State of Florida Division of Administrative Hearings

Rick Scott Governor

Robert S. CohenDirector and Chief Judge

Claudia Lladó Clerk of the Division



Lisa Shearer NelsonDeputy Chief
Administrative Law Judge

David W. LanghamDeputy Chief Judge
Judges of Compensation Claims

LONG RANGE PROGRAM PLAN

September 30, 2016

Cynthia Kelly, Director Office of Policy and Budget Executive Office of the Governor 1701 Capitol Tallahassee, Florida 32399-0001

JoAnne Leznoff, Staff Director House Appropriations Committee 221 Capitol Tallahassee, Florida 32399-1300

Cynthia Kynoch, Staff Director Senate Budget Committee 201 Capitol Tallahassee, Florida 32399-1300

Dear Directors,

Pursuant to Chapter 216, Florida Statutes, our Long Range Program Plan (LRPP) for the Division of Administrative Hearings is submitted in the format prescribed in the LRPP instructions. The information provided electronically and contained herein is a true and accurate presentation of our mission, goals, objectives and measures for Fiscal Year 2017-18 through Fiscal Year 2021-2022. The link to the LRPP, located on the Florida Fiscal Portal, may be found on the Division's web site at: http://www.doah.state.fl.us/ALJ/Reports.asp.

Sincerely,

Robert S. Cohen

Director and Chief Judge

/cja

DIVISION OF ADMINISTRATIVE HEARINGS



LONG RANGE PROGRAM PLAN

FISCAL YEAR 2017-2018 THROUGH FISCAL YEAR 2021-2022

September 30, 2016

MISSION OF THE DIVISION OF ADMINISTRATIVE HEARINGS

Impartially Adjudicate Disputes

To provide a uniform and impartial forum for the trial and resolution of disputes between private citizens and organizations and agencies of the state in an efficient and timely manner.

To maintain a statewide mediation and adjudication system for the efficient and timely resolution of disputed workers' compensation claims.

GOAL OF THE DIVISION OF ADMINISTRATIVE HEARINGS

Improve the statewide adjudication and mediation processes.

OBJECTIVES OF THE DIVISION OF ADMINISTRATIVE HEARINGS

GOAL 1: Improve the statewide adjudication and mediation processes.

OBJECTIVE 1A: To increase the number of administrative law cases that can reasonably be closed within 120 days after filing to a rate greater than the baseline year rate and maintain that rate increase throughout the planning period.

OBJECTIVE 1B: To increase the number of petitions for benefits that can reasonably be closed within the statutory timeframe to a rate greater than the baseline year rate and maintain that rate increase throughout the planning period.

SERVICE OUTCOMES AND PERFORMANCE PROJECTIONS TABLES OF THE DIVISION OF ADMINISTRATIVE HEARINGS

GOAL 1: Improve the statewide adjudication and mediation processes.

OBJECTIVE 1A: To increase the number of administrative law cases that can reasonably be closed within

120 days after filing to a rate greater than the baseline year rate and maintain that rate

increase throughout the planning period.

OUTCOME: Percent of cases closed within 120 days after filing.

Baseline FY 1998-99	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22
61%	76%	76%	76%	76%	76%

OBJECTIVE 1B: To increase the number of petitions for benefits that can reasonably be closed within

the statutory timeframe to a rate greater than the baseline year rate and maintain that

rate increase throughout the planning period.

OUTCOME: Percent of petitions closed within the statutory timeframe.

Baseline FY 2003-04	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22
40%	80%	80%	80%	80%	80%

DIVISION OF ADMINISTRATIVE HEARINGS

TRENDS AND CONDITIONS STATEMENT

The Division of Administrative Hearings (DOAH) is unique because it is a small, independent, quasi-judicial agency established within the Department of Management Services for the provision of support services only. The Division has only two programs (services): Adjudication of Disputes and Workers' Compensation Appeals. These programs are mutually exclusive and equally important to the State of Florida. Hence, they are equally weighted as the Division's "number one" priority. No substantive revisions to the Division's programs or current structure are recommended over the five-year planning period.

With regard to the Adjudication of Disputes program, the Division of Administrative Hearings provides independent Administrative Law Judges (ALJs) to conduct hearings pursuant to Sections 120.569 and 120.57(1), Florida Statutes, pursuant to other law, and under contract with governmental entities. The judges are not subject to control, supervision, or direction by any party or any department or commission of state government.

On October 1, 2001, the Workers' Compensation Appeals Program, Office of the Judges of Compensation Claims (OJCC), was transferred to the Division of Administrative Hearings from the Department of Labor and Employment Security. The primary responsibility of this program is to dispose of disputed workers' compensation claims through mediation and adjudication. The Office of the Judges of Compensation Claims is created in Section 440.45(1), Florida Statutes. The conducting of pre-trial and final hearings is mandated in Section 440.25, Florida Statutes, and the mandatory mediation program is outlined also in Section 440.25, Florida Statutes. Other duties of the Office of the Judges of Compensation Claims are detailed throughout Chapter 440, Florida Statutes.

Electronic Filing Progress

During calendar year 2015, there were 38,720 documents uploaded via the eALJ filing portal; 47,052 documents were served (via email) to 179,380 parties of record. For the OJCC, 526,595 documents were uploaded via the eJCC filing portal; 654,428 documents were electronically served to 1,598,428 parties of record.

Under section 120.53(2), Florida Statutes, all state agencies shall electronically transmit their agency final orders to the Division's website for indexing purposes, effective July 1, 2015. To date, a total of 76,639 documents have been submitted to the Agency Index Documents database, with 16,221 of those uploaded since July 1, 2015.

Recent Supreme Court Decisions

On April 28, 2016, the Supreme Court rendered its decision in *Castellanos v. Next Door Company*, finding Section 440.34(1) regarding attorney fees as unconstitutional. Also on June 9, 2016, the Supreme Court rendered its decision in *Westphal v. City of St. Petersburg*, finding Section 440.15 regarding temporary total disability benefits as unconstitutional. While these decisions may result in a slight increase in petitions for benefits, the OJCC does not expect a significant impact on its workload due to these decisions.

Performance Measures

The primary outcome measure for the Adjudication of Disputes service relates to the timeliness of the adjudication process. In Fiscal Year (FY) 2015-16, timeliness remained consistent from the previous fiscal year. The Division closed 88% of its cases within 120 days after filing, and scheduled for hearing 93% of its cases within 90 days after filing. This program continues to supply high-quality adjudication of disputes pursuant to the Administrative Procedure Act, and cases move through the Division at a far faster rate than through the state court system. This program met or exceeded all but one of its performance goals for FY 2015-16. The FY 2017-18 requested standards equal prior-year approved standards.

The primary outcome measure for the Workers' Compensation Appeals service also relates to the timeliness of the adjudication process. In FY 2015-16, the OJCC closed 93% of petitions within the statutory timeframe of 210 days. Due to continued efforts in data maintenance, timely docketing of orders, and added database functionality, this program's performance has significantly improved over the last few years.

In FY 2015-16 the resolution rate for state mediations increased slightly to 55%. Mediation timeliness remained constant; 97% of mediations were held within 130 days, and all of the mediators achieved the goal of holding mediations within an average of 130 days.

The Workers' Compensation Appeals program met or exceeded all of its performance goals for FY 2015-16 except for number of mediations held. This is entirely dependent upon incoming caseload, which is beyond the Division's control. The FY 2017-18 requested standards equal prior-year approved standards.

Funds and positions appropriated to the Division do not impact demand. Demand for the Adjudication of Disputes program is defined as the number of cases filed by the parties to administrative proceedings, including those cases that are carried forward from the preceding fiscal year. Demand for the Workers' Compensation Appeals program is defined as the number of petitions for benefits filed, including those petitions that are carried forward from the preceding fiscal year. Parties will continue to file cases at a rate independent of the Division's funding and workforce levels. The Division has no control over the demand for its services.

The Division is not aware of any significant policy changes that could affect its FY 2016-17 Legislative Budget Request (LBR). There are no requested changes in the Division's approved programs, services or activities that would require substantive legislative action, including elimination of or combining its programs, services, or activities.

The Division is not aware of any audits, studies or task forces in progress that are related to either of its services.

DIVISION OF ADMINISTRATIVE HEARINGS

PERFORMANCE MEASURES AND STANDARDS - LRPP EXHIBIT II

LRPP Exhibit II - Performance Measures and Standards

Department: DMS/Division of Administrative Hearings Department No.: 72970000

Program: Adjudication of Disputes

Code: 72970100

Service/Budget Entity: Adjudication of Disputes

Code: 72970100

NOTE: Approved primary service outcomes must be listed first.

	Approved Prior		Approved	Requested
Approved Performance Measures for	Year Standard	Prior Year Actual	Standards for	FY 2017-18
FY 2016-17	FY 2015-16	FY 2015-16	FY 2016-17	Standard
(Words)	(Numbers)	(Numbers)	(Numbers)	(Numbers)
Percent of cases closed within 120 days after filing	76%	88%	76%	76%
Percent of cases scheduled for hearing within 90 days after filing	90%	93%	90%	90%
Number of cases closed	6,000	7,281	6,000	6,000
Percent of professional licensure cases closed within 120 days	77%	76%	77%	77%
after filing				
Percent of professional licensure cases scheduled for hearing	95%	98%	95%	95%
within 90 days after filing				

LRPP Exhibit II - Performance Measures and Standards

Department: DMS/Division of Administrative Hearings Department No.: 72970000

Program: Worker Comp/Judges Code: 72970200
Service/Budget Entity: Worker Comp/Judges Code: 72970200

NOTE: Approved primary service outcomes must be listed first.

	Approved Prior		Approved	Requested
Approved Performance Measures for	Year Standard	Prior Year Actual	Standards for	FY 2017-18
FY 2016-17	FY 2015-16	FY 2015-16	FY 2016-17	Standard
(Words)	(Numbers)	(Numbers)	(Numbers)	(Numbers)
Percent of petitions closed within the statutory timeframe	80%	93%	80%	80%
Number of petitions closed	65,000	66,324	65,000	65,000
Average number of days from date petition filed to date petition	210	125	210	210
closed				
Percent of timely held mediations (130 days)	86%	97%	86%	86%
Number of mediations held	20,000	15,707	20,000	20,000
Percent of concluded mediations resulting in resolution (all issues	52%	55%	52%	52%
except attorneys fees)				

DIVISION OF ADMINISTRATIVE HEARINGS

ASSESSMENT OF PERFORMANCE FOR APPROVED PERFORMANCE MEASURES -LRPP EXHIBIT III

Exhibit III: Exhibit III: PERFORMANCE MEASURE ASSESSMENT **Department: DMS/Division of Administrative Hearings** Adjudication of Disputes_ **Program:** Service/Budget Entity: Adjudication of Disputes Percent of Professional Licensure (PL) Cases Closed Within Measure: 120 Days After Filing **Action:** Performance Assessment of Outcome Measure Revision of Measure Performance Assessment of Output Measure Deletion of Measure Adjustment of GAA Performance Standards **Approved Standard Actual Performance** Difference Percentage Results (Over/Under) **Difference** 77% 76% (1%)(1%)**Factors Accounting for the Difference: Internal Factors** (check all that apply): Personnel Factors Staff Capacity **Competing Priorities** Level of Training Previous Estimate Incorrect Other (Identify) **Explanation: External Factors** (check all that apply): Resources Unavailable **Technological Problems** Legal/Legislative Change Natural Disaster **Target Population Change** Other (Identify) – Due process This Program/Service Cannot Fix The Problem rights Current Laws Are Working Against The Agency Mission **Explanation:** The ability to schedule hearings and close cases within a set period of time as established by the Legislature is dependent on: (1) a cooperative effort by the Division, the parties, and counsel for the parties, (2) the requirement of the Florida and United States Constitutions to ensure that parties are not denied their due process rights (which includes the ability to properly prepare for hearing and to present relevant evidence through exhibits and witnesses), and (3) Legislative time requirements in certain cases. While a large majority of cases can be initially scheduled for hearing within 90 days of filing, the ability to actually hear a case as actually scheduled is often compromised, not by the lack of availability of Division personnel to conduct the hearing, but rather by the unavailability of a party, counsel for a party, or crucial witnesses; the inability of the parties, due to the complexity

of a case, to complete "discovery" and otherwise prepare for the hearing; and Legislative time requirements in some limited cases. Additionally, once a case actually goes to hearing, Chapter 120, Florida Statutes, provides that the parties may file proposed orders for consideration of the administrative law judge in preparing his or her order. Before this is done, due process requires that the parties be given time to have a transcript of the hearing prepared and filed, a process which can take anywhere from ten days to months, depending on the complexity of the case. The time parties need to prepare their proposed orders can also take from ten days (the minimum allowed by rule) to months, again depending on the complexity of the case. Finally, in professional licensure cases, many of the licensees request a delay in scheduling their hearings (and thus closing their cases) until any criminal charges against them have been resolved in another forum. All these factors impact the ability of the Division to quickly schedule hearings and close cases. Management Efforts to Address Differences/Problems (check all that apply): **Training** Technology Personnel Other (Identify): -Implementation of internal policies **Recommendations:** The Division began operating under "Performance-Based Program Budgeting" principles on July 1, 2000 and instituted new policies that require more expeditious scheduling of hearings and closure of cases. The Division's performance has significantly improved over the last twelve fiscal years and efficiencies most likely have been maximized. This maximization of efficiencies, combined with a decreased staffing level of Administrative Law Judge positions during the last few years, supports the Division's request that this measure's FY 2017-18 standard be maintained at 77%.

Office of Policy and Budget – June 2016

LRPP Exhibi	t III: PERFORMA	NCE MEASURE AS	SESSMENT
Program: Worker Service/Budget Entity		als - Judges of Compens ion Appeals - Judges of	ation Claims
Performance Assess	sment of <u>Outcome</u> Measu sment of <u>Output</u> Measure A Performance Standards		of Measure of Measure
Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
20,000	15,707	(4,293)	(21%)
	k all that apply): es ncorrect	Staff Capa Level of T Other (Ide	Craining entify)
External Factors (checonomics Resources Unavaila Legal/Legislative Control Target Population Control This Program/Service Current Laws Are Volume Explanation:	ck all that apply): able Change Change ce Cannot Fix The Proble Working Against The Against The Against The Against of petitions filed incomes	☐ Technolog☐ Natural Di☐ Other – De	ecrease in Demand 265. However, there

Management Efforts to Address Differences/Problems	(check all that apply):
Training	Technology
Personnel	Other – Evaluate Standard
Recommendations:	
The Office of the Judges of Compensation Claims request 20,000. Due to changes made to the workers' compensation of incoming petitions has fallen dramatically from 150,80 16. However, other changes to the statute and economy made to the statute and econo	on statute in October 2003, the number 1 in FY 2002-03 to 67,265 in FY 2015-
The OJCC will continue to monitor the number of incoming submit a budget amendment to change this standard to an	~ ·

Office of Policy and Budget – June 2016

DIVISION OF ADMINISTRATIVE HEARINGS

PERFORMANCE MEASURE VALIDITY AND RELIABILITY - LRPP EXHIBIT IV

LRPP EXHIBIT IV: Performance Measure Validity and Reliability Department: DMS/Division of Administrative Hearings Program: Adjudication of Disputes Service/Budget Entity: Adjudication of Disputes Measure: Percent of Cases Closed Within 120 Days After Filing Action (check one): □ Requesting revision to approved performance measure. □ Change in data sources or measurement methodologies. □ Requesting new measure. □ Backup for performance measure.

Data Sources and Methodology:

The Division's electronic database, entitled the "Case Management System" (CMS), is the data source for this measure, and an automated computer program is utilized to provide the data for calculating the standard. The percentage is calculated by dividing the number of cases closed within 120 days after filing in a specified year by the total number of cases filed during that same period.

The FY 2015-16 standard of 88% was calculated by dividing the number of cases closed within 120 days after filing (6,436) by the total number of cases filed (7,321) during the period March 1, 2015 through February 29, 2016. This time period is used to determine all of the output and outcome standards for this service so that all indicators are based on the same group of cases. If data were collected for the most recently completed fiscal year (FY 2015-16) instead, some cases filed during the last four months of that year that also closed within 120 days, but after June 30, would not be captured. For example, a case filed on June 29 that was closed on October 19 (within 120 days) would not be counted (even though it met the criterion) because it was closed after the fiscal year ended on June 30 and after submission of the Long Range Program Plan in September, 2016.

Validity:

Validity refers to the fit between an operational definition and the concept it is purported to measure. This indicator is a valid measure of the outcome because it meets the criteria of two of the three types of statistical validation: (1) subjective validation (face validity), and (2) criterion-related validation. First, on the face of it, this indicator appears to measure the concept it is intended to measure (face validity). Second, the content or apparent meaning of this measure is not as important as its usefulness as an indicator of the outcome (criterion-related validity). The test of this type of validity is the ability of this measure to classify or group data in terms of a single criterion (percent of cases closed within 120 days after filing).

This indicator is a valid measure of how timely the Division is closing its cases. Most citizens and agencies of the state are interested in resolving their disputes as quickly as

possible. Hence, this is a reasonable and sensible method of assessing performance against targeted time frames.

The Division's CMS database, the data source for this measure, is also valid. It has evolved to its present state over the last 32 years, and is the basis for the generation of numerous statistical reports on the Division's operations. To validate the accuracy of the CMS database, a statistically valid sample could be drawn from the case files. For example, a systematic random sample of computerized data on cases could be validated against the actual case files.

Reliability:

Reliability assessment is essentially a matter of checking for consistency; if a measure yields the same result time after time, then it is free of random error. This indicator is a reliable measure of the Division's outcome because of its test-retest and intercoder reliability. The test-retest procedure is the simplest method for assessing reliability and involves measuring the outcome (the percent of cases closed within 120 days after filing) on two separate occasions. The intercoder method involves examining the extent to which different persons using the same measurement procedures get equivalent results.

When any action is taken on a case (including case filing and closure), or when any case-related documentation is received or disseminated, an entry is made on the case's official docket, which is part of the CMS database. The Clerk's Office has incorporated a comprehensive system of checks and balances to insure that the Division's electronic and hard copy case files are up-to-date, accurate, and complete. Hence, this reliable outcome measure will not vary over time. Each time a measurement is taken, the quality of the results will be consistent.

LRPP EXHIBIT IV: Performance Measure Validity and Reliability Department: DMS/Division of Administrative Hearings Program: Adjudication of Disputes Service/Budget Entity: Adjudication of Disputes Measure: Percent of Cases Scheduled for Hearing Within 90 Days After Filing Action (check one): Requesting revision to approved performance measure. Change in data sources or measurement methodologies. Requesting new measure. Backup for performance measure.

Data Sources and Methodology:

The Division's electronic database, entitled the "Case Management System" (CMS), is the data source for this measure, and an automated computer program is utilized to provide the data for calculating the standard. The percentage is calculated by dividing the number of cases scheduled for hearing within 90 days after filing in a specified year by the total number of cases filed during that same period.

The FY 2015-16 standard of 93% was calculated by dividing the number of cases scheduled for hearing within 90 days after filing (6,815) by the total number of cases filed (7,321) during the period March 1, 2015 through February 29, 2016. This time period is used to determine all of the output and outcome standards for this service so that all indicators are based on the same group of cases. See the Exhibit IV for the outcome measure entitled "Percent of Cases Closed Within 120 Days After Filing" for the rationale supporting selection of this date range.

Validity:

Validity refers to the fit between an operational definition and the concept it is purported to measure. This indicator is a valid measure of the outcome because it meets the criteria of two of the three types of statistical validation: (1) subjective validation (face validity), and (2) criterion-related validation. First, on the face of it, this indicator appears to measure the concept it is intended to measure (face validity). Second, the content or apparent meaning of this measure is not as important as its usefulness as an indicator of the outcome (criterion-related validity). The test of this type of validity is the ability of this measure to classify or group data in terms of a single criterion (percent of cases scheduled for hearing within 90 days after filing).

This indicator is a valid measure of how timely the Division is scheduling hearings. Most citizens and agencies of the state are interested in resolving their disputes as quickly as possible. Hence, this is a reasonable and sensible method of assessing performance against targeted time frames.

The Division's CMS database, the data source for this measure, is also valid. It has evolved to its present state over the last 32 years, and is the basis for the generation of numerous statistical reports on the Division's operations. To validate the accuracy of the CMS database, a statistically valid sample could be drawn from the case files. For example, a systematic random sample of computerized data on cases could be validated against the actual case files.

Reliability:

Reliability assessment is essentially a matter of checking for consistency; if a measure yields the same result time after time, then it is free of random error. This indicator is a reliable measure of the Division's outcome because of its test-retest and intercoder reliability. The test-retest procedure is the simplest method for assessing reliability and involves measuring the outcome (the percent of cases scheduled for hearing within 90 days after filing) on two separate occasions. The intercoder method involves examining the extent to which different persons using the same measurement procedures get equivalent results.

When any action is taken on a case (including the scheduling of hearings), or when any case-related documentation is received or disseminated, an entry is made on the case's official docket, which is part of the CMS database. The Clerk's Office has incorporated a comprehensive system of checks and balances to insure that the Division's electronic and hard copy case files are up-to-date, accurate, and complete. Hence, this reliable outcome measure will not vary over time. Each time a measurement is taken, the quality of the results will be consistent.

LRPP EXHIBIT IV: Performance Measure Validity and Reliability Department: DMS/Division of Administrative Hearings **Program: Adjudication of Disputes** Service/Budget Entity: Adjudication of Disputes **Number of Cases Closed** Measure: **Action** (check one): Requesting revision to approved performance measure. Change in data sources or measurement methodologies. Requesting new measure. Backup for performance measure.

Data Sources and Methodology:

The Division's electronic database, entitled the "Case Management System" (CMS), is the data source for this measure. An automated computer program is utilized to provide a count of all cases closed during a given year (or any other time period specified).

For the FY 2015-16 standard, data was collected for the period March 1, 2015 through February 29, 2016. This time period is used to determine all of the output and outcome standards for this service so that all indicators are based on the same group of cases. See the Exhibit IV for the outcome measure entitled "Percent of Cases Closed Within 120" Days After Filing" for the rationale supporting selection of this date range. The CMS program provided the count of 7,321 cases closed.

Validity:

Validity refers to the fit between an operational definition and the concept it is purported to measure. This indicator is a valid measure of the Division's output because it meets the criteria of two of the three types of statistical validation: (1) subjective validation (face validity), and (2) criterion-related validation. First, on the face of it, this indicator appears to measure the concept it is intended to measure (face validity). Second, the content or apparent meaning of this measure is not as important as its usefulness as an indicator of output (criterion-related validity). The test of this type of validity is the ability of this measure to classify or group data in terms of a single criterion (number of cases closed).

The Division's CMS database, the data source for this measure, is also valid. It has evolved to its present state over the last 32 years, and is the basis for the generation of numerous statistical reports on the Division's operations. To validate the accuracy of the CMS database, a statistically valid sample could be drawn from the case files. For example, a systematic random sample of computerized data on cases could be validated against the actual case files.

Reliability: Reliability assessment is essentially a matter of checking for consistency; if a measure yields the same result time after time, then it is free of random error. This indicator is a reliable measure of the Division's output because of its test-retest and intercoder reliability. The test-retest procedure is the simplest method for assessing reliability and involves measuring output (the number of cases closed) on two separate occasions. The intercoder method involves examining the extent to which different persons using the same measurement procedures get equivalent results.
When any action is taken on a case (including case closure), or when any case-related documentation is received or disseminated, an entry is made on the case's official docket, which is part of the CMS database. The Clerk's Office has incorporated a comprehensive system of checks and balances to insure that the Division's electronic and hard copy case files are up-to-date, accurate, and complete. Hence, this reliable output measure will not vary over time. Each time a measurement is taken, the quality of the results will be consistent.

LRPP EXHIBIT IV: Performance Measure Validity and Reliability Department: DMS/Division of Administrative Hearings Program: Adjudication of Disputes Service/Budget Entity: Adjudication of Disputes Measure: Percent of Professional Licensure (PL) Cases Closed Within 120 Days After Filing Action (check one): Requesting revision to approved performance measure. Change in data sources or measurement methodologies. Requesting new measure. Backup for performance measure.

Data Sources and Methodology:

The Division's electronic database, entitled the "Case Management System" (CMS), is the data source for this measure, and an automated computer program is utilized to provide the data for calculating the standard. The percentage is calculated by dividing the number of professional licensure (PL) cases closed within 120 days after filing in a specified year by the total number of PL cases filed during that same period.

The FY 2015-16 standard of 76% was calculated by dividing the number of PL cases closed within 120 days after filing (172) by the total number of PL cases filed (227) during the period March 1, 2015 through February 29, 2016. This time period is used to determine all of the output and outcome standards for this service so that all indicators are based on the same group of cases. See the Exhibit IV for the outcome measure entitled "Percent of Cases Closed Within 120 Days After Filing" for the rationale supporting selection of this date range.

Validity:

Validity refers to the fit between an operational definition and the concept it is purported to measure. This indicator is a valid measure of the outcome because it meets the criteria of two of the three types of statistical validation: (1) subjective validation (face validity), and (2) criterion-related validation. First, on the face of it, this indicator appears to measure the concept it is intended to measure (face validity). Second, the content or apparent meaning of this measure is not as important as its usefulness as an indicator of the outcome (criterion-related validity). The test of this type of validity is the ability of this measure to classify or group data in terms of a single criterion (percent of PL cases closed within 120 days after filing).

This indicator is a valid measure of how timely the Division is closing its cases. Most citizens and agencies of the state are interested in resolving their disputes as quickly as possible. Hence, this is a reasonable and sensible method of assessing performance against targeted time frames.

The Division's CMS database, the data source for this measure, is also valid. It has evolved to its present state over the last 32 years, and is the basis for the generation of numerous statistical reports on the Division's operations. To validate the accuracy of the CMS database, a statistically valid sample could be drawn from the case files. For example, a systematic random sample of computerized data on cases could be validated against the actual case files.

Reliability:

Reliability assessment is essentially a matter of checking for consistency; if a measure yields the same result time after time, then it is free of random error. This indicator is a reliable measure of the Division's outcome because of its test-retest and intercoder reliability. The test-retest procedure is the simplest method for assessing reliability and involves measuring the outcome (the percent of PL cases closed within 120 days after filing) on two separate occasions. The intercoder method involves examining the extent to which different persons using the same measurement procedures get equivalent results.

When any action is taken on a case (including case filing and closure), or when any case-related documentation is received or disseminated, an entry is made on the case's official docket, which is part of the CMS database. The Clerk's Office has incorporated a comprehensive system of checks and balances to insure that the Division's electronic and hard copy case files are up-to-date, accurate, and complete. Hence, this reliable outcome measure will not vary over time. Each time a measurement is taken, the quality of the results will be consistent.

LRPP EXHIBIT IV: Performance Measure Validity and Reliability Department: DMS/Division of Administrative Hearings Program: Adjudication of Disputes Service/Budget Entity: Adjudication of Disputes Measure: Percent of Professional Licensure (PL) Cases Scheduled for Hearing Within 90 Days After Filing Action (check one): Requesting revision to approved performance measure. Change in data sources or measurement methodologies. Requesting new measure. Backup for performance measure.

Data Sources and Methodology:

The Division's electronic database, entitled the "Case Management System" (CMS), is the data source for this measure, and an automated computer program is utilized to provide the data for calculating the standard. The percentage is calculated by dividing the number of professional licensure (PL) cases scheduled for hearing within 90 days after filing in a specified year by the total number of PL cases filed during that same period.

The FY 2015-16 standard of 98% was calculated by dividing the number of PL cases scheduled for hearing within 90 days after filing (223) by the total number of PL cases filed (227) during the period March 1, 2015 through February 29, 2016. This time period is used to determine all of the output and outcome standards for this service so that all indicators are based on the same group of cases. See the Exhibit IV for the outcome measure entitled "Percent of Cases Closed Within 120 Days After Filing" for the rationale supporting selection of this date range.

Validity:

Validity refers to the fit between an operational definition and the concept it is purported to measure. This indicator is a valid measure of the outcome because it meets the criteria of two of the three types of statistical validation: (1) subjective validation (face validity), and (2) criterion-related validation. First, on the face of it, this indicator appears to measure the concept it is intended to measure (face validity). Second, the content or apparent meaning of this measure is not as important as its usefulness as an indicator of the outcome (criterion-related validity). The test of this type of validity is the ability of this measure to classify or group data in terms of a single criterion (percent of PL cases scheduled for hearing within 90 days after filing).

This indicator is a valid measure of how timely the Division is scheduling hearings. Most citizens and agencies of the state are interested in resolving their disputes as quickly as possible. Hence, this is a reasonable and sensible method of assessing performance against targeted time frames.

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Reliability:

Reliability assessment is essentially a matter of checking for consistency; if a measure yields the same result time after time, then it is free of random error. This indicator is a reliable measure of the Division's outcome because of its test-retest and intercoder reliability. The test-retest procedure is the simplest method for assessing reliability and involves measuring the outcome (the percent of PL cases scheduled for hearing within 90 days after filing) on two separate occasions. The intercoder method involves examining the extent to which different persons using the same measurement procedures get equivalent results.

When any action is taken on a case (including the scheduling of hearings), or when any case-related documentation is received or disseminated, an entry is made on the case's official docket, which is part of the CMS database. The Clerk's Office has incorporated a comprehensive system of checks and balances to insure that the Division's electronic and hard copy case files are up-to-date, accurate, and complete. Hence, this reliable outcome measure will not vary over time. Each time a measurement is taken, the quality of the results will be consistent.

LRPP EXHIBIT IV: Performance Measure Validity and Reliability Department: DMS/Division of Administrative Hearings Program: Workers' Compensation Appeals - Judges of Compensation Claims Service/Budget Entity: Workers' Compensation Appeals - Judges of Compensation Claims Measure: Percent of Petitions Closed Within the Statutory Timeframe Action (check one): □ Requesting revision to approved performance measure. □ Change in data sources or measurement methodologies. □ Requesting new measure. □ Backup for performance measure.

Data Sources and Methodology:

The Division's electronic database, entitled the "Case Management System" (CMS), is the data source for this measure. An automated computer program is utilized to provide the data for calculating the standard. The percentage is calculated by dividing the number of petitions closed within the statutory timeframe in a specified year by the total number of petitions closed during that year.

Petitions for benefits are entered into the CMS upon receipt by the Clerk's Office. Data is recorded from the petition including the date it was filed. A petition can be closed several different ways: (1) voluntarily dismissed by the claimant, (2) dismissed by the judge, or (3) addressed by a disposition order (i.e. final merit, settlement, stipulation). As petitions are closed, staff enter the closing date into CMS. The FY 2015-16 standard of 93% was calculated by dividing the number of petitions closed within the statutory timeframe (61,421) by the number of petitions closed that year (66,324).

Validity:

Validity refers to the fit between an operational definition and the concept it is purported to measure. This indicator is a valid measure of the outcome because it meets the criteria of two of the three types of statistical validation: (1) subjective validation (face validity), and (2) criterion-related validation. First, on the face of it, this indicator appears to measure the concept it is intended to measure (face validity). Second, the content or apparent meaning of this measure is not as important as its usefulness as an indicator of the outcome (criterion-related validity). The test of this type of validity is the ability of this measure to classify or group data in terms of a single criterion (Percent of petitions closed within the statutory timeframe). This indicator is a valid measure of how timely the Office of the Judges of Compensation Claims is closing its cases.

Reliability:
Reliability assessment is essentially a matter of checking for consistency; if a measure yields the same result time after time, then it is free of random error. This indicator is a
reliable measure of the Division's outcome because of its test-retest and intercoder reliability. The test-retest procedure is the simplest method for assessing reliability and
involves measuring the outcome (the percent of petitions closed within the statutory timeframe) on two separate occasions. The intercoder method involves examining the
extent to which different persons using the same measurement procedures get equivalent results.
As petitions are closed, judges' staff enter this data into the CMS database and it becomes a permanent part of the record. Data are collected in a consistent manner, applying the same methodology and can be duplicated to achieve the same results.

Office of Policy and Budget – June, 2016

LRPP EX	HIBIT IV: Performance Measure Validity and Reliability
-	DMS/Division of Administrative Hearings
Program:	Workers' Compensation Appeals - Judges of Compensation Claims
Service/Budg	et Entity: Workers' Compensation Appeals - Judges of
_	Compensation Claims
Measure:	Number of Petitions Closed
Change in Requestin	one): g revision to approved performance measure. data sources or measurement methodologies. g new measure. r performance measure.

Data Sources and Methodology:

The Division's electronic database, entitled the "Case Management System" (CMS), is the data source for this measure. An automated computer program is utilized to provide a count of all petitions for benefits closed during a given year (or any other time period specified).

Petitions for benefits are entered into the "Case Management System" upon receipt by the Clerk's Office. Data from the petition is recorded including the filing date. A petition can be closed several different ways: (1) voluntarily dismissed by the claimant, (2) dismissed by the judge, or (3) addressed by a disposition order (i.e. final merit, settlement, stipulation). As petitions are closed, staff enter the data into CMS.

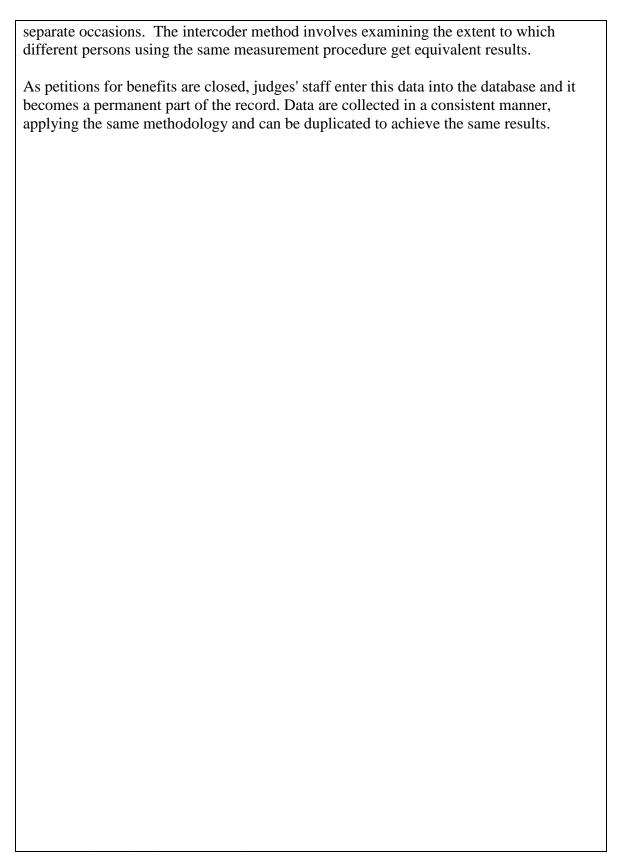
The CMS database provided the count of 66,324 petitions closed in FY 2015-16.

Validity:

For every workers' compensation dispute, one or more petitions for benefits may be filed, and these petitions request one or more benefits. The petition is closed when it is voluntarily dismissed by the claimant, dismissed by the judge, or addressed by a disposition order (i.e. final merit, settlement, stipulation). This measure evaluates the productivity of the process. Petitions for benefits represent the demand for the Judges of Compensation Claims service. The number of petitions for benefits closed is a valid measure to use in calculating unit costs.

Reliability:

Reliability assessment is essentially a matter of checking for consistency; if a measure yields the same result time after time, then it is free of random error. This indicator is a reliable measure of the Division's output because of its test-retest and intercoder reliability. The test-retest procedure is the simplest method for assessing reliability and involves measuring the output (the number of petitions for benefits closed) on two



Office of Policy and Budget – June, 2016

LRPP EX	HIBIT IV: Performance Measure Validity and Reliability
Department:	DMS/Division of Administrative Hearings
Program:	Workers' Compensation Appeals - Judges of Compensation Claims
Service/Budg	et Entity: Workers' Compensation Appeals - Judges of
	Compensation Claims
Measure:	Average Number of Days From Date Petition Filed to Date Petition
	Closed
Action (check	one):
Requestin	g revision to approved performance measure.
Change in	data sources or measurement methodologies.
Requestin	g new measure.
Backup fo	r performance measure.

Data Sources and Methodology:

The Division's electronic database, entitled the "Case Management System" (CMS), is the data source for this measure. An automated computer program is utilized to calculate the average number of days from the petition filed date to the petition closed date.

Petitions for benefits are entered into the "Case Management System" upon receipt by the Clerk's Office. Data is recorded from the petition including the filing date. A petition can be closed several different ways: (1) voluntarily dismissed by the claimant, (2) dismissed by the judge, or (3) addressed by a disposition order (i.e. final merit, settlement, stipulation). As petitions are closed, staff enter the data into CMS.

The CMS program calculated the FY 2015-16 standard of 125 days, which is an improvement over the FY 2014-15 standard of 138 days.

Validity:

Validity refers to the fit between an operational definition and the concept it is purported to measure. This indicator is a valid measure of the outcome because it meets the criteria of two of the three types of statistical validation: (1) subjective validation (face validity), and (2) criterion-related validation. First, on the face of it, this indicator appears to measure the concept it is intended to measure (face validity). Second, the content or apparent meaning of this measure is not as important as its usefulness as an indicator of the outcome (criterion-related validity). The test of this type of validity is the ability of this measure to classify or group data in terms of a single criterion (the average number of days from petition filed to petition closed).

For every workers' compensation dispute, one or more petitions for benefits may be filed, and these petitions request one or more benefits. The petition is closed when it is voluntarily dismissed by the claimant, dismissed by the judge, or addressed by a disposition order (i.e. final merit, settlement, stipulation). This indicator is a valid

measure of how timely the Judges of Compensation Claims are closing petitions for benefits. The statutory timeframes begin with the filing of the petition for benefits.
Reliability: Reliability assessment is essentially a matter of checking for consistency; if a measure yields the same result time after time, then it is free of random error. This indicator is a reliable measure of the Division's outcome because of its test-retest and intercoder reliability. The test-retest procedure is the simplest method for assessing reliability and involves measuring the outcome (the average number of days from petition filed to petition closed) on two separate occasions. The intercoder method involves examining the extent to which different persons using the same measurement procedures get equivalent results.
As petitions are closed, judges' staff enter this data into the database and it becomes a permanent part of the record. Data are collected in a consistent manner, applying the same methodology and can be duplicated to achieve the same results.

LRPP EXHIBIT IV: Performance Measure Validity and Reliability Department: DMS/Division of Administrative Hearings Program: Workers' Compensation Appeals - Judges of Compensation Claims Service/Budget Entity: Workers' Compensation Appeals - Judges of Compensation Claims Measure: Percent of Timely Held Mediations (130 days) Action (check one): Requesting revision to approved performance measure. Change in data sources or measurement methodologies. Requesting new measure. Backup for performance measure.

Data Sources and Methodology:

The Division's electronic database, entitled the "Case Management System" (CMS), is the data source for this measure. The percentage is calculated by dividing the number of petitions mediated within the statutory timeframe in a specified year by the total number of petitions mediated during that year.

Petitions for benefits are entered into the CMS upon receipt by the Clerk's Office. Data is recorded from the petition including the date it was filed. Multiple petitions are addressed in each mediation. The FY 2015-16 performance standard of 97% was calculated by dividing the number of petitions mediated within 130 days after filing (22,963) by the number of petitions mediated that year (23,592).

Validity:

Validity refers to the fit between an operational definition and the concept it is purported to measure. This indicator is a valid measure of the outcome because it meets the criteria of two of the three types of statistical validation: (1) subjective validation (face validity), and (2) criterion-related validation. First, on the face of it, this indicator appears to measure the concept it is intended to measure (face validity). Second, the content or apparent meaning of this measure is not as important as its usefulness as an indicator of the outcome (criterion-related validity). The test of this type of validity is the ability of this measure to classify or group data in terms of a single criterion (the percent of mediations held within 130 days).

For every workers' compensation dispute, state mediators hold one or more mediation conferences unless the parties utilize private mediation or if the Deputy Chief Judge of Compensation Claims waives the mediation requirement. Each mediation conference addresses one or more petitions for benefits. Chapter 440.25, F.S. requires that if the Judges of Compensation Claims cannot mediate a petition within 130 days then a private mediation must take place. However, in the case where the Judges of Compensation Claims mediators were able to mediate the petition in a timely fashion but the parties

were not ready for mediation, the parties can request a continuance. This measure is a valid indicator of how many petitions were mediated beyond 130 days of their filed date. **Reliability:** Reliability assessment is essentially a matter of checking for consistency; if a measure yields the same result time after time, then it is free of random error. This indicator is a reliable measure of the Division's outcome because of its test-retest and intercoder reliability. The test-retest procedure is the simplest method for assessing reliability and involves measuring the outcome (the percent of mediations held within 130 days) on two separate occasions. The intercoder method involves examining the extent to which different persons using the same measurement procedures get equivalent results. As mediation conferences are scheduled, rescheduled, held, etc. this information is kept on the mediators' computerized calendars. Any information remains in the database and can be replicated at any time. Data are collected in a consistent manner, compiled on a monthly and annual basis, using the same data sources, applying the same methodology and can be duplicated to achieve the same result.

LRPP EXHIBIT IV: Performance Measure Validity and Reliability Department: DMS/Division of Administrative Hearings Program: Workers' Compensation Appeals - Judges of Compensation Claims Service/Budget Entity: Workers' Compensation Appeals - Judges of Compensation Claims Measure: Number of Mediations Held Action (check one): Requesting revision to approved performance measure. Change in data sources or measurement methodologies. Requesting new measure. Backup for performance measure.

Data Sources and Methodology:

The data source is the Division's electronic database, entitled the "Case Management System" (CMS). This measure is a simple count of the number of mediation conferences held by state mediators throughout the state of Florida on a fiscal year basis. In FY 2015-16, 15,707 mediations were held.

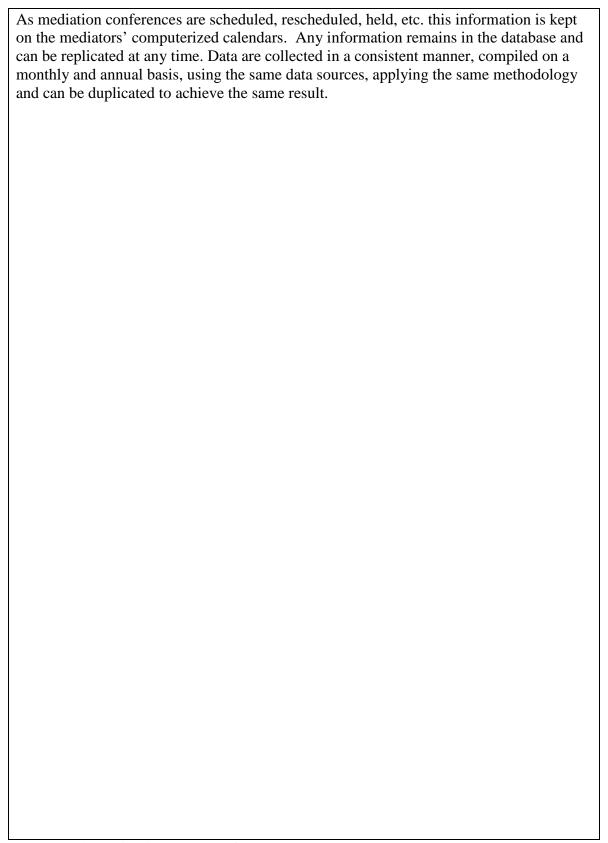
Validity:

Validity refers to the fit between an operational definition and the concept it is purported to measure. This indicator is a valid output measure because it meets the criteria of two of the three types of statistical validation: (1) subjective validation (face validity), and (2) criterion-related validation. First, on the face of it, this indicator appears to measure the concept it is intended to measure (face validity). Second, the content or apparent meaning of this measure is not as important as its usefulness as an indicator of output (criterion-related validity). The test of this type of validity is the ability of this measure to classify or group data in terms of a single criterion (the number of mediations held.)

For every workers' compensation dispute, state mediators hold one or more mediation conferences unless the parties utilize private mediation or if the Deputy Chief Judge of Compensation Claims waives the mediation requirement. The number of mediations held by state mediators is necessary in evaluating the productivity of the mediation process, and is also used as the unit cost measure for this activity.

Reliability:

Reliability assessment is essentially a matter of checking for consistency; if a measure yields the same result time after time, then it is free of random error. This indicator is a reliable measure of the Division's output because of its test-retest and intercoder reliability. The test-retest procedure is the simplest method for assessing reliability and involves measuring output (the number of mediations held) on two separate occasions. The intercoder method involves examining the extent to which different persons using the same measurement procedures get equivalent results.



LRPP EXHIBIT IV: Performance Measure Validity and Reliability Department: DMS/Division of Administrative Hearings Program: Workers' Compensation Appeals - Judges of Compensation Claims Service/Budget Entity: Workers' Compensation Appeals - Judges of Compensation Claims Measure: Percent of Concluded Mediations Resulting in Resolution (all issues except attorneys fees) Action (check one): Requesting revision to approved performance measure. Change in data sources or measurement methodologies. Requesting new measure. Backup for performance measure.

Data Sources and Methodology:

The data source is the Division's electronic database, entitled the "Case Management System" (CMS). The FY 2015-16 standard of 55% was calculated by dividing the number of mediations resulting in resolution (7,893) by the number of mediations concluded (14,370).

This measure is a percentage of mediations that concluded with one of the following results: (1) lump sum settlement; (2) all pending issues resolved; or (3) all pending issues resolved except attorneys fees. This percentage is compiled on a fiscal year basis.

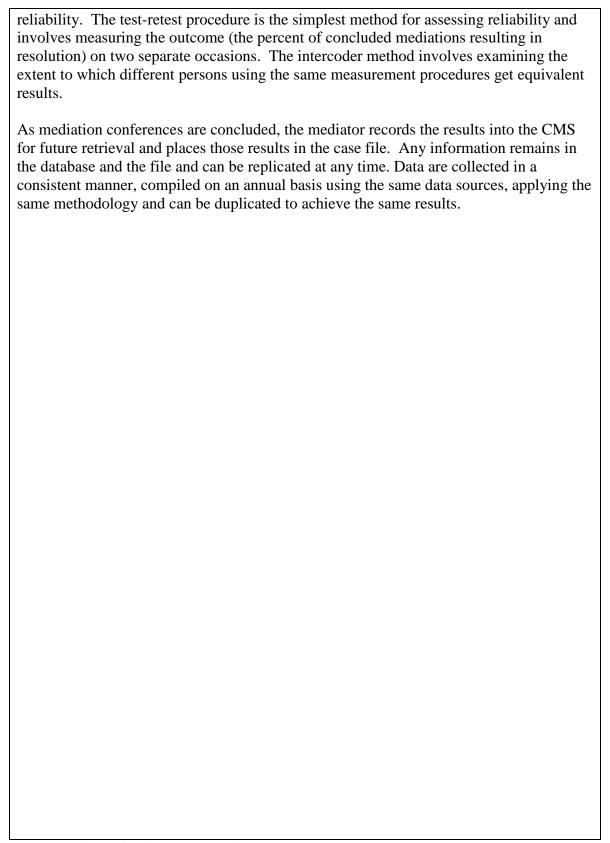
Validity:

Validity refers to the fit between an operational definition and the concept it is purported to measure. This indicator is a valid measure of the outcome because it meets the criteria of two of the three types of statistical validation: (1) subjective validation (face validity), and (2) criterion-related validation. First, on the face of it, this indicator appears to measure the concept it is intended to measure (face validity). Second, the content or apparent meaning of this measure is not as important as its usefulness as an indicator of the outcome (criterion-related validity). The test of this type of validity is the ability of this measure to classify or group data in terms of a single criterion (the percent of concluded mediations resulting in resolution).

This indicator is a valid measure of how effectively the state mediation program is resolving disputed workers' compensation claims. The percentage of concluded mediations that result in resolution is a valid measure of the effectiveness of the mediation process.

Reliability:

Reliability assessment is essentially a matter of checking for consistency; if a measure yields the same result time after time, then it is free of random error. This indicator is a reliable measure of the Division's outcome because of its test-retest and intercoder



DIVISION OF ADMINISTRATIVE HEARINGS

ASSOCIATED ACTIVITIES CONTRIBUTING TO PERFORMANCE MEASURES - LRPP EXHIBIT V

Measure Number	Approved Performance Measures for FY 2016-17 (Words)	Associated Activities Title
1	Percent of cases closed within 120 days after filing	Conduct Administrative Hearings and Proceedings
2	Percent of cases scheduled for hearing within 90 days after filing	Conduct Administrative Hearings and Proceedings
3	Number of cases closed	Conduct Administrative Hearings and Proceedings
4	Percent of professional licensure cases closed within 120 days after filing	Conduct Administrative Hearings and Proceedings
5	Percent of professional licensure cases scheduled for hearing within 90 days after filing	Conduct Administrative Hearings and Proceedings

LRPP Exhibit V: Identification of Associated Activity Contributing to Performance Measures							
Measure Number	Approved Performance Measures for FY 2016-17 (Words)		Associated Activities Title				
1	Percent of petitions closed within the statutory timeframe		Adjudicate and Hear Workers' Compensation Disputes				
2	Number of petitions closed		Adjudicate and Hear Workers' Compensation Disputes				
3	Average number of days from date petition filed to date petition closed		Adjudicate and Hear Workers' Compensation Disputes				
4	Percent of timely held mediations (130 days)		Facilitate Mediation of Workers' Compensation Disputes				
5	Number of mediations held		Facilitate Mediation of Workers' Compensation Disputes				

LRPP Exhibit V: Identification of Associated Activity Contributing to Performance Measures **Approved Performance Measures for** Measure FY 2016-17 **Associated Activities Title** Number (Words) 6 Percent of concluded mediations resulting in resolution Facilitate Mediation of Workers' Compensation Disputes (all issues except attorneys fees)

ADMINISTRATIVE HEARINGS			FISCAL YEAR 2015-16			
SECTION I: BUDGET		OPERATI	NG	FIXED CAPITAL OUTLAY		
TOTAL ALL FUNDS GENERAL APPROPRIATIONS ACT ADJUSTMENTS TO GENERAL APPROPRIATIONS ACT (Supplementals, Vetoes, Budget Amendments, etc.)			25,824,021 -8,317	0		
FINAL BUDGET FOR AGENCY			25,815,704	0		
SECTION II: ACTIVITIES * MEASURES	Number of Units	(1) Unit Cost	(2) Expenditures (Allocated)	(3) FCO		
Executive Direction, Administrative Support and Information Technology (2) Conduct Administrative Hearings And Proceedings * Number of cases closed	7,281	1,038.57	7,561,843	0		
Adjudicate And Hear Workers' Compensation Disputes * Number of petitions closed Facilitate Mediation Of Workers' Compensation Disputes * Number of mediations held	66,324 15,707	220.84 211.62	14,647,148 3,323,929			
TOTAL			25,532,920			
SECTION III: RECONCILIATION TO BUDGET						
PASS THROUGHS TRANSFER - STATE AGENCIES						
AID TO LOCAL GOVERNMENTS PAYMENT OF PENSIONS, BENEFITS AND CLAIMS						
OTHER REVERSIONS			282,793			
TOTAL BUDGET FOR AGENCY (Total Activities + Pass Throughs + Reversions) - Should equal Section I above. (4)			25,815,713			
			25,815,713			
SCHEDULE XI/EXHIBIT VI: AGENCY-LEVEL UNIT COST SUMMARY						

⁽¹⁾ Some activity unit costs may be overstated due to the allocation of double budgeted items.
(2) Expenditures associated with Executive Direction, Administrative Support and Information Technology have been allocated based on FTE. Other allocation methodologies could result in significantly different unit costs per activity.
(3) Information for FCO depicts amounts for current year appropriations only. Additional information and systems are needed to develop meaningful FCO unit costs.
(4) Final Budget for Agency and Total Budget for Agency may not equal due to rounding.

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BUDGET PERIOD: 2007-2018

STATE OF FLORIDA AUDIT REPORT ADMIN HEARINGS

SCHED XI: AGENCY-LEVEL UNIT COST SUMMARY

ACTIVITY ISSUE CODES SELECTED:

TRANSFER-STATE AGENCIES ACTIVITY ISSUE CODES SELECTED:

1-8

AID TO LOCAL GOVERNMENTS ACTIVITY ISSUE CODES SELECTED:

1-8:

THE FOLLOWING STATEWIDE ACTIVITIES (ACT0010 THROUGH ACT0490) HAVE AN OUTPUT STANDARD (RECORD TYPE 5) AND SHOULD NOT:

*** NO ACTIVITIES FOUND ***

THE FCO ACTIVITY (ACT0210) CONTAINS EXPENDITURES IN AN OPERATING CATEGORY AND SHOULD NOT: (NOTE: THIS ACTIVITY IS ROLLED INTO EXECUTIVE DIRECTION, ADMINISTRATIVE SUPPORT AND INFORMATION TECHNOLOGY)

*** NO OPERATING CATEGORIES FOUND ***

THE FOLLOWING ACTIVITIES DO NOT HAVE AN OUTPUT STANDARD (RECORD TYPE 5) AND ARE REPORTED AS 'OTHER' IN

SECTION III: (NOTE: 'OTHER' ACTIVITIES ARE NOT 'TRANSFER-STATE AGENCY' ACTIVITIES OR 'AID TO LOCAL GOVERNMENTS' ACTIVITIES. ALL ACTIVITIES WITH AN OUTPUT STANDARD (RECORD TYPE 5) SHOULD BE REPORTED IN SECTION II.)

*** NO ACTIVITIES FOUND ***

TOTALS FROM SECTION I AND SECTIONS II + III:

DEPARTMENT: 7297 EXPENDITURES FCO

FINAL BUDGET FOR AGENCY (SECTION I): 25,815,704

TOTAL BUDGET FOR AGENCY (SECTION III): 25,815,713

DIFFERENCE: 9-

Glossary of Terms and Acronyms

ALJ – Administrative Law Judge

CMS - Case Management System

DOAH - Division of Administrative Hearings

FTE -Full Time Equivalent Position

FY - Fiscal Year

OJCC - Office of the Judges of Compensation Claims

PL – Professional Licensure Case