

STATE OF FLORIDA

DIVISION OF ADMINISTRATIVE HEARINGS



January 28, 2015

FORTY-FIRST ANNUAL REPORT

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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.

We are proud to report some of the Clerk's Office accomplishments for 2014. While many of these were initiated during fiscal year 2013-2014, some were not actually implemented until after the beginning of the 2014-2015 fiscal year. However, they still bear noting for their savings and efficiencies. The Clerk's Office personnel have been fully cross-trained which results in little or no delays in service or downtime if a staff member is away on leave. Work station manuals have been created to answer most questions arising when a staff member fills in for another who is away. This has resulted in far less use of temporary services when an employee is on annual or medical leave, and it increases the value of all additionally-trained staff, who learn new skills and support their co-workers.

As discussed more fully below, in August 2014, the Clerk's Office successfully launched eService of new rule challenge requests to agency heads, the Department of State, and JAPC. Public records requests are being handled by Clerk's Office personnel, which has resulted in savings to the Division and to the public making requests through electronic transmittal of most of the documents requested. In December 2014, eService of all documents filed with the Division was successfully launched. This is expected to result in significant savings for all who use the Division to adjudicate their disputes. By next year's report, an analysis of the savings realized will be available.

UTILIZATION RATES

Appendix 1 breaks out by agency the utilization rates of Division resources and demonstrates, in descending order, that 12 agencies utilized 94 percent of the Division's docket: the Department of Revenue, the Agency for Health Care Administration, the Department of

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Management Services, the Department of Health, the Department of Financial Services, the Department of Children and Families, the Department of Environmental Protection, the Department of Education, the Department of Business and Professional Regulation, the Department of Highway Safety and Motor Vehicles, the Agency for Persons with Disabilities, and the Department of Law Enforcement. 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 2013-14, state agencies and other governmental entities referred 5,600 requests for assignment of an administrative law judge compared to 4,354 requests filed the previous year. 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 already generating more referrals. Requests for assignment of Administrative Law Judges from the following six agencies constitute 34 percent of our fiscal year caseload: the Department of Corrections (12 cases, an increase of 500 percent over the 2 cases filed in FY 2012-13), the Department of Juvenile Justice (17 cases, an increase of 467 percent over the 3 cases filed in FY 2012-13), the Department of Education (131 cases, an increase of 11 percent over the 118 cases filed in FY 2012-13), the Florida Housing Finance Corporation (20 cases, an increase of 900 percent over the 2 cases filed in FY 2012-13), the Office of Financial Regulation (18 cases, an increase of 125 percent over the 8 cases filed in FY 2012-13), and the Department Revenue (1,716 cases, an increase of 249 percent over the 491 cases filed in FY 2012-13).

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UTILIZATION OF PERSONNEL

As of June 30, 2014, the Adjudication of Disputes program had 65 established positions consisting of the Director and Chief Judge, the Deputy Chief Judge, 31 Administrative Law Judges, seven 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.

The Workers' Compensation Appeals program had 176 established positions consisting of one Deputy Chief Judge of Compensation Claims, 31 Judges of Compensation Claims, 28 State Mediators, one Executive Secretary, 35 Deputy Clerks (includes 31 in the field offices and four in the central Clerk's Office), one Office Operations Manager, 37 Commission Deputy Clerks (includes 31 in the field offices and six in the central Clerk's Office), five Administrative Assistants, 29 Administrative Secretaries, one Secretary Specialist, one Staff Assistant, one Accountant, one Court Reporter, one Distributed Computer Systems Administrator, one Distributed Computer Systems Analyst, one Distributed Computer Systems Specialist, and one Attorney. 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.

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HEARING REQUESTS

During FY 2013-14, the Division processed 5,600 hearing requests compared to 4,354 cases filed the previous fiscal year. Of the total cases filed, 1,988 were Baker Act cases. The remaining 3,612 cases were primarily filed pursuant to sections 120.56, 120.569, and 120.57(1), Florida Statutes. Most notable were the referrals from the Florida Housing Finance Corporation, which increased its referrals by 900 percent with 20 cases filed this fiscal year compared to 2 cases previously reported. Other cases filed are itemized by agency in the attached Appendix 2.

In FY 2013-14, each Administrative Law Judge conducted an average of 144 hearings and wrote an average of 50 Recommended or Final Orders of varying length and complexity. In addition, each Judge closed an average of 56 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

In order to facilitate the Division's response to public records requests for emails, an improved enterprise email archiving solution was implemented in August 2014. This solution,

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based on Microsoft Exchange 2010 technology, features journaling, archiving, and long-term retention of all Division emails.

Electronic Filing

Electronic service of incoming pleadings to registered parties was implemented for the Adjudication of Disputes (eALJ) cases in December 2014. For calendar year 2014, there were 34,494 documents uploaded via the eALJ filing portal; 47,052 documents were served (via email) to parties of record. For the OJCC, 540,719 documents were uploaded via the eJCC filing portal; 1,362,358 documents were electronically served.

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 2013-14, FY 2014-15, and FY 2015-16, respectively.

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

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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 2014, the Division submitted its twenty-eighth "Hearing Hours Held" report (see Appendix 1). In FY 2013-14, a total of 3,805 hearing hours were held. (Appendix 1 excludes Baker Act hearing hours, which totaled 248 in FY 2013-14.)

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. When needed, the Division also enters into a contract with the Florida Legislature to hear 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 \$148 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 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

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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 2015-16 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 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

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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.

At the time of the issuance of this report, one extensive bill has been filed with the Florida Legislature to make amendments to the A.P.A. HB 435 amends sections 57.111, 120.54, 120.55, 120.56, 120.565, 120.569, 120.57, 120.573, 120.595, 120.68, and 120.695, Florida Statutes, concerning numerous procedural and substantive issues in DOAH proceedings. 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. Also, the Administrative Law Section of the Florida Bar intends to propose legislation that will make the filing of final orders by state agencies for indexing and retrieval purposes with DOAH mandatory. This will result in one central location, DOAH, for all agency final orders. The Division already has advanced search capabilities for the indexed orders which allow agency personnel and the general public full access to all final orders that are not protected statutorily as confidential. This service will be provided by DOAH at no additional cost to the agencies or the general public. The undersigned and any other necessary staff of the Division will cooperate fully with Legislative and Executive branch requests regarding these, or any other proposed 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

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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 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 mandatory, not only has the Division saved costs, but the users of the system have realized 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.

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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 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.

Since 2009, the Division has offered 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

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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 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, 10 of the 21 reported agencies employing the services of the Division have completely or substantially complied with the 15-day filing requirement (Agency for Health Care Administration, Agency for Persons with Disabilities, Department of Business and Professional Regulation, Department of Highway Safety and Motor Vehicles, Department of Legal Affairs, Department of Revenue, Department of State, Office of Insurance Regulation, University and Colleges, and Water Management Districts). Overall, of the agency final orders filed with the Division between July 1, 2013, and June 30, 2014, 31 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

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Statutes. Agencies may now designate the Division to keep, in an electronic format, all of their 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. If the Administrative Law Section is successful in having legislation passed to require all agencies to file their final orders with the Division for indexing and retrieval, this number of participants will dramatically increase. 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

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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 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, except in extraordinary circumstances.

Respectfully submitted,



ROBERT S. COHEN
Director and Chief Judge

RSC/ljs

6/30/2014

Appendix 1

HEARING HOURS HELD REPORT
FY 2013-2014

For the Period 07/01/13 through 6/30/2014

AGENCY	PREHEARING CONFERENCE	MOTION HEARING	FINAL HEARING	TOTAL HOURS	% OF TOTAL HOURS	PRORATED AMOUNT OF FY 2015-16 LBR
AGR	2.00	0.75	5.00	7.75	0.28427%	\$20,707
AHCA	10.25	19.25	309.00	338.50	12.41632%	\$904,444
APD	1.50	0.25	54.25	56.00	2.05410%	\$149,627
CIT	0.00	0.00	0.00	0.00	0.00000%	\$0
COR	0.75	2.00	32.00	34.75	1.27464%	\$92,849
DBPR	3.50	1.75	82.50	87.75	3.21871%	\$234,461
DCF	2.50	4.00	142.00	148.50	5.44704%	\$396,780
DEO	1.50	2.00	24.25	27.75	1.01788%	\$74,146
DEP	7.50	13.50	126.50	147.50	5.41036%	\$394,108
DFS	4.75	12.00	155.25	172.00	6.30903%	\$459,570
DLA	0.00	0.00	0.00	0.00	0.00000%	\$0
DLE	0.00	0.00	55.00	55.00	2.01742%	\$146,955
DMA	0.00	0.00	0.00	0.00	0.00000%	\$0
DMS	6.00	9.00	213.25	228.25	8.37231%	\$609,865
DOE	1.75	4.75	121.00	127.50	4.67675%	\$340,669
DOH	6.25	10.50	168.25	185.00	6.78588%	\$494,305
DOS	0.00	0.00	0.00	0.00	0.00000%	\$0
DOT	1.25	1.75	42.00	45.00	1.65062%	\$120,236
ELDER	0.00	0.00	0.00	0.00	0.00000%	\$0
ETH	0.75	0.75	14.50	16.00	0.58689%	\$42,751
FEC	0.00	0.50	12.75	13.25	0.48602%	\$35,403
FWCC	0.75	0.75	10.75	12.25	0.44934%	\$32,731
GOV	0.00	0.00	1.00	1.00	0.03668%	\$2,672
HSM	1.25	6.25	60.50	68.00	2.49427%	\$181,690
JUV	2.50	0.75	0.00	3.25	0.11921%	\$8,684
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	2.00	2.00	947.25	951.25	34.89225%	\$2,541,662
VET	0.00	0.00	0.00	0.00	0.00000%	\$0
TOTAL:	56.75	92.50	2577.00	2726.25	100.00000%	\$7,284,315

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 2015-16 Legislative Budget Request totaling \$8,380,172 was adjusted to reflect estimated revenue of \$561,524 from contract entities, payment of \$608,062 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 \$89,561 for state agency video teleconferencing hearings.

6/30/2014

Appendix 1

HEARING HOURS HELD BY CONTRACT/EDUCATIONAL/OTHER AGENCIES

FY 2013-2014

For the Period 07/01/13 through 6/30/14

AGENCY	PREHEARING CONFERENCE	MOTION HEARING	FINAL HEARING	TOTAL HOURS	% OF HOURS ALL AGENCIES
CONTRACT	5.50	4.00	168.75	178.25	4.68463%
EPP	0.00	0.00	250.00	250.00	6.57030%
TL	0.00	0.00	0.00	0.00	0.00000%
GM	0.25	1.25	33.50	35.00	1.28381%
MA	0.00	0.25	8.50	8.75	0.22996%
NICA	2.25	9.50	13.00	24.75	0.65046%
OTHER	1.00	0.75	13.25	15.00	0.39422%
SENATE CLAIM	0.00	0.00	0.00	0.00	0.00000%
SCHBDS	21.50	14.50	531.00	567.00	14.90145%
TOTAL:	30.50	30.25	1018.00	1078.75	28.35085%

CONTRACT: Water Management Districts, Regional Planning Councils, Cities, Counties, etc., as specified in § 120.65(9), 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(9), Fla. Stat.

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ANALYSIS OF AGENCY REQUEST FOR
FISCAL YEAR 2013 - 2014

AGENCY	Jul-Dec	Jan-June	TOTAL
Department of Agriculture and Consumer Services			
Department of Agriculture and Consumer Services	3	3	6
Bureau of License and Bond	1	0	1
Office of Citrus License and Bond	0	2	2
Bureau of Entomology and Pest Control	1	0	1
Division of Licensing	6	2	8
Agency Total	11	7	18
Agency for Persons with Disabilities			
Agency for Persons with Disabilities	124	15	139
License	3	2	5
Agency Total	127	17	144
Department of Children and Family Services			
Department of Children and Family Services	9	2	11
Exemption Ch. 435, position of special trust	17	12	29
Family Safety and Preservation Programs	30	41	71
Office of Licensure and Certification	0	4	4
Non-Baker Act Total	56	59	115
Contract Hearings			
Contract Hearings	0	1	1
City of Clearwater	1	0	1
City of Gainesville	0	1	1
Code Enforcement	1	2	3
City of Longwood Police Officers' and Firefighters	0	1	1
City of Tallahassee	1	0	1
Emerald Coast Utilities Authority	0	2	2
Leon County	0	1	1
Monroe County	1	0	1
Pinellas County	3	1	4
Tampa Bay Water, a Regional Water Supply Authority	0	1	1
Agency Total	7	10	17
Commissions			
Florida Commission on Ethics	3	7	10
Florida Commission on Human Relations	44	73	117
FCHR, Fair Housing Act	12	10	22
Florida Elections Commission	2	2	4
Agency Total	61	92	153
Department of Corrections			
Department of Corrections	6	6	12
Agency Total	6	6	12
County School Boards			
Bay County School Board	1	0	1
Brevard County School Board	1	2	3
Broward County School Board	19	34	53
Citrus County School Board	2	1	3
Clay County School Board	1	0	1
Collier County School Board	0	3	3
Miami-Dade County School Board	15	28	43
DeSoto County School Board	0	6	6

Division of Administrative Hearings

ANALYSIS OF AGENCY REQUEST FOR
FISCAL YEAR 2013 - 2014

AGENCY	Jul-Dec	Jan-June	TOTAL
Duval County School Board	10	3	13
Escambia County School Board	2	1	3
Gadsden County School Board	1	0	1
Hendry County School Board	1	1	2
Hernando County School Board	2	0	2
Highlands County School Board	0	1	1
Hillsborough County School Board	2	5	7
Indian River County School Board	1	0	1
Lake County School Board	0	2	2
Lee County School Board	5	6	11
Leon County School Board	0	2	2
Manatee County School Board	6	3	9
Marion County School Board	0	1	1
Monroe County School Board	0	1	1
Nassau County School Board	0	2	2
Okaloosa County School Board	0	2	2
Orange County School Board	8	14	22
Osceola County School Board	1	3	4
Palm Beach County School Board	13	10	23
Section 504 cases	1	1	2
Pasco County School Board	0	2	2
Pinellas County School Board	4	4	8
Polk County School Board	2	4	6
Putnam County School Board	0	2	2
St Johns County School Board	2	4	6
St Lucie County School Board	9	2	11
Santa Rosa County School Board	1	0	1
Sarasota County School Board	3	1	4
Seminole County School Board	15	12	27
Volusia County School Board	3	2	5
Walton County School Board	0	1	1
Charter Schools Non-renewal or Terminating	1	0	1
Agency Total	132	166	298
Department of Community Affairs			
Department of Community Affairs	1	0	1
Agency Total	1	0	1
Department of Elder Affairs			
Department of Elder Affairs	0	1	1
Agency Total	0	1	1
Division of Emergency Management			
Division of Emergency Management	0	1	1
Agency Total	0	1	1
Department of Economic Opportunity			
Department of Economic Opportunity	0	1	1
Agency Total	0	1	1
Department of Environmental Protection			
Department of Environmental Protection	13	24	37
Agency Total	13	24	37
Department of Financial Services			

Division of Administrative Hearings

ANALYSIS OF AGENCY REQUEST FOR
FISCAL YEAR 2013 - 2014

AGENCY	Jul-Dec	Jan-June	TOTAL
Department of Financial Services	1	3	4
Division of Insurance Agent and Agencies Services	10	13	23
Bureau of Unclaimed Property	2	3	5
Division of State Fire Marshal	4	1	5
Division of Funeral, Cemetery, and Consumer Services	3	5	8
Division of Workers` Compensation	47	52	99
Agency Total	67	77	144
Department of Health			
Department of Health	1	8	9
Board of Acupuncture	0	2	2
Board of Chiropractic	4	2	6
Board of Clinical Social Work, Marriage and Family	1	0	1
Board of Dentistry	3	2	5
Environmental Health	1	2	3
Bureau of Emergency Medical Services	1	0	1
Division of Emergency Preparedness and Community Services	1	9	10
Board of Hearing Aid Specialists	0	1	1
Board of Medicine	15	22	37
Board of Massage Therapy	2	3	5
Board of Nursing	8	8	16
Board of Osteopathic Medicine	2	1	3
Board of Pharmacy	1	2	3
Board of Psychology	1	1	2
Board of Physical Therapy Practice	1	0	1
Agency Total	42	63	105
Department of Juvenile Justice			
Department of Juvenile Justice	14	3	17
Agency Total	14	3	17
Department of Law Enforcement			
Department of Law Enforcement	0	1	1
Criminal Justice Standards and Training Commission	6	8	14
Agency Total	6	9	15
Department of Military Affairs			
Department of Military Affairs	0	2	2
Agency Total	0	2	2
Department of Management Services			
Department of Management Services	3	5	8
Division of State Group Insurance	4	2	6
Division of Retirement	1	6	7
Agency Total	8	13	21
Department of Education			
Department of Education	4	4	8
Division of Blind Services	1	1	2
Charter Schools Operation	1	2	3
Confidential Vocational Rehabilitation Cases	3	4	7
Education Practices Commission	53	57	110
State Board of Education	0	1	1
Agency Total	62	69	131

Division of Administrative Hearings

ANALYSIS OF AGENCY REQUEST FOR
FISCAL YEAR 2013 - 2014

AGENCY	Jul-Dec	Jan-June	TOTAL
Department of State			
Department of State	0	1	1
Agency Total	0	1	1
Department of Transportation			
Department of Transportation	8	10	18
Agency Total	8	10	18
Department of Business and Professional Regulation			
Department of Business and Professional Regulation	1	0	1
Board of Architecture	1	5	6
Barber`s Board	1	0	1
Building Code Administrators and Inspectors	0	2	2
Bureau of Elevator Safety	0	1	1
Construction Industry Licensing Board	3	3	6
Board of Cosmetology	0	1	1
Division of Alcoholic Beverages and Tobacco	0	16	16
Division of Drugs, Devices, and Cosmetics	1	1	2
Division of Real Estate	1	2	3
Electrical Contractors Licensing Board	2	1	3
Florida Real Estate Commission	2	5	7
Division of Hotels and Restaurants	37	23	60
Non-licensed Respondent	3	3	6
Division of Pari-Mutuel Wagering	1	9	10
Board of Professional Engineers	4	2	6
State Boxing Commission	2	0	2
Agency Total	59	74	133
Florida Housing Finance Corporation			
Florida Housing Finance Corporation	2	18	20
Agency Total	2	18	20
Fish and Wildlife Conservation Commission			
Fish and Wildlife Conservation Commission	1	5	6
Agency Total	1	5	6
Growth Management (No Agency)			
Growth Management (No Agency)	8	9	17
Agency Total	8	9	17
Agency for Health Care Administration			
Agency for Health Care Administration	101	22	123
Audit Quality Control Services	3	0	3
Office of Certificate of Need	9	11	20
Medicaid Program Integrity	50	31	81
Office of Licensure and Certification	3	88	91
Agency Total	166	152	318
Department of Highway Safety and Motor Vehicles			
Department of Highway Safety and Motor Vehicles	11	5	16
Section 320.642	14	4	18
Agency Total	25	9	34
Medical Arbitration			

Division of Administrative Hearings

ANALYSIS OF AGENCY REQUEST FOR
FISCAL YEAR 2013 - 2014

AGENCY	Jul-Dec	Jan-June	TOTAL
Medical Arbitration	8	6	14
Agency Total	8	6	14
Florida Birth-Related Neurological Injury Compensation			
Florida Birth-Related Neurological Injury Compensa	29	31	60
Agency Total	29	31	60
Office of Financial Regulation			
Office of Financial Regulation	11	7	18
Agency Total	11	7	18
Office of Insurance Regulation			
Office of Insurance Regulation	1	0	1
Insurance rate filings	0	1	1
Agency Total	1	1	2
Department of Revenue			
Department of Revenue	36	37	73
Child Support Enforcement Program	634	1,009	1,643
Agency Total	670	1,046	1,716
State Board of Administration			
State Board of Administration	2	2	4
Agency Total	2	2	4
Universities and Colleges			
Florida State University	1	0	1
University of North Florida	0	1	1
Agency Total	1	1	2
Water Management Districts			
Northwest Florida Water Management District	0	1	1
South Florida Water Management District	2	3	5
St. Johns River Water Management District	3	4	7
Suwannee River Water Management District	0	2	2
Southwest Florida Water Management District	1	0	1
Agency Total	6	10	16
NON BAKER ACT TOTAL	1,610	2,002	3,612
Baker Acts			
Correct Care Recovery Solutions	300	265	565
Department of Veterans Affairs	1	1	2
Florida State Hospital	250	220	470
Geo Group, Inc.	1	1	2
Lake Correctional Institution	8	9	17
Northeast Florida State Hospital	451	421	872
Peace River Center	1	0	1
Personal Enrichment Mental Health Services	1	0	1
West Florida Community Care Center	28	30	58
Baker Act Total	1,041	947	1,988

SUMMARY
Division of Administrative Hearings
Actual, Estimated and Requested Expenditures

Adjudication of Disputes

<u>Appropriation Category</u>	Actual Expenditures FY 2013-14	Estimated Expenditures FY 2014-15	Requested Expenditures FY 2015-16
Salaries and Benefits	\$6,987,125	\$6,987,793	\$6,987,793
Other Personal Services Expenses	\$0 \$934,146	\$18,082 \$1,025,647	\$18,082 \$1,025,647
Operating Capital Outlay	\$65,000	\$65,000	\$65,000
Special Categories			
Contracted Services	\$185,898	\$185,495	\$185,495
Contracted Legal Svcs.	\$0	\$1,000	\$1,000
Risk Mgmt. Ins.	\$43,522	\$44,451	\$44,451
Lease/Purch/Equip	\$9,264	\$31,500	\$31,500
TR/DMS/HR SVCS	<u>\$20,682</u>	<u>\$21,204</u>	<u>\$21,204</u>
Total Program Budget	<u>\$8,245,637</u>	<u>\$8,380,172</u>	<u>\$8,380,172</u>
Total Program Positions	65	65	65

Workers' Compensation Appeals

<u>Appropriation Category</u>	Actual Expenditures FY 2013-14	Estimated Expenditures FY 2014-15	Requested Expenditures FY 2015-16
Salaries and Benefits	\$13,006,556	\$13,410,499	\$13,456,962
Other Personal Services Expenses	\$17,826 \$2,638,058	\$17,836 \$2,670,622	\$17,836 \$2,695,842
Operating Capital Outlay	\$149,959	\$25,916	\$25,916
Special Categories			
Contracted Services	\$941,348	\$1,023,324	\$1,023,324
Contracted Legal Svcs.	\$5,511	\$1,279	\$1,279
Tenant Broker Commissions	\$48,494	\$0	\$0
Risk Mgmt. Ins.	\$67,515	\$77,915	\$77,915
Lease/Purchase/Equip	\$2,516	\$83,000	\$83,000
TR/DMS/HR SVCS	<u>\$60,254</u>	<u>\$61,775</u>	<u>\$61,775</u>
Total Program Budget	<u>\$16,938,037</u>	<u>\$17,372,166</u>	<u>\$17,443,849</u>
Total Program Positions	176	176	176

TOTAL DIVISION BUDGET**\$25,183,674****\$25,752,338****\$25,824,021****TOTAL DIVISION POSITIONS****241****241****241**