

STATE OF FLORIDA

DIVISION OF ADMINISTRATIVE HEARINGS



January 27, 2014

FORTIETH ANNUAL REPORT

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FORTIETH ANNUAL REPORT

INTRODUCTION

This report is submitted to the Joint Administrative Procedures Committee and to the Administration Commission in compliance with the requirements of section 120.65(8), 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:

- (a) A summary of the extent and effect of agencies' utilization of administrative law judges, court reporters, and other personnel in proceedings under this chapter.
- (b) Recommendations for change or improvement in the Administrative Procedure Act or any agency's practice or policy with respect thereto.
- (c) Recommendations as to those types of cases or disputes which should be conducted under the summary hearing process described in s. 120.574.
- (d) A report regarding each agency's compliance with the filing requirement in s. 120.57(1)(m).

GENERAL

The Division of Administrative Hearings administers two programs. One, which is the subject of this report, is the Adjudication of Disputes program that operates pursuant to chapter 120, Florida Statutes. The other is the Workers' Compensation Appeals program, Office of the Judges of Compensation Claims (OJCC), which operates pursuant to chapter 440, Florida Statutes. Section 440.45(5), Florida Statutes, requires the OJCC to issue an annual report to the Governor, the House of Representatives, the Senate, The Florida Bar, and the statewide nominating commission. The OJCC annual report was submitted. Accordingly, the present report will focus primarily on the Adjudication of Disputes program. However, because the

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headquarters element of the Division must support both programs, this report necessarily must include some information addressing the OJCC.

UTILIZATION RATES

Appendix 1 breaks out by agency the utilization rates of Division resources and demonstrates, in descending order, that 12 agencies utilized 95 percent of the Division's docket: the Department of Management Services, the Department of Revenue, the Agency for Health Care Administration, the Department of Environmental Protection, the Department of Children and Families, the Department of Business and Professional Regulation, the Department of Financial Services, the Department of Education, the Department of Health, the Department of Law Enforcement, the Department of Highway Safety and Motor Vehicles, and the Agency for Persons with Disabilities. Additionally, entities such as water management districts, cities, counties, school districts, and other educational entities, are significant users of the Division's services and are reported separately since they are covered by contractual agreements.

During FY 2012-13, state agencies and other governmental entities referred 4,354 requests for assignment of an administrative law judge compared to 5,428 requests filed the previous year. Although there was a moderate decrease in the number of cases filed, most of the decrease occurred in 2012. The Division is currently experiencing an upward trend and anticipates the cases returning to a more normal volume by the end of the current fiscal year. This is explained in part by the implementation of a new system by the Department of Revenue, Child Support Enforcement, which is expected to generate more referrals. The Department of Revenue has indicated a slow increase since its new system has been implemented and has already begun to send more referrals for the current fiscal year. Requests for assignment of Administrative Law Judges from the following nine agencies constitute 20 percent of our fiscal

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year caseload: the Agency for Persons with Disabilities (137 cases, an increase of 315 percent over the 33 cases filed in FY 2011-12), the Florida Commission on Ethics (16 cases, an increase of 100 percent over the 8 cases filed in FY 2011-12), the Department of Economic Opportunity (6 cases, an increase of 200 percent over the 2 cases filed in FY 2011-12), the Department of Health (145 cases, an increase of 3 percent over the 141 cases filed in FY 2011-12), the Department of Financial Services (168 cases, an increase of 24 percent over the 135 cases filed in FY 2011-12), the Department of Law Enforcement (55 cases, an increase of 96 percent over the 28 cases filed in FY 2011-12), the Department of Transportation (21 cases, an increase of 75 percent over the 12 cases filed in FY 2011-12), Florida Fish and Wildlife Conservation Commission, (7 cases, an increase of 17 percent over the 6 cases filed in FY 2011-12), and the County School Boards (321 cases, an increase of 11 percent over the 290 cases filed in FY 2011-12).

UTILIZATION OF PERSONNEL

As of June 30, 2013, the Adjudication of Disputes program had 65 established positions consisting of the Director and Chief Judge, the Deputy Chief Judge, 31 Administrative Law Judges, six Administrative Secretaries, seven Administrative Assistants, one Budget Officer, one Executive Assistant, two Staff Assistants, one Administrative Services Director, one Personnel Officer, one Purchasing Agent, one Accountant, one Database Administrator, one Distributed Computer Systems Analyst, one Systems Programmer, one Clerk of the Division, two Commission Deputy Clerks, two Deputy Clerks, and two Senior Clerks. With one Administrative Secretary or Administrative Assistant assigned to three judges, this represents a highly efficient model for the adjudicatory process. Our judges utilize a minimum of administrative personnel to perform their assigned tasks.

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The Workers' Compensation Appeals program had 177 established positions consisting of one Deputy Chief Judge of Compensation Claims, 31 Judges of Compensation Claims, 28 State Mediators, 1 Executive Secretary (The field office Executive Secretaries were reclassified to Deputy Clerks.), 34 Deputy Clerks (This includes 30 in field offices and four in the central Clerk's Office.), one Office Operations Manager, 37 Commission Deputy Clerks (This includes 31 in the field offices and six in the central Clerk's Office. Former field office Deputy Clerks were reclassified to Commission Deputy Clerks.), six Administrative Assistants, 30 Administrative Secretaries, one Secretary Specialist, one Staff Assistant, one Senior Management Analyst, one Court Reporter, one Distributed Computer Systems Administrator, one Distributed Computer Systems Analyst, one Distributed Computer Systems Specialist, and one Senior Attorney. The Legislature, in 2013, made additional personnel cuts to the Division. As of July 1, 2013, the Workers' Compensation Appeals Program was reduced to 176 established positions. In an extremely high-volume area of the law and in recognition of the economic downturn, the program constantly seeks ways to combine staff positions and responsibilities in the interest of cost savings.

HEARING REQUESTS

During FY 2012-13, the Division processed 4,354 hearing requests compared to 5,428 cases filed the previous fiscal year. Of the total cases filed, 1,836 were Baker Act cases. The remaining 2,518 cases were primarily filed pursuant to sections 120.56, 120.569, and 120.57(1), Florida Statutes. Most notable were the referrals from the Agency for Persons with Disabilities, which increased its referrals by 315 percent with 137 cases filed this fiscal year compared to 33 cases previously reported. Other cases filed are itemized by agency in the attached Appendix 2.

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In FY 2012-13, each Administrative Law Judge conducted an average of 104 hearings and wrote an average of 26 Recommended or Final Orders of varying length and complexity. In addition, each Judge closed an average of 47 cases, which were settled or otherwise dismissed without a final hearing. The case closure data does not include Baker Act closures.

INFORMATION TECHNOLOGY

The Division maintains two mission-critical databases and applications: the DOAH Case Management System (CMS) and the OJCC Case Management System (JCCa). Associated applications include full-text retrieval and document indexing of orders issued by the Division's Administrative Law Judges and Judges of Compensation Claims. Both databases are accessible via the Division's two websites, www.doah.state.fl.us and www.fljcc.org. Secondary applications include office automation (word processing and e-mail) and online legal research via LexisNexis and other Internet resources.

Infrastructure Upgrades

Servers in each of the OJCC district offices and PCs in six district offices were replaced due to hardware end-of-life. Domain-wide servers, including domain controllers, an e-mail server and production database servers, were also replaced. Additional network-attached storage was acquired to accommodate the current and future growth rate in the number of case-related documents and agency indexed documents.

Network and data security were enhanced. In order to comply with HIPAA requirements and also network security best practices, the Division acquired and implemented SSL (secure sockets layer) certificates for both websites.

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Electronic Filing

In January 2013, the Division deployed a new service to users of the OJCC electronic filing application (eJCC). When a registered user uploads a pleading to be filed in an OJCC case and selects this option, the Division electronically serves that pleading on the other parties to the case. For calendar year 2013, there were 495,784 documents uploaded via the eJCC filing portal; the Division then served those documents electronically (via e-mail) to 548,009 recipients. For the Adjudication of Disputes program (eALJ), 31,355 documents were electronically filed with the Division. Electronic service of e-filed documents through eALJ will be implemented in 2014.

Indexing

Under section 120.53(2)(a), Florida Statutes, all state agencies now have an option to electronically transmit their agency orders to the Division's website for indexing purposes. To date, the following agencies have taken advantage of this provision: Department of Agriculture and Consumer Services, Department of Children and Families, Department of Economic Opportunity, Department of Environmental Protection, Department of Education, Department of Business and Professional Regulation, Department of Highway Safety and Motor Vehicles, Department of Health, and the Office of the Governor. We expect additional agencies will enroll in this no cost program in the coming year.

OPERATING BUDGET

The Division is 100 percent trust funded. Appendix 3 summarizes the actual, estimated, and requested expenditures for the Division's programs for FY 2012-13, FY 2013-14, and FY 2014-15, respectively.

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For the Adjudication of Disputes program, each year the Division reports to the Legislature and the Governor's Office the total number of hearing hours conducted by its judges for all agencies. Based on this data, the Division's budget is prorated among the state agencies utilizing its services, and the Legislature appropriates fund transfers to the Division from those agencies. Hence, the amount each agency transfers to the Division is based on the amount of time the judges spend in pre-hearing conferences, motion hearings, and final hearings for each agency in a given year. Beginning in FY 2003-04, data on cancelled and continued hearings were excluded from the report under the theory that the agencies should not be penalized for encouraging the resolution of disputes short of proceeding to hearing. In October 2013, the Division submitted its twenty-seventh "Hearing Hours Held" report (see Appendix 1). In FY 2012-13, 3,355.25 hearing hours were held. (Appendix 1 excludes Baker Act hearing hours, which totaled 239 in FY 2012-13.)

The Division is also authorized to enter into contracts with non-state entities such as cities, counties, regional planning councils, water management districts, school districts, and other educational entities for the provision of Administrative Law Judge services. The Division executed a contract with the Florida Legislature in late 2006 which had renewed each year (with the exception of this past year), and the Division's judges heard all Florida Senate claim bills that required a hearing before a Special Master. Contract organizations reimburse the Division for the costs of its services at a rate that is based on a total-cost-recovery methodology. The current contract rate is \$143 an hour, a most reasonable rate for adjudicatory services by experienced lawyer-judges.

The Division has continued to implement the Office of Program Policy Analysis and Government Accountability's (OPPAGA's) recommendation to shift the burden of the cost of the

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Adjudication of Disputes program from state agencies to non-state entities. This has been accomplished by revising each year the hourly rate that is paid by the non-state entities for Administrative Law Judge services, by marketing the Division's services to attract new non-state entities, and by backing out these revenues before the budget is prorated among the state agencies. The assessment for administrative support that is paid by the Workers' Compensation Appeals program is also backed out before the budget is prorated. Hence, state agency transfers have been reduced by about \$1.1 million in the Division's FY 2014-15 Legislative Budget Request. In the coming year, the Director and other members of the Division's staff will continue their efforts to solicit new contractual business from local government entities to further offset the cost of supporting the Division that is borne by our state agencies.

The Workers' Compensation Appeals program is supported by cash transfers from the Workers' Compensation Administration Trust Fund that is administered by the Department of Financial Services. This trust fund is funded through a workers' compensation premium tax assessment which supports the entire workers' compensation program, not only the appeals program administered by the Division.

RECOMMENDATIONS CONCERNING THE A.P.A.

The Division closely follows judicial decisions concerning the application and interpretation of the Administrative Procedure Act (A.P.A.). The Division clearly recognizes that it must remain fair and impartial in all matters affecting the agencies and private parties that come before it for adjudication of their disputes. However, pursuant to its statutory mandate in section 120.65(8)(b), Florida Statutes, the Division is required to make recommendations for changes or improvements in the A.P.A. "or any agency's practice or policy with respect thereto." Further, section 120.65 was amended in 2006 to require the Division to include

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recommendations as to the types of cases that should be conducted under the summary hearing process described in section 120.574, Florida Statutes. § 120.65(8)(c), Fla. Stat. Finally, section 120.65 was amended to require the Division's report to include information regarding each agency's compliance with the filing requirement in section 120.57(1)(m), Florida Statutes.

This year, numerous bills have been filed in the Florida Legislature to make amendments to the A.P.A. Many of these amendments are designed to clean up or clarify the law as it currently exists through the rulemaking process and court decisions. Other changes appear to be more substantive in nature. As in the past, the Division will work with the Legislature and proponents or opponents of any proposed legislation affecting administrative practice to ensure that the goals of due process and an efficient adjudication of disputes is maintained. As of the date of this report, it remains too early in the process to comment on specific legislation, other than to say the undersigned and any other necessary staff of the Division will cooperate fully with Legislative and Executive branch requests regarding procedural and substantive changes to chapter 120 or any statutes related to the adjudication of disputes in the administrative forum. We shall testify before legislative committees, meet with members of the Legislature, or confer with stakeholders, as requested, to provide information and insights into how proposed changes might affect the Division and the cases we hear.

The Division, if asked, will continue to perform Special Master duties under contract with the Florida Senate, and, when these matters are referred to the Division, the Administrative Law Judges assigned to hear legislative claim bills will continue to be called upon to support their decisions before the appropriate Senate committees and, when requested, on the Senate floor. Many high profile claim bills have been heard by the Division's judges serving as Special

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Masters and positive feedback has been given to the Division by Senate leadership. The Division has taken on these new matters without the addition of new judges or support staff.

As noted above, the Division has experienced immense growth in the use of filing of pleadings, orders, and other documents by electronic means since mandatory electronic filing has become the law. Under this system, registered users of the electronic filing program realize the efficiencies and savings afforded by not using the mail, both regular and overnight, courier services to file papers with the Division, copying charges and materials, and staff time to carry out each of these functions. Since the system is now mandatory, not only has the Division saved costs, but the users of the system will realize great savings in time, effort, and the cost of materials and staff. Moreover, electronic filing has allowed all filed pleadings to be made available immediately on the Division's website for use by the public, thereby adding to the transparency of the work performed by the Division. As noted previously, the Workers' Compensation Appeals Program has already instituted e-service of all pleadings and papers filed, which has resulted in additional cost savings for those who conduct business with the Division. Such savings will be realized by those filing documents in the Adjudication of Disputes Program later this year when e-service is implemented in this program as well. Realizing that not everyone has access to a computer, the legislation carved out an exception to the requirement of electronic filing for those unable to gain reasonable access to a computer for filing documents. Many self-represented litigants have chosen to use the electronic filing system, even though not required to by law.

The summary hearing process set forth in section 120.574, Florida Statutes, has been selected by agencies and private parties only in rare instances since its enactment in 1998. In fact, to date, only three cases have been heard by the Division under this section. As we have

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done numerous times in the past, we will again note that if certain regulatory agencies, namely, those responsible for the prosecution of licensure disciplinary matters, such as the Department of Business and Professional Regulation and the Department of Health, were to refer their "misdemeanor" cases (those where the only penalty sought is an administrative fine) into the summary hearing process, the Division could assist with any backlog these agencies currently experience with respect to these cases. Also, if the minor infraction cases were referred to the Division for prompt adjudication, the regulatory agencies could concentrate their efforts (and precious meeting time for the volunteer members of the professional licensing boards) on the more serious matters which pose a threat to the health, safety, and welfare of the citizens of Florida. The Division could handle these additional summary matters with its current complement of judges and support staff.

In 2009, the Division was able for the first time to offer video-teleconferencing capabilities in each of its 17 district offices around the state, as well as in the central offices in Tallahassee. As the Division has absorbed annual budget cuts, this capability has resulted in significant savings in costs and time, since the judges assigned to cases outside of Tallahassee are able to conduct many hearings via video, allowing them to maximize their office time to more timely issue the highly detailed orders that are required in administrative hearings. The video-teleconferencing technology has developed to the point where many attorneys prefer its use to the live hearing since multiple sites may be linked for a single hearing, allowing, for example, the judge and agency representatives to be in Tallahassee, the party involved in the hearing to be in Ft. Lauderdale, and perhaps even a witness to appear in Orlando, rather than having everyone travel to one location. The Workers' Compensation Appeals program has further utilized video teleconferencing to allow judges in districts that have experienced a

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downturn in the number of cases filed to alleviate some of the backlog in those districts still experiencing high volume. The use of video teleconferencing saves the cost of these judges traveling across the state and still provides a high-quality means of hearing the cases in a timely fashion.

In addition to the use of video teleconferencing for hearings, video teleconferencing has become an invaluable training tool, allowing us to connect multiple cities to our trainers in Tallahassee, rather than sending people on the road to perform in-service training.

Pursuant to the requirement contained in section 120.65(8)(d), Florida Statutes, many agencies have improved the timeliness of filing their final orders with the Division. In this past fiscal year, 13 of the 20 reported agencies employing the services of the Division have completely or substantially complied with the 15-day filing requirement (Agency for Health Care Administration, Commissions, Department of Agriculture and Consumer Services, Department of Business and Professional Regulation, Department of Citrus, Department of Environmental Protection, Department of Financial Services, Department of Highway Safety and Motor Vehicles, Department of Management Services, Department of Revenue, Department of Transportation, State Board of Administration, and Water Management Districts). Overall, of the agency final orders filed with the Division between July 1, 2012, and June 30, 2013, 75 percent were filed within 15 days of entry by the agency. The Division once again intends to remind the agencies of the statutory requirement to timely file their final orders. Filing these final orders electronically makes the task a simple one for the agencies.

Finally, in 2008, the Legislature designated the Division as an alternative for agencies who seek help in indexing their final orders pursuant to section 120.53(1)(a)2.b., Florida Statutes. Agencies may now designate the Division to keep, in an electronic format, all of their

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final orders and make those orders available to the public in a searchable database. Nine agencies (Department of Agriculture and Consumer Services, Department of Children and Families, Department of Economic Opportunity, Department of Environmental Protection, Department of Education, Department of Business and Professional Regulation, Department of Highway Safety and Motor Vehicles, Department of Health, and the Executive Office of the Governor) have already taken advantage of this service, and several agencies are now in the process of electronically transmitting these orders to the Division, which will publish them on its website for public use. To handle the increased number of documents received electronically, as well as to have sufficient space available for agency indexing of final orders, the Division has upgraded its storage capabilities. As more agencies take advantage of this service, the day may again come when the Division may have to increase its data storage capabilities.

CONCLUSION

The Division continues to supply high-quality adjudication of disputes pursuant to chapter 120, the Administrative Procedure Act. The Division constantly seeks ways to make the process more affordable to state agencies and citizens, and continues to expand its base to counties, cities, and other users of its program in order to reduce the cost of providing services. In the coming year, the Division will continue to focus its efforts on improved technology in order to streamline the electronic filing of all matters before it, as well as to improve access to the public for research, order preparation, and archiving. Further, the Division is mindful of the cost of proceeding to hearing and seeks to minimize any potential delays in moving cases through the system. This ensures that individuals, small businesses, and major corporations reduce the cost, time, and opportunity lost through judicial delay. By helping matters move through the Division in an expeditious matter, the cost of litigation is reduced and the time lost in

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the pursuit of a remedy is reduced. Through the elimination of programs that are not cost-effective; the elimination of personnel no longer needed in the face of improved technology; through promoting alternative dispute resolution short of hearing; the encouragement toward agencies to take advantage of the summary hearing process; and the increase in the number of non-state agencies contracting for the Division's services, the Division contributes to the goal of efficient government. To conclude, our number one concern is to ensure that all who appear before the Division are afforded due process in a fair and impartial setting, before a judge who treats them with respect and has a thorough understanding of the law to be applied in the matter at hand. We shall accomplish this without sacrificing quality and fairness in the Adjudication of Disputes program, and shall accomplish our goals without requesting additional funding from the Legislature.

Respectfully submitted,



ROBERT S. COHEN
Director and Chief Judge

RSC/ljs

6/30/2013

Appendix 1

HEARING HOURS HELD REPORT
FY 2012-2013
For the Period 07/01/12 through 6/30/2013

AGENCY	PREHEARING CONFERENCE	MOTION HEARING	FINAL HEARING	TOTAL HOURS	% OF TOTAL HOURS	PRORATED AMOUNT OF FY 2014-15 LBR
AGR	1.00	1.00	18.25	20.25	0.87549%	\$63,485
AHCA	6.50	9.50	236.50	252.50	10.91656%	\$791,604
APD	2.00	2.75	31.25	36.00	1.55642%	\$112,862
CIT	0.00	0.00	8.00	8.00	0.34587%	\$25,080
COR	0.00	0.00	0.00	0.00	0.00000%	\$0
DBPR	11.00	11.00	160.25	182.25	7.87938%	\$571,365
DCF	3.25	0.75	186.50	190.50	8.23606%	\$597,230
DEO	0.50	0.75	8.50	9.75	0.42153%	\$30,567
DEP	2.75	1.75	227.00	231.50	10.00865%	\$725,767
DFS	3.25	9.50	144.25	157.00	6.78772%	\$492,205
DLA	0.00	0.00	0.00	0.00	0.00000%	\$0
DLE	0.25	0.25	73.00	73.50	3.17769%	\$230,427
DMA	0.00	0.00	0.00	0.00	0.00000%	\$0
DMS	7.25	16.00	422.00	445.25	19.24989%	\$1,395,887
DOE	3.00	2.50	141.00	146.50	6.33377%	\$459,287
DOH	2.00	11.75	127.00	140.75	6.08517%	\$441,260
DOS	0.25	0.00	2.00	2.25	0.09728%	\$7,054
DOT	0.75	2.00	31.50	34.25	1.48076%	\$107,376
ELDER	0.00	0.00	0.00	0.00	0.00000%	\$0
ETH	0.00	0.25	15.00	15.25	0.65932%	\$47,810
FEC	0.75	0.00	8.50	9.25	0.39991%	\$28,999
FWCC	0.00	0.00	6.75	6.75	0.29183%	\$21,162
GOV	0.00	0.00	0.00	0.00	0.00000%	\$0
HSM	2.25	3.50	62.25	68.00	2.93990%	\$213,184
JUV	0.00	0.00	0.00	0.00	0.00000%	\$0
LOT	0.00	0.00	0.00	0.00	0.00000%	\$0
PSC	0.00	0.00	0.00	0.00	0.00000%	\$0
REV	0.00	1.50	282.00	283.50	12.25681%	\$888,791
VET	0.00	0.00	0.00	0.00	0.00000%	\$0
TOTAL:	46.75	74.75	2191.50	2313.00	100.00000%	\$7,251,402

NOTE: Hearing hours held in contract cases (water management districts, regional planning councils, cities, counties, school district/educational entity cases, etc.), NICA cases, growth management, medical malpractice and other miscellaneous cases are reported separately.

*Prior to prorating among state agencies, DOAH's FY 2014-15 Legislative Budget Request totaling \$8,356,986 was adjusted to reflect estimated revenue of \$560,341 from contract entities, payment of \$612,135 from the Workers' Compensation Appeals Program for general management and administrative services costs, estimated revenue of \$15,832 from cases filed pursuant to Chapter 403, Florida Statutes, and the estimated nonoperating cost of \$82,724 for state agency video teleconferencing hearings.

6/30/2013

Appendix 1

HEARING HOURS HELD BY CONTRACT/EDUCATIONAL/OTHER AGENCIES

FY 2012-2013

For the Period 07/01/12 through 6/30/13

AGENCY	PREHEARING CONFERENCE	MOTION HEARING	FINAL HEARING	TOTAL HOURS	% OF HOURS ALL AGENCIES
CONTRACT	3.00	7.00	93.25	103.25	3.07727%
EPP	0.00	0.50	6.00	6.50	0.19373%
TL	0.00	0.00	0.00	0.00	0.00000%
GM	2.00	1.25	62.50	65.75	2.84263%
MA	1.50	0.00	14.00	15.50	0.46196%
NICA	0.75	5.50	35.25	41.50	1.23687%
OTHER	0.25	0.00	1.75	2.00	0.05961%
SENATE CLAIM	0.00	0.00	0.00	0.00	0.00000%
SCHBDS	29.25	13.50	765.00	807.75	24.07421%
TOTAL:	36.75	27.75	977.75	1042.25	31.06326%

CONTRACT: Water Management Districts, Regional Planning Councils, Cities, Counties, etc., as specified in § 120.65(11), Fla. Stat.

EPP: Electrical Power Plant siting cases filed by DEP, pursuant to Ch. 403, Fla. Stat.

TL: Transmission line siting cases filed by DEP, pursuant to Ch. 403, Fla. Stat.

GM: Growth Management cases filed by individuals, pursuant to § 163.3184(5), Fla. Stat.

MA: Medical Arbitration

NICA: Florida Birth-Related Neurological Injury Compensation Association

OTHER: Noncontract entities such as Victims of Wrongful Incarceration Compensation Act

SENATE CLAIM BILLS: Excess judgment claims and equitable claims, pursuant to Senate Rules 4.81

SCHBDS: School boards and other educational entities specified in § 120.65(1), Fla. Stat.

Division of Administrative Hearings

ANALYSIS OF AGENCY REQUEST FOR
FISCAL YEAR 2012 - 2013

AGENCY	Jul-Dec	Jan-June	TOTAL
Authorities			
Tampa Port Authority	1	0	1
Agency Total	1	0	1
Department of Agriculture and Consumer Services			
Department of Agriculture and Consumer Services	7	4	11
Bureau of License and Bond	3	0	3
Division of Consumer Services	1	0	1
Division of Licensing	0	1	1
Agency Total	11	5	16
Agency for Persons with Disabilities			
Agency for Persons with Disabilities	17	120	137
Agency Total	17	120	137
Department of Children and Family Services			
Department of Children and Family Services	1	1	2
Exemption Ch. 435, position of special trust	19	18	37
Family Safety and Preservation Programs	30	40	70
Office of Licensure and Certification	1	6	7
Non-Baker Act Total	51	65	116
Contract Hearings			
City of Cape Coral	1	1	2
City of Gainesville	3	1	4
Code Enforcement	0	1	1
City of Tallahassee	0	1	1
Emerald Coast Utilities Authority	1	0	1
Miami-Dade County	0	3	3
Monroe County	1	2	3
Pinellas County	2	5	7
Agency Total	8	14	22
Department of Citrus			
Department of Citrus	0	1	1
Agency Total	0	1	1
Commissions			
Florida Commission on Ethics	9	7	16
Florida Commission on Human Relations	71	73	144
FCHR, Fair Housing Act	15	4	19
Florida Elections Commission	1	0	1
Agency Total	96	84	180
Department of Corrections			
Department of Corrections	2	0	2
Agency Total	2	0	2
County School Boards			
Alachua County School Board	2	0	2
Baker County School Board	1	0	1
Bay County School Board	1	0	1
Bradford County School Board	0	2	2
Brevard County School Board	3	7	10

Division of Administrative Hearings

ANALYSIS OF AGENCY REQUEST FOR
FISCAL YEAR 2012 - 2013

AGENCY	Jul-Dec	Jan-June	TOTAL
Broward County School Board	23	31	54
Charlotte County School Board	1	1	2
Citrus County School Board	0	1	1
Clay County School Board	1	0	1
Collier County School Board	0	4	4
Miami-Dade County School Board	23	36	59
DeSoto County School Board	1	0	1
Duval County School Board	6	9	15
Escambia County School Board	1	1	2
Flagler County School Board	1	2	3
Franklin County School Board	0	1	1
Gilchrist County School Board	1	0	1
Glades County School Board	1	0	1
Hendry County School Board	1	0	1
Hernando County School Board	2	1	3
Hillsborough County School Board	4	6	10
Indian River County School Board	1	1	2
Jackson County School Board	3	0	3
Lake County School Board	4	3	7
Lee County School Board	3	6	9
Leon County School Board	4	0	4
Levy County School Board	2	0	2
Manatee County School Board	2	1	3
Marion County School Board	2	0	2
Martin County School Board	0	1	1
Monroe County School Board	2	3	5
Nassau County School Board	1	0	1
Okeechobee County School Board	0	1	1
Orange County School Board	6	6	12
Palm Beach County School Board	11	16	27
Section 504 cases	4	3	7
Pasco County School Board	2	1	3
Pinellas County School Board	2	6	8
Polk County School Board	0	7	7
Putnam County School Board	1	0	1
St Johns County School Board	3	1	4
St Lucie County School Board	6	3	9
Sarasota County School Board	1	0	1
Seminole County School Board	12	5	17
Volusia County School Board	3	5	8
Charter Schools Non-renewal or Terminating	0	2	2
Agency Total	148	173	321
Department of Economic Opportunity			
Department of Economic Opportunity	3	3	6
Agency Total	3	3	6
Department of Environmental Protection			
Department of Environmental Protection	18	23	41
Agency Total	18	23	41
Department of Financial Services			
Department of Financial Services	1	0	1
Division of Insurance Agents and Agencies Services	12	8	20
Bureau of Unclaimed Property	1	1	2

Division of Administrative Hearings

ANALYSIS OF AGENCY REQUEST FOR
FISCAL YEAR 2012 - 2013

AGENCY	Jul-Dec	Jan-June	TOTAL
Division of State Fire Marshal	7	6	13
Division of Funeral, Cemetery, and Consumer Servic	4	13	17
Division of Workers` Compensation	33	82	115
Agency Total	58	110	168
Department of Health			
Department of Health	4	5	9
Board of Clinical Social Work, Marriage and Family	1	0	1
Board of Dentistry	6	7	13
Environmental Health	3	3	6
Bureau of Emergency Medical Services	1	5	6
Division of Emergency Preparedness and Community S	0	1	1
Board of Hearing Aid Specialists	0	1	1
Board of Medicine	47	15	62
Board of Massage Therapy	18	11	29
Board of Nursing	6	7	13
Board of Pharmacy	0	3	3
Board of Podiatric Medicine	1	0	1
Agency Total	87	58	145
Department of Juvenile Justice			
Department of Juvenile Justice	1	2	3
Agency Total	1	2	3
Department of Law Enforcement			
Department of Law Enforcement	2	1	3
Criminal Justice Standards and Training Commission	28	24	52
Agency Total	30	25	55
Department of Management Services			
Department of Management Services	1	3	4
Convicted Vendor List	1	0	1
Division of Administrative Hearings	1	0	1
Division of State Group Insurance	2	6	8
Division of Retirement	3	6	9
Agency Total	8	15	23
Department of Education			
Department of Education	2	4	6
Commission for Independent Education	0	1	1
Charter Schools Operation	0	2	2
Charter Schools Unlawful Reprisal	0	1	1
Confidential Vocational Rehabilitation Cases	11	6	17
Education Practices Commission	34	54	88
Vocational Rehabilitation Services	3	0	3
Agency Total	50	68	118
Department of Transportation			
Department of Transportation	9	12	21
Agency Total	9	12	21
Department of Business and Professional Regulation			
Department of Business and Professional Regulation	2	5	7
Board of Accountancy	2	2	4
Board of Architecture	3	4	7

Division of Administrative Hearings

ANALYSIS OF AGENCY REQUEST FOR
FISCAL YEAR 2012 - 2013

AGENCY	Jul-Dec	Jan-June	TOTAL
Board of Auctioneers	0	1	1
Barber`s Board	0	3	3
Building Code Administrators and Inspectors	0	1	1
Regulatory Council of Community Assoc. of Managers	2	0	2
Construction Industry Licensing Board	6	5	11
Board of Cosmetology	0	2	2
Division of Alcoholic Beverages and Tobacco	9	6	15
Division of Real Estate	2	5	7
Electrical Contractors	0	3	3
Florida Real Estate Appraisal Board	2	0	2
Florida Real Estate Commission	1	4	5
Division of Hotels and Restaurants	56	46	102
Division of Land Sales, Condominiums, and Mobile H	1	0	1
Non-licensed Respondent	3	4	7
Division of Pari-Mutuel Wagering	4	4	8
Board of Professional Engineers	4	3	7
Board of Talent Agencies	0	1	1
Board of Veterinary Medicine	1	2	3
Agency Total	98	101	199
Florida Housing Finance Corporation			
Florida Housing Finance Corporation	2	0	2
Agency Total	2	0	2
Fish and Wildlife Conservation Commission			
Fish and Wildlife Conservation Commission	5	2	7
Agency Total	5	2	7
Growth Management (No Agency)			
Growth Management (No Agency)	3	2	5
Agency Total	3	2	5
Office of the Governor			
Florida Land and Water Adjudicatory Commission, Co	0	2	2
Agency Total	0	2	2
Agency for Health Care Administration			
Agency for Health Care Administration	22	70	92
Audit Quality Control Services	0	2	2
Office of Certificate of Need	6	16	22
Bureau of Health Facility Regulation	41	8	49
Medicaid Cost Reimbursement	4	5	9
Medicaid Program Integrity	63	55	118
Office of Licensure and Certification	5	9	14
Agency Total	141	165	306
Department of Highway Safety and Motor Vehicles			
Department of Highway Safety and Motor Vehicles	15	19	34
Section 320.642	3	6	9
Agency Total	18	25	43
Medical Arbitration			
Medical Arbitration	8	3	11
Agency Total	8	3	11

Division of Administrative Hearings

ANALYSIS OF AGENCY REQUEST FOR
FISCAL YEAR 2012 - 2013

AGENCY	Jul-Dec	Jan-June	TOTAL
Florida Birth-Related Neurological Injury Compensation			
Florida Birth-Related Neurological Injury Compensa	25	19	44
Agency Total	25	19	44
Office of Financial Regulation			
Office of Financial Regulation	3	5	8
Agency Total	3	5	8
Office of Insurance Regulation			
Office of Insurance Regulation	2	1	3
Agency Total	2	1	3
Original Sentencing Court			
Victims of Wrongful Incarceration Act	0	1	1
Agency Total	0	1	1
Department of Revenue			
Department of Revenue	20	28	48
Child Support Enforcement Program	82	361	443
Agency Total	102	389	491
State Board of Administration			
State Board of Administration	2	1	3
Agency Total	2	1	3
Self-contained Agencies			
Pinellas County Construction Licensing Board	0	1	1
Agency Total	0	1	1
Universities and Colleges			
Florida A & M University	0	1	1
Agency Total	0	1	1
Water Management Districts			
Northwest Florida Water Management District	1	0	1
South Florida Water Management District	3	4	7
St. Johns River Water Management District	1	3	4
Suwannee River Water Management District	1	0	1
Southwest Florida Water Management District	2	0	2
Agency Total	8	7	15
NON BAKER ACT TOTAL	1,015	1,503	2,518

Division of Administrative Hearings

ANALYSIS OF AGENCY REQUEST FOR
FISCAL YEAR 2012 - 2013

AGENCY	Jul-Dec	Jan-June	TOTAL
Baker Acts			
Department of Veterans Affairs	3	3	6
Florida State Hospital	196	219	415
Geo Group, Inc.	0	4	4
Lake Correctional Institution	6	7	13
New Horizons of the Treasure Coast, Inc.	1	0	1
Northeast Florida State Hospital	416	425	841
Peace River Center	2	9	11
Personal Enrichment Mental Health Services	1	0	1
Shands at the University of Florida	1	0	1
Shands at Vista	1	2	3
South Florida State Hospital	276	237	513
West Florida Community Care Center	17	10	27
Baker Act Total	920	916	1,836

SUMMARY
 Division of Administrative Hearings
 Actual, Estimated and Requested Expenditures

Adjudication of Disputes

<u>Appropriation Category</u>	Actual Expenditures <u>FY 2012-13</u>	Estimated Expenditures <u>FY 2013-14</u>	Requested Expenditures <u>FY 2014-15</u>
Salaries and Benefits	\$6,670,702	\$6,896,944	\$6,966,058
Other Personal Services	\$0	\$18,082	\$18,082
Expenses	\$924,925	\$1,025,647	\$1,025,647
Operating Capital Outlay	\$64,954	\$65,000	\$65,000
Special Categories			
Contracted Services	\$183,660	\$186,495	\$185,495
Contracted Legal Svcs.	\$0	\$0	\$1,000
Risk Mgmt. Ins.	\$53,748	\$43,522	\$43,522
Lease/Purch/Equip	\$25,667	\$31,500	\$31,500
TR/DMS/HR SVCS	<u>\$21,920</u>	<u>\$20,682</u>	<u>\$20,682</u>
Total Program Budget	<u>\$7,945,576</u>	<u>\$8,287,872</u>	<u>\$8,356,986</u>
Total Program Positions	65	65	65

Workers' Compensation Appeals

<u>Appropriation Category</u>	Actual Expenditures <u>FY 2012-13</u>	Estimated Expenditures <u>FY 2013-14</u>	Requested Expenditures <u>FY 2014-15</u>
Salaries and Benefits	\$12,004,552	\$13,071,418	\$13,267,738
Other Personal Services	\$17,367	\$17,836	\$17,836
Expenses	\$2,695,034	\$2,735,743	\$2,735,743
Operating Capital Outlay	\$150,344	\$25,916	\$25,916
Special Categories			
Contracted Services	\$990,528	\$1,023,324	\$1,023,324
Contracted Legal Svcs.	\$8,414	\$1,279	\$1,279
Tenant Broker Commissions	\$102,623	\$0	\$0
Risk Mgmt. Ins.	\$76,896	\$67,515	\$67,515
Lease/Purchase/Equip	\$32,522	\$83,000	\$83,000
TR/DMS/HR SVCS	<u>\$63,860</u>	<u>\$60,254</u>	<u>\$60,254</u>
Total Program Budget	<u>\$16,142,140</u>	<u>\$17,086,285</u>	<u>\$17,282,605</u>
Total Program Positions	177	176	176

TOTAL DIVISION BUDGET	<u>\$24,087,716</u>	<u>\$25,374,157</u>	<u>\$25,639,591</u>
TOTAL DIVISION POSITIONS	242	241	241