452.00	189.75	675.75	3.4150	\$154,357	\$155,943
DPR	84.83	98.00	3,729.50	1,085.75	4,998.08	25.2585	\$1,141,677	\$1,153,409
ENG	0.00	0.00	0.00	1.00	1.00	0.0051	\$228	\$231
FWF	0.25	0.25	6.00	0.00	6.50	0.0328	\$1,485	\$1,500
GOV	6.75	9.75	38.00	83.00	137.50	0.6949	\$31,408	\$31,731
HRS	114.75	124.83	3,615.50	1,760.55	5,615.63	28.3794	\$1,282,740	\$1,295,921
HSM	12.25	15.00	239.00	143.05	409.30	2.0685	\$93,494	\$94,454
INS	10.50	9.75	674.00	119.25	813.50	4.1111	\$185,822	\$187,732
LES	5.00	4.00	60.00	34.25	103.25	0.5218	\$23,585	\$23,827
PSC	1.25	0.00	16.00	4.00	21.25	0.1074	\$4,854	\$4,904
REV	6.50	6.50	148.00	35.00	196.00	0.9905	\$44,771	\$45,231
SFW	15.25	15.25	84.00	25.00	139.50	0.7050	\$31,865	\$32,192
SJR	7.75	7.75	127.00	16.50	159.00	0.8035	\$36,319	\$36,692
SRW	1.00	1.00	6.00	6.50	14.50	0.0733	\$3,312	\$3,346
SWF	5.75	6.25	119.00	33.00	164.00	0.8288	\$37,461	\$37,846
TOTAL	390.33	442.08	13,685.25	5,270.05	19,787.71	100.0000	\$4,519,972	\$4,566,418

11-30-89

Apportionment Study
Final Report
HOURS SCHEDULED BY AGENCY
For the Period 12/1/88 through 11/30/89

AGENCY	PREHEARING CONFERENCE	MOTION HEARING	CANCELLED/ CONTINUED HEARING	FINAL HEARING	TOTAL HOURS	% OF TOTAL HOURS	% of DOAH FY 1989-90 BUDGET	% of DOAH FY 1990-91 AMENDED BUDGET REQ.
AGR	1.75	1.50	34.00	21.75	59.00	0.24708	\$11,166	\$11,281
CLR	0.00	0.00	4.00	14.50	18.50	0.07758	\$3,501	\$3,537
CMP	13.75	15.25	603.00	86.95	718.95	3.01038	\$136,066	\$137,465
COH	0.00	0.00	7.00	10.50	17.50	0.07338	\$3,312	\$3,346
COM	0.00	0.00	8.00	2.50	10.50	0.04408	\$1,987	\$2,008
COR	3.00	11.00	11.00	5.75	30.75	0.12888	\$5,820	\$5,879
DBR	14.75	17.00	506.00	156.75	694.50	2.90808	\$131,439	\$132,790
DCA	10.75	9.50	222.00	217.75	460.00	1.92618	\$87,058	\$87,953
DER	38.50	46.25	1,363.00	603.50	2,051.25	8.58888	\$388,214	\$392,203
DGS	2.00	3.25	141.00	74.00	220.25	0.92228	\$41,684	\$42,112
DIA	0.75	0.75	64.00	27.50	93.00	0.38948	\$17,601	\$17,782
DLE	6.00	6.00	326.00	146.00	484.00	2.02668	\$91,600	\$92,542
DNR	8.00	9.00	125.50	83.75	226.25	0.94738	\$42,819	\$43,259
DOA	11.75	11.75	362.25	261.00	646.75	2.70808	\$122,402	\$123,660
DOE	30.50	35.75	1,486.00	651.00	2,203.25	9.22538	\$416,981	\$421,265
DOS	2.25	2.00	42.00	18.50	64.75	0.27118	\$12,254	\$12,380
DOT	16.50	18.50	538.00	231.50	804.50	3.36858	\$152,257	\$153,822
DPR	96.08	107.00	4,283.00	1,256.00	5,742.08	24.04288	\$1,086,729	\$1,097,896
ENG	0.00	0.00	0.00	1.00	1.00	0.00428	\$189	\$191
FWF	0.25	0.25	6.00	0.00	6.50	0.02728	\$1,230	\$1,243
GOV	6.75	9.75	38.00	85.00	139.50	0.58418	\$26,401	\$26,673
HRS	140.00	150.08	4,341.75	2,064.30	6,696.13	28.03768	\$1,267,290	\$1,280,312
HSM	21.75	24.50	423.00	146.55	615.80	2.57848	\$116,545	\$117,742
INS	11.75	14.75	780.00	152.25	958.75	4.01448	\$181,450	\$183,315
LES	5.00	4.00	66.00	37.25	112.25	0.47008	\$21,244	\$21,462
PSC	1.25	0.25	16.00	7.00	24.50	0.10268	\$4,637	\$4,684
REV	6.50	6.50	201.00	35.00	249.00	1.04268	\$47,125	\$47,609
RPC	0.25	0.25	8.00	0.00	8.50	0.03568	\$1,609	\$1,625
SFW	16.50	16.50	88.00	26.50	147.50	0.61768	\$27,915	\$28,202
SJR	7.75	7.75	127.00	16.50	159.00	0.66588	\$30,092	\$30,401
SRW	1.00	1.00	6.00	6.50	14.50	0.06078	\$2,744	\$2,772
SWF	5.75	6.25	159.00	33.00	204.00	0.85428	\$38,608	\$39,005
TOTAL	480.83	536.33	16,385.50	6,480.05	23,882.71	100.00008	\$4,519,972	\$4,566,418

KEY TO AGENCY TITLE ABBREVIATIONS

<u>Abbreviated Agency Title</u>	<u>Full Agency Title</u>
AGR	Department of Agriculture & Consumer Services
CLR	City of Clearwater
CMP	Department of Banking & Finance/Comptroller
COH	Tampa/Hillsborough County Expressway Authority
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
ENG	Englewood Water Management District
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 and Employment Security
PSC	Public Service Commission
REV	Department of Revenue
RPC	East Central Florida Regional Planning Council
SFW	South Florida Water Management District
SJR	St. Johns River Water Management District
SRW	Suwannee River Water Management District
SWF	Southwest Florida Water Management District

COL A04
 AGY FIN REQ
 FY 90-91
 POS AMOUNT

CODES

APPRO BILL SECTION 1

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

51000000
 51970000
 0902.00.00.17
 10
 34000000

FUND SHIFT
 TRANSFER TO ADMINISTRATIVE TRUST
 FUND

3400200
 010000

SALARIES AND BENEFITS

ADMINISTRATIVE TRUST FUND.....

407,027
 =====

EXPENSES

040000

ADMINISTRATIVE TRUST FUND.....

76,110
 =====

TOTAL: TRANSFER TO ADMINISTRATIVE TRUST
 FUND

2021
 3400200

TOTAL ISSUE.....

483,937
 =====

ISSUE NARRATIVE:
 SECOND YEAR ISSUE NARRATIVE:

SINCE FY 1987-88, THE DIVISION OF ADMINISTRATIVE HEARINGS (DOAH) HAS CONDUCTED STUDIES TO DETERMINE A MORE EQUITABLE METHOD OF APPORTIONING ITS OPERATING COSTS AMONG ALL USERS. THE DIVISION IS RESPONSIBLE FOR PROVIDING THE LEGISLATURE AND GOVERNOR'S OFFICE WITH ANNUAL REPORTS WHICH SUMMARIZE THESE RESULTS AND INCLUDE FUNDING RECOMMENDATIONS.

IN ITS DECEMBER 1, 1988 ANNUAL REPORT, DOAH RECOMMENDED THAT 31% OF ITS FY 1989-90 OPERATING BUDGET BE FUNDED FROM THE GENERAL REVENUE FUND, AND 6% BE APPORTIONED AMONG FIVE AGENCIES WITH THE HIGHEST UTILIZATION RATES: THE DEPARTMENT OF BUSINESS REGULATION (DBR), ENVIRONMENTAL REGULATION (DER), PROFESSIONAL REGULATION (DPR), TRANSPORTATION (DOT), AND HEALTH AND REHABILITATIVE SERVICES (HRS). 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 1989-90, ALL OF THESE AGENCIES TRANSFER FUNDS TO DOAH'S ADMINISTRATIVE TRUST FUND, WHICH COMPRISES 73% OF THE DIVISION'S TOTAL APPROVED OPERATING BUDGET.

THE DIVISION IS CONTINUING ITS STUDY AND WILL SUBMIT ITS ANNUAL REPORT TO THE LEGISLATURE AND GOVERNOR'S OFFICE ON DECEMBER 1, 1989. THE DIVISION HAS ALSO PREPARED THREE QUARTERLY REPORTS SINCE SUBMISSION OF THE 1988 ANNUAL REPORT. THE LAST QUARTERLY REPORT DATED OCTOBER 1, 1989 INCLUDES DATA FOR THE PERIOD 12/1/88 THROUGH 9/30/89. ONCE AGAIN, THE FIVE AGENCIES NOTED ABOVE WERE IDENTIFIED AS HAVING THE HIGHEST UTILIZATION PERCENTAGES. DOAH ALSO IDENTIFIED THREE ADDITIONAL AGENCIES WITH SIGNIFICANT UTILIZATION RATES: THE DEPARTMENTS OF BANKING AND FINANCE (DBF), EDUCATION (DOE), AND INSURANCE (INS). BASED ON THESE PERCENTAGES, THE DIVISION'S TOTAL FY 1990-91 LEGISLATIVE BUDGET REQUEST WAS APPORTIONED AMONG THESE AGENCIES AND A FUND SHIFT, BY APPROPRIATION CATEGORY, WAS CALCULATED. THIS SHIFT RESULTS IN FUNDING 15.93% OF DOAH'S FY 1990-91 LDR FROM THE GENERAL REVENUE FUND AND 84.07% FROM THE

COL A04
 AGY FIN REQ
 FY 90-91
 POS AMOUNT

 51000000
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APPRO BILL SECTION 1

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

FUND SHIFT
 TRANSFER TO ADMINISTRATIVE TRUST
 FUND

ADMINISTRATIVE TRUST FUND. THIS ISSUE IS CALCULATED AS FOLLOWS:

AGENCY	REPORT	PERCENTAGE	TOTAL REQUEST, FY 1990-91 =
DBF	3.48%		\$ 150,911
DBR	3.28%		149,779
DER	7.26%		331,522
DOE	0.80%		405,498
DOT	3.42%		156,172
DPR	25.26%		1,153,477
HRS	28.38%		1,295,969
INS	4.11%		187,680
TOTAL TF	84.07%		\$3,838,908
TOTAL GR	15.93%		727,430
TOTAL	100.00%		\$4,566,410

FUND SHIFT CALCULATION	FY 1990-91
ABOVE TF TOTAL	\$3,838,908

LESS: TOTAL TF,
 ANTICIPATED FY 1990-
 91 REQUEST,
 BEFORE FUND
 SHIFT

TOTAL TRUST FUND SHIFT
 \$ 483,937
 =====

COL A04
 AGY FII REQ
 FY 90-91
 POS AMOUNT

 CODES
 51000000
 51970000
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APPRO BILL SECTION 1

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

POSITION DETAIL OF SALARIES AND BENEFITS:

FTE	BASE RATE	ADDITIVES	BENEFITS	SUBTOTAL	LAPSE LARGED SALARIES AND BENEFITS
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A04 - AGY FII REQ FY 90-91

CHANGES TO CURRENTLY AUTHORIZED POSITIONS
 OTHER SALARY AMOUNT
 2021 ADMINISTRATIVE TRUST FUND

					407,827
					407,827
					=====

TOTAL: CONTINUE CURRENT PROGRAMS

TOTAL POSITIONS	67.00
TOTAL ISSUE TYPE	4,566,418
	=====

TOTAL: ADMINISTRATIVE HEARINGS

BY FUND TYPE	
GENERAL REVENUE FUND	727,430
TRUST FUNDS	3,838,988
	=====

TOTAL POSITIONS	67.00
TOTAL PROG COMP	4,566,418
	=====

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