

**STATE OF FLORIDA**

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**DIVISION OF ADMINISTRATIVE HEARINGS**



January 31, 2018

**FORTY-FOURTH 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 (Division) administers two programs. One, which is the subject of this report, is the Adjudication of Disputes program that operates pursuant to chapter 120. 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) 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 headquarters element of the Division

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must support both programs, this report necessarily must include some information addressing the OJCC.

The Clerk's Office at the Division is constantly seeking ways to make the electronic filing and service of pleadings more streamlined and user-friendly. Additionally, the availability of the online dockets and the indexing of final orders performed by the Division for all state agencies is an area where improvements can be made in search engine capabilities and improvement of access of the orders to the public. The Clerk's Office has continued to update e-filing instructions on its website as e-filing evolves. Also in FY 2017-18, the Clerk's Office, in conjunction with the information technology (IT) staff, will continue testing to enhance the case search to include locating documents within dockets for non-confidential cases giving greater access to the Division's database. Also, eService will expand to include links to Administrative Law Judge rulings, along with the motions and/or responses.

**UTILIZATION RATES**

Appendix 1 breaks out by agency the utilization rates of Division resources and demonstrates, in descending order, that 12 agencies utilized 79 percent of the Division's docket: the Department of Revenue, the Agency for Health Care Administration, the Department of Management Services, the Department of Health, the Department of Education, Department of Children and Families, the Department of Financial Services, the Department of Transportation, the Department of Business and Professional Regulation, the Agency for Persons with Disabilities, the Florida Commission on Ethics, and the Department of Environmental Protection. 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.

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During FY 2016-17, state agencies and other governmental entities referred 7,691 requests for assignment of an administrative law judge compared to 7,293 requests filed the previous year. This is a six-percent increase from the previous fiscal year. Requests for assignment of Administrative Law Judges from the following six agencies constitute 55 percent of our fiscal year caseload: the Department of Environmental Protection (38 cases, an increase of 100 percent over the 19 cases filed in FY 2015-16); the Department of Health (124 cases, an increase of 27 percent over the 98 cases filed in FY 2015-16); the Department of Highway Safety and Motor Vehicles (73 cases, an increase of 204 percent over the 24 cases filed in FY 2015-16); the Department of Revenue (3,827 cases, an increase of 10 percent over the 3,478 cases filed in FY 2015-16); the Florida Commission on Ethics (12 cases, an increase of 71 percent over the seven cases filed in FY 2015-16); and the Florida Commission on Human Relations (166 cases, an increase of 46 percent over the 114 cases filed in FY 2015-16).

**UTILIZATION OF PERSONNEL**

As of June 30, 2017, 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, five Administrative Assistants, one Budget Officer, one Executive Assistant, two Staff Assistants, one Administrative Services Director, one Personnel Officer, one Purchasing Specialist, one Professional Accountant Specialist, one Operations and Management Consultant, 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

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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 Senior Attorneys/State Mediators, 35 Deputy Clerks (includes 31 in the field offices and four in the central Clerk's Office), one Office Operations Manager, 38 Commission Deputy Clerks (includes 31 in the field offices and seven 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, two Distributed Computer Systems Analyst, 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.

### **HEARING REQUESTS**

During FY 2016-17, the Division processed 7,691 hearing requests compared to 7,293 cases filed the previous fiscal year. Of the total cases filed, 1,976 were Baker Act cases. The remaining 5,715 cases were primarily filed pursuant to sections 120.56, 120.569, and 120.57(1). Most notable were the referrals from the Department of Revenue, which increased its referrals by ten percent with 3,827 cases filed this fiscal year compared to 3,478 cases previously reported. Other cases filed are itemized by agency in the attached Appendix 2.

In FY 2016-17, each Administrative Law Judge conducted an average of 216 hearings (a 16-percent increase) and wrote an average of 116 Recommended or Final Orders (a 17-percent increase) of varying length and complexity. In addition, each Judge closed an average of

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62 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](http://www.doah.state.fl.us) and [www.fljcc.org](http://www.fljcc.org). Secondary applications include office automation (word processing and e-mail) and online legal research via LexisNexis and other Internet resources.

Electronic Filing

During calendar year 2017, there were 59,144 documents uploaded via the eALJ filing portal; 38,565 documents were served (via email) to 136,392 parties of record. For the OJCC, 577,220 documents were uploaded via the eJCC filing portal; 731,574 documents were electronically served to 1,677,921 parties of record.

Indexing

Under section 120.53(2), 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 134,723 documents have been submitted to the Agency Index Documents database, with 24,810 of those uploaded in calendar year 2017.

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Cybersecurity

The Division has long been concerned with the integrity of its IT systems. This concern has grown out of a responsibility we feel to those whose private information is transmitted to our care through electronic means; to appropriate walls being developed to keep that private information away from all but those who are entitled to view it; and to appropriate measures being taken to ensure that the users of the Division's systems do not accidentally release confidential information to those not entitled to it or to infecting the IT systems with malware or other intrusions from outside entities that are not authorized to view confidential or proprietary information. In 2017, the Division's primary IT focus continued to be on security.

Cybersecurity awareness training provided to all Division personnel was focused on safe mobile computing and learning to recognize malicious emails. Special training sessions were also provided to judges and mediators throughout the year. We will continue to comply with all state laws and rules that may be developed, as well as our internally produced protocols to ensure the Division's IT systems are secure from both external and internal attack.

**OPERATING BUDGET**

The Division is 100 percent trust funded. However, in FY 2016-17, the Division received \$6,286 in non-recurring General Revenue per Specific Appropriation 1961B to obtain security training for the IT staff. Appendix 3 summarizes the actual, estimated, and requested expenditures for the Division's programs for FY 2016-17, FY 2017-18, and FY 2018-19, 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 for all agencies. Based on this data, the Division's budget is prorated among the state agencies



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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 accomplishing the resolution of disputes short of proceeding to hearing. In September 2017, the Division submitted its thirty-first "Hearing Hours Held" report (see Appendix 1). In FY 2016-17, a total of 5,009 hearing hours were held. (Appendix 1 excludes Baker Act hearing hours, which totaled 313.50 in FY 2016-17.)

The Division also is 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 require 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 \$151 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) 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 entities, and by backing out these revenues before the budget is prorated among the state

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agencies. The assessment for administrative support that is paid by the Workers' Compensation Appeals program also is backed out before the budget is prorated. Hence, state agency transfers have been reduced by about \$1.1 million in the Division's FY 2018-19 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), 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." Over the past several years, this report has contained a discussion of how the Division can help those agencies housing professional licensing boards (the Department of Business and Professional Regulation and the Department of Health). Although these agencies have not chosen to avail themselves of our offer, we remain willing and able to create dockets to handle minor violations involving fines and compliance only (as opposed to suspension or revocation of licenses) to

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allow the professional licensing boards, comprised of volunteers who often meet on weekends away from their homes, to lighten their loads to allow them to concentrate on the more severe cases that come before them. As stated previously, 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. § 120.65(8)(c), Fla. Stat. Finally, section 120.65 was amended to require the Division's report to include information regarding each agency's compliance with the filing requirement in section 120.57(1)(m). We believe these “minor violation” matters are exactly what were contemplated by the summary hearing procedure, and sending a portion or all of these matters to the Division would save the agencies, housing these boards, time and resources. The Division could handle these additional summary matters with its current complement of judges and support staff.

At the time of the issuance of this report, a handful of bills have been filed in the Legislature for the 2018 Session that relate to the rulemaking process. As in the past, the Division is working with the Legislature and proponents or opponents of any proposed legislation affecting administrative practice to ensure that the goals of due process and the efficient adjudication of disputes are maintained. This is generally done through the bill analysis process in which staff members ask whether fiscal and policy impacts might result from the passage of proposed legislation. It is the practice of the Division to respond timely to any such requests and to inform the Legislature that proposed statutory changes to improve the efficiency of the administrative process and to increase the caseload at the Division are welcome. The Division also consults with the Administrative Law Section of The Florida Bar to ensure consistency of our position with those who routinely practice in the administrative law arena. The undersigned and any other necessary staff of the Division will cooperate fully with

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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.

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 continue to 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. Notably, it is anticipated that legislation will pass during the 2018 Session to formally allow the Division to electronically serve all pleadings and orders on the registered parties in our cases. The service is already being provided as a DOAH initiative. This will eliminate any costs associated with attorneys serving pleadings and documents on opposing counsel or parties, if self-represented. Further, this mandate will eliminate any disputes between attorneys and parties concerning whether they were actually served with papers filed at the Division. 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. Realizing that not everyone has

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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, since they have realized the value of a no-cost way of filing their papers and pleadings.

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 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. This also allows the JCCs to move cases more quickly through the system through the use of an available judge rather than waiting for a judge with an overload of cases to become free. 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

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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), many agencies have improved the timeliness of filing their final orders with the Division. In this past fiscal year, 14 of the 33 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, Contract Hearings, County School Boards, Department of Agriculture and Consumer Services, Department of Business and Professional Regulation, Department of Corrections, Department of Juvenile Justice, Department of Transportation, Florida Commission on Ethics, Florida Commission on Human Relations, State Board of Administration, Universities and Colleges, and Water Management Districts). Overall, of the agency final orders filed with the Division between July 1, 2016, and June 30, 2017, 29 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 2015, the Administrative Law Section was successful in having legislation passed to require all agencies to file their final orders with the Division for indexing and retrieval. The Legislature designated the Division as the centralized electronic database for indexing agency final orders pursuant to section 120.53. All agencies now electronically transmit a certified text-searchable copy of each agency final order as described in section 120.53(2), which was rendered on or after the effective date. Also, the agencies may electronically transmit certified copies of all of the final orders, which were required to be in the subject matter index and rendered prior to July 1, 2015, for the Division to keep and make those

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orders available to the public in a searchable database. Thirty-one agencies (Executive Office of the Governor, Department of Agriculture and Consumer Services, Department of Financial Services, Office of Financial Regulation, Office of Insurance Regulation, Agency for Health Care Administration, Agency for Persons with Disabilities, Department of Business and Professional Regulation, Department of Children and Families, Department of Corrections, Commission on Offender Review, Department of Economic Opportunity, Department of Community Affairs (prior to DEO), Florida Housing Finance Corporation, Department of Education, Department of Environmental Protection, Department of Health, Department of Highway Safety and Motor Vehicles, Department of Law Enforcement, Department of Management Services, Department of State, Florida Elections Commission, Florida Commission on Ethics, Public Employee Relations Commission, Public Service Commission, County School Boards, Department of Lottery, Department of Transportation, State Board of Administration, Department of Revenue, and the Water Management Districts) have already taken advantage of this service.

**CONCLUSION**

The Division continues to supply timely, 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. The Division strives to meet the performance standards required by the Legislature and the undersigned takes those a step further

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by striving to meet the performance standards now reviewed by the Governor and Cabinet sitting as the Administration Commission. Moreover, the Division is mindful of the cost of proceeding to hearing and seeks to minimize any potential delays in moving cases through the system. This ensures that individuals, small businesses, and major corporations reduce the cost, time, and opportunity lost through judicial delay. By helping matters move through the Division in an expeditious manner, 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, 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/lDs



6/30/2017

Appendix 1

HEARING HOURS HELD REPORT  
FY 2016-2017  
For the Period 07/01/16 through 6/30/2017

AGENCY	PREHEARING CONFERENCE	MOTION HEARING	FINAL HEARING	TOTAL HOURS	% OF TOTAL HOURS	PRORATED AMOUNT OF FY 2018-19 LBR
AGR	0.25	0.25	13.00	13.50	0.33549%	\$24,809
AHCA	6.75	12.25	366.50	385.50	9.58002%	\$708,422
APD	0.50	0.25	53.75	54.50	1.35437%	\$100,153
CIT	0.00	0.00	0.00	0.00	0.00000%	\$0
COR	0.25	0.00	6.25	6.50	0.16153%	\$11,945
DBPR	3.00	2.50	56.50	62.00	1.54076%	\$113,936
DCF	2.00	2.00	127.50	131.50	3.26789%	\$241,654
DEO	3.25	0.00	10.25	13.50	0.33549%	\$24,809
DEP	3.00	0.25	28.25	31.50	0.78280%	\$57,887
DFS	4.25	7.75	105.00	117.00	2.90755%	\$215,007
DLA	0.00	0.00	0.00	0.00	0.00000%	\$0
DLE	0.00	0.00	0.00	0.00	0.00000%	\$0
DMA	0.00	0.00	0.00	0.00	0.00000%	\$0
DMS	17.25	12.75	327.75	357.75	8.89041%	\$657,427
DOE	5.00	5.75	123.50	134.25	3.33623%	\$246,707
DOH	4.75	12.75	313.25	330.75	8.21943%	\$607,810
DOS	0.00	0.25	0.00	0.25	0.00621%	\$459
DOT	1.50	3.00	73.50	78.00	1.93837%	\$143,338
ELDER	0.00	0.00	0.00	0.00	0.00000%	\$0
ETH	0.75	0.25	42.00	43.00	1.06859%	\$79,020
FEC	0.25	0.00	10.00	10.25	0.25472%	\$18,836
FWCC	0.25	0.00	0.00	0.25	0.00621%	\$459
GOV	0.00	0.00	1.00	1.00	0.02485%	\$1,838
HSM	3.75	0.25	3.50	7.50	0.18638%	\$13,783
JUV	0.00	0.00	4.50	4.50	0.11183%	\$8,269
LOT	1.00	0.75	0.00	1.75	0.04349%	\$3,216
PSC	0.00	0.00	0.00	0.00	0.00000%	\$0
REV	0.50	3.00	2235.75	2239.25	55.64737%	\$4,115,005
VET	0.00	0.00	0.00	0.00	0.00000%	\$0
TOTAL:	58.25	64.00	3901.75	4024.00	100.00000%	\$7,394,789

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

\*Prior to prorating among state agencies, DOAH's FY 2018-19 Legislative Budget Request totaling \$8,535,930 was adjusted to reflect estimated revenue of \$550,083 from contract entities, payment of \$677,393 from the Workers' Compensation Appeals Program for general management and administrative services costs, estimated revenue of \$14,084 from cases filed pursuant to Chapter 403, Florida Statutes, and the estimated nonoperating cost of \$100,419 for state agency video teleconferencing hearings.

6/30/2017

Appendix 1

## HEARING HOURS HELD BY CONTRACT/EDUCATIONAL/OTHER AGENCIES

FY 2016-2017

For the Period 07/01/16 through 6/30/17

AGENCY	PREHEARING CONFERENCE	MOTION HEARING	FINAL HEARING	TOTAL HOURS	% OF HOURS ALL AGENCIES
CONTRACT	8.25	4.25	271.25	283.75	5.66480%
EPP	0.00	0.00	0.00	0.00	0.00000%
TL	0.00	0.00	0.00	0.00	0.00000%
GM	0.00	0.50	35.50	36.00	0.71871%
MA	0.00	0.25	35.75	36.00	0.71871%
NICA	0.50	2.25	9.25	12.00	0.23957%
OTHER	0.00	0.00	27.25	27.25	0.54402%
SENATE CLAIM	0.00	0.00	0.00	0.00	0.00000%
SCHBDS	13.50	8.00	568.50	590.00	11.77880%
TOTAL:	22.25	15.25	947.50	985.00	19.66460%

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.

## Division of Administrative Hearings

ANALYSIS OF AGENCY REQUEST FOR  
FISCAL YEAR 2016 - 2017

AGENCY	Jul-Dec	Jan-June	TOTAL
<b>Department of Agriculture and Consumer Services</b>			
Department of Agriculture and Consumer Services	7	4	11
Bureau of License and Bond	1	0	1
<b>Agency Total</b>	<b>8</b>	<b>4</b>	<b>12</b>
<b>Agency for Persons with Disabilities</b>			
Agency for Persons with Disabilities	16	15	31
License	1	0	1
<b>Agency Total</b>	<b>17</b>	<b>15</b>	<b>32</b>
<b>Department of Children and Family Services</b>			
Department of Children and Family Services	3	2	5
Exemption Ch. 435, position of special trust	20	20	40
Family Safety and Preservation Programs	25	13	38
Office of Licensure and Certification	3	0	3
<b>Non-Baker Act Total</b>	<b>51</b>	<b>35</b>	<b>86</b>
<b>Contract Hearings</b>			
City of Cape Coral	1	1	2
City of Clearwater	2	0	2
City of Coral Springs Police Officers' Pension Fun	0	1	1
City of Gainesville	1	0	1
Code Enforcement	1	2	3
City of Tampa General Employees Retirement Fund	6	2	8
Emerald Coast Utilities Authority	0	1	1
Hillsborough County	1	0	1
Informal Hearing	5	3	8
Monroe County	0	2	2
Pinellas County Sheriff`s Civil Service Board	2	0	2
Pinellas County	1	1	2
<b>Agency Total</b>	<b>20</b>	<b>13</b>	<b>33</b>
<b>Florida Commission on Human Relations</b>			
Florida Commission on Human Relations	74	73	147
Fair Housing Act	8	11	19
<b>Agency Total</b>	<b>82</b>	<b>84</b>	<b>166</b>
<b>Commissions</b>			
Commissions	0	1	1
<b>Agency Total</b>	<b>0</b>	<b>1</b>	<b>1</b>
<b>Department of Corrections</b>			
Department of Corrections	4	1	5
<b>Agency Total</b>	<b>4</b>	<b>1</b>	<b>5</b>
<b>Citizens Property Insurance</b>			
Citizens Property Insurance	1	0	1
<b>Agency Total</b>	<b>1</b>	<b>0</b>	<b>1</b>
<b>County School Boards</b>			
Brevard County School Board	2	4	6
Broward County School Board	12	26	38
Charlotte County School Board	0	2	2
Columbia County School Board	1	0	1

## Division of Administrative Hearings

ANALYSIS OF AGENCY REQUEST FOR  
FISCAL YEAR 2016 - 2017

AGENCY	Jul-Dec	Jan-June	TOTAL
Miami-Dade County School Board	17	20	37
Dixie County School Board	1	0	1
Duval County School Board	7	6	13
Escambia County School Board	3	0	3
Flagler County School Board	0	1	1
Franklin County School Board	0	1	1
Hamilton County School Board	1	0	1
Hernando County School Board	3	2	5
Highlands County School Board	1	1	2
Hillsborough County School Board	5	6	11
Indian River County School Board	1	0	1
Jackson County School Board	3	0	3
Lake County School Board	1	3	4
Lee County School Board	3	2	5
Leon County School Board	2	2	4
Manatee County School Board	3	2	5
Marion County School Board	2	1	3
Martin County School Board	0	1	1
Monroe County School Board	1	1	2
Orange County School Board	6	20	26
Osceola County School Board	0	2	2
Palm Beach County School Board	7	11	18
Section 504 cases	3	0	3
Pasco County School Board	2	4	6
Pinellas County School Board	2	4	6
Polk County School Board	3	4	7
St Johns County School Board	3	5	8
St Lucie County School Board	3	3	6
Sarasota County School Board	0	1	1
Seminole County School Board	3	4	7
Taylor County School Board	0	1	1
Charter Schools Non-renewal or Terminating	2	0	2
School for the Deaf and Blind	0	1	1
<b>Agency Total</b>	<b>103</b>	<b>141</b>	<b>244</b>
<b>Department of Elder Affairs</b>			
Department of Elder Affairs	1	1	2
<b>Agency Total</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Department of Economic Opportunity</b>			
Department of Economic Opportunity	4	3	7
<b>Agency Total</b>	<b>4</b>	<b>3</b>	<b>7</b>
<b>Department of Environmental Protection</b>			
Department of Environmental Protection	16	22	38
<b>Agency Total</b>	<b>16</b>	<b>22</b>	<b>38</b>
<b>Department of Financial Services</b>			
Department of Financial Services	3	7	10
Division of Insurance Agent and Agency Services	0	4	4
Division of Unclaimed Property	3	0	3
Division of State Fire Marshal	0	1	1
Division of Workers` Compensation	196	111	307
<b>Agency Total</b>	<b>202</b>	<b>123</b>	<b>325</b>

## Division of Administrative Hearings

ANALYSIS OF AGENCY REQUEST FOR  
FISCAL YEAR 2016 - 2017

AGENCY	Jul-Dec	Jan-June	TOTAL
<b>Department of Health</b>			
Department of Health	7	4	11
Board of Chiropractic	1	2	3
Board of Clinical Social Work, Marriage and Family	1	0	1
Board of Dentistry	8	2	10
Environmental Health	2	0	2
Division of Emergency Preparedness and Community S	0	5	5
Board of Medicine	18	16	34
Board of Massage Therapy	7	12	19
Board of Nursing	14	11	25
Board of Optometry	3	2	5
Board of Osteopathic Medicine	0	1	1
Board of Pharmacy	4	0	4
Board of Psychology	1	1	2
Board of Respiratory Therapy	1	1	2
<b>Agency Total</b>	<b>67</b>	<b>57</b>	<b>124</b>
<b>Department of Juvenile Justice</b>			
Department of Juvenile Justice	2	3	5
<b>Agency Total</b>	<b>2</b>	<b>3</b>	<b>5</b>
<b>Department of Law Enforcement</b>			
Criminal Justice Standards and Training Commission	4	0	4
<b>Agency Total</b>	<b>4</b>	<b>0</b>	<b>4</b>
<b>Department of Management Services</b>			
Department of Management Services	1	0	1
Division of State Group Insurance	2	9	11
Division of Retirement	3	4	7
<b>Agency Total</b>	<b>6</b>	<b>1</b>	<b>19</b>
<b>Division of Administrative Hearings</b>			
Division of Administrative Hearings	0	2	2
<b>Agency Total</b>	<b>0</b>	<b>2</b>	<b>2</b>
<b>Department of Education</b>			
Department of Education	0	3	3
Division of Blind Services	1	2	3
Charter Schools Operation	1	2	3
Confidential Vocational Rehabilitation Cases	12	6	18
Education Practices Commission	86	50	136
State Board of Education	1	1	2
Vocational Rehabilitation Services	0	1	1
<b>Agency Total</b>	<b>101</b>	<b>65</b>	<b>166</b>
<b>Department of Lottery</b>			
Bid Protest	1	0	1
<b>Agency Total</b>	<b>1</b>	<b>0</b>	<b>1</b>
<b>Department of State</b>			
Division of Historical Resources	1	0	1
<b>Agency Total</b>	<b>1</b>	<b>0</b>	<b>1</b>
<b>Department of Transportation</b>			

## Division of Administrative Hearings

ANALYSIS OF AGENCY REQUEST FOR  
FISCAL YEAR 2016 - 2017

AGENCY	Jul-Dec	Jan-June	TOTAL
Department of Transportation	6	11	17
<b>Agency Total</b>	<b>6</b>	<b>11</b>	<b>17</b>
<b>Department of Business and Professional Regulation</b>			
Board of Accountancy	1	0	1
Board of Architecture	0	4	4
Construction Industry Licensing Board	6	4	10
Division of Alcoholic Beverages and Tobacco	13	3	16
Division of Drugs, Devices, and Cosmetics	3	0	3
Division of Real Estate	0	2	2
Electrical Contractors Licensing Board	1	0	1
Florida Real Estate Appraisal Board	0	1	1
Florida Real Estate Commission	3	3	6
Division of Hotels and Restaurants	8	1	9
Division of Land Sales, Condominiums, and Mobile H	1	0	1
Non-licensed Respondent	19	4	23
Division of Pari-Mutuel Wagering	18	14	32
Board of Professional Engineers	1	2	3
<b>Agency Total</b>	<b>74</b>	<b>38</b>	<b>112</b>
<b>Florida Commission on Ethics</b>			
Florida Commission on Ethics	8	4	12
<b>Agency Total</b>	<b>8</b>	<b>4</b>	<b>12</b>
<b>Florida Elections Commission</b>			
Florida Elections Commission	1	5	6
<b>Agency Total</b>	<b>1</b>	<b>5</b>	<b>6</b>
<b>Florida Housing Finance Corporation</b>			
Florida Housing Finance Corporation	5	7	12
<b>Agency Total</b>	<b>5</b>	<b>7</b>	<b>12</b>
<b>Fish and Wildlife Conservation Commission</b>			
Fish and Wildlife Conservation Commission	2	1	3
<b>Agency Total</b>	<b>2</b>	<b>1</b>	<b>3</b>
<b>Growth Management (No Agency)</b>			
Growth Management (No Agency)	4	7	11
<b>Agency Total</b>	<b>4</b>	<b>7</b>	<b>11</b>
<b>Office of the Governor</b>			
Administration Commission	0	1	1
Florida Land and Water Adjudicatory Commission, Co	1	2	3
<b>Agency Total</b>	<b>1</b>	<b>3</b>	<b>4</b>
<b>Agency for Health Care Administration</b>			
Agency for Health Care Administration	33	31	64
Office of Certificate of Need	8	19	27
Medicaid Cost Reimbursement	1	0	1
Medicaid Program Integrity	42	30	72
Office of Licensure and Certification	39	29	68
<b>Agency Total</b>	<b>123</b>	<b>109</b>	<b>232</b>
<b>Department of Highway Safety and Motor Vehicles</b>			

## Division of Administrative Hearings

ANALYSIS OF AGENCY REQUEST FOR  
FISCAL YEAR 2016 - 2017

AGENCY	Jul-Dec	Jan-June	TOTAL
Department of Highway Safety and Motor Vehicles	5	27	32
Section 320.642	30	11	41
<b>Agency Total</b>	<b>35</b>	<b>38</b>	<b>73</b>
<b>Medical Arbitration</b>			
Medical Arbitration	5	6	11
<b>Agency Total</b>	<b>5</b>	<b>6</b>	<b>11</b>
<b>No Agency</b>			
No Agency	0	1	1
Construction Mining	1	0	1
<b>Agency Total</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Florida Birth Related Neurological Injury Compensation</b>			
Florida Birth-Related Neurological Injury Compensa	28	23	51
<b>Agency Total</b>	<b>28</b>	<b>23</b>	<b>51</b>
<b>Office of Financial Regulation</b>			
Office of Financial Regulation	10	12	22
<b>Agency Total</b>	<b>10</b>	<b>12</b>	<b>22</b>
<b>Office of Insurance Regulation</b>			
Office of Insurance Regulation	2	1	3
<b>Agency Total</b>	<b>2</b>	<b>1</b>	<b>3</b>
<b>Original Sentencing Court</b>			
Victims of Wrongful Incarceration Act	0	1	1
<b>Agency Total</b>	<b>0</b>	<b>1</b>	<b>1</b>
<b>Department of Revenue</b>			
Department of Revenue	27	35	62
Child Support Enforcement Program	1,835	1,930	3,765
<b>Agency Total</b>	<b>1,862</b>	<b>1,965</b>	<b>3,827</b>
<b>State Board of Administration</b>			
State Board of Administration	7	3	10
<b>Agency Total</b>	<b>7</b>	<b>3</b>	<b>10</b>
<b>Universities and Colleges</b>			
Florida A & M University	1	0	1
Miami-Dade Community College	2	0	2
University of Central Florida	0	1	1
<b>Agency Total</b>	<b>3</b>	<b>1</b>	<b>4</b>
<b>Water Management Districts</b>			
Northwest Florida Water Management District	1	0	1
South Florida Water Management District	3	8	11
St. Johns River Water Management District	2	4	6
Suwannee River Water Management District	0	1	1
Southwest Florida Water Management District	5	4	9
<b>Agency Total</b>	<b>11</b>	<b>17</b>	<b>28</b>
<b>NON BAKER ACT TOTAL</b>	<b>2,879</b>	<b>2,836</b>	<b>5,715</b>

## Division of Administrative Hearings

ANALYSIS OF AGENCY REQUEST FOR  
FISCAL YEAR 2016 - 2017

AGENCY	Jul-Dec	Jan-June	TOTAL
<b>Baker Acts</b>			
Correct Care Recovery Solutions	286	243	529
Correct Care Recovery Solutions Arcadia	0	1	1
Department of Veterans Affairs	1	0	1
Florida State Hospital	235	234	469
Florida Women's Reception Center	5	2	7
James A. Harley VA Hospital	0	1	1
Lake Correctional Institution	16	22	38
Lake Wales Medical Center Golden Care Unit	2	0	2
Largo Medical Center, Indian Rocks	1	1	2
Mease Dunedin Hospital	0	1	1
Medical Center of Trinity-West Pasco Campus	0	1	1
Meridian Behavioral Healthcare, Inc.	0	1	1
Morton Plant North Bay Hospital-Recovery Cente	0	2	2
North Florida Regional Medical Center	0	9	9
Northeast Florida State Hospital	395	420	815
Peace River Center	10	4	14
Personal Enrichment Mental Health Services	0	6	6
Shands at Vista	1	1	2
Shands University of Florida Health	1	0	1
Suwannee Correctional Institution	4	0	4
The Centers	3	3	6
West Florida Community Care Center	27	36	63
Winter Haven Hospital	0	1	1
<b>Baker Act Total</b>	<b>987</b>	<b>989</b>	<b>1,976</b>



## SUMMARY

Division of Administrative Hearings  
Actual, Estimated and Requested Expenditures  
(Operating Trust Fund unless otherwise noted)

**Adjudication of Disputes**

<u>Appropriation Category</u>	Actual Expenditures <u>FY 2016-17</u>	Estimated Expenditures <u>FY 2017-18</u>	Requested Expenditures <u>FY 2018-19</u>
Salaries and Benefits	\$6,920,779	\$7,145,292	\$7,165,480
Other Personal Services	\$0	\$18,082	\$18,082
Expenses	\$992,496	\$1,025,647	\$1,018,147
Operating Capital Outlay	\$64,862	\$65,000	\$65,000
Special Categories			
Contracted Services (GR)	\$6,105	\$0	\$0
Contracted Services	\$203,249	\$185,495	\$200,495
Contracted Legal Svcs.	\$1,897	\$1,000	\$1,000
Risk Mgmt. Ins.	\$25,115	\$23,454	\$23,454
Lease/Purch/Equip	\$16,013	\$31,500	\$24,000
TR/DMS/HR SVCS	<u>\$20,718</u>	<u>\$20,272</u>	<u>\$20,272</u>
Total Program Budget	<u>\$8,251,234</u>	<u>\$8,515,742</u>	<u>\$8,535,930</u>
Total Program Positions	65	65	65

**Workers' Compensation Appeals**

<u>Appropriation Category</u>	Actual Expenditures <u>FY 2016-17</u>	Estimated Expenditures <u>FY 2017-18</u>	Requested Expenditures <u>FY 2018-19</u>
Salaries and Benefits	\$13,317,184	\$13,918,183	\$13,982,552
Other Personal Services	\$739	\$17,836	\$17,836
Expenses	\$2,739,095	\$2,695,842	\$2,720,842
Operating Capital Outlay	\$233,183	\$64,916	\$64,916
Special Categories			
Contracted Services	\$999,392	\$1,023,324	\$1,008,324
Contracted Legal Svcs.	\$5,268	\$1,279	\$1,279
Tenant Broker Commissions	\$2,034	\$0	\$0
Risk Mgmt. Ins.	\$64,019	\$80,989	\$80,989
Lease/Purchase/Equip	\$9,579	\$44,000	\$34,000
TR/DMS/HR SVCS	<u>\$60,359</u>	<u>\$59,061</u>	<u>\$59,061</u>
Total Program Budget	<u>\$17,430,852</u>	<u>\$17,905,430</u>	<u>\$17,969,799</u>
Total Program Positions	176	176	176
<b>TOTAL DIVISION BUDGET</b>	<b><u>\$25,682,086</u></b>	<b><u>\$26,421,172</u></b>	<b><u>\$26,505,729</u></b>
<b>TOTAL DIVISION POSITIONS</b>	<b>241</b>	<b>241</b>	<b>241</b>