

STATE OF FLORIDA

DIVISION OF ADMINISTRATIVE HEARINGS



January 31, 2019

FORTY-FIFTH 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 or DOAH) administers two programs. One, which is the subject of this report, is the Adjudication of Disputes program that operates pursuant to chapter 120, Florida Statutes. The other is the Workers' Compensation Appeals program, Office of the Judges of Compensation Claims (OJCC), which operates pursuant to chapter 440, Florida Statutes. Section 440.45(5) 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 prior to December 1, 2018. Accordingly, the present report will focus primarily on the Adjudication of Disputes program.

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However, because the headquarters element of the Division 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 2018-19, 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. Finally, eService will expand to include links to Administrative Law Judge rulings, along with the motions and/or responses.

UTILIZATION RATES

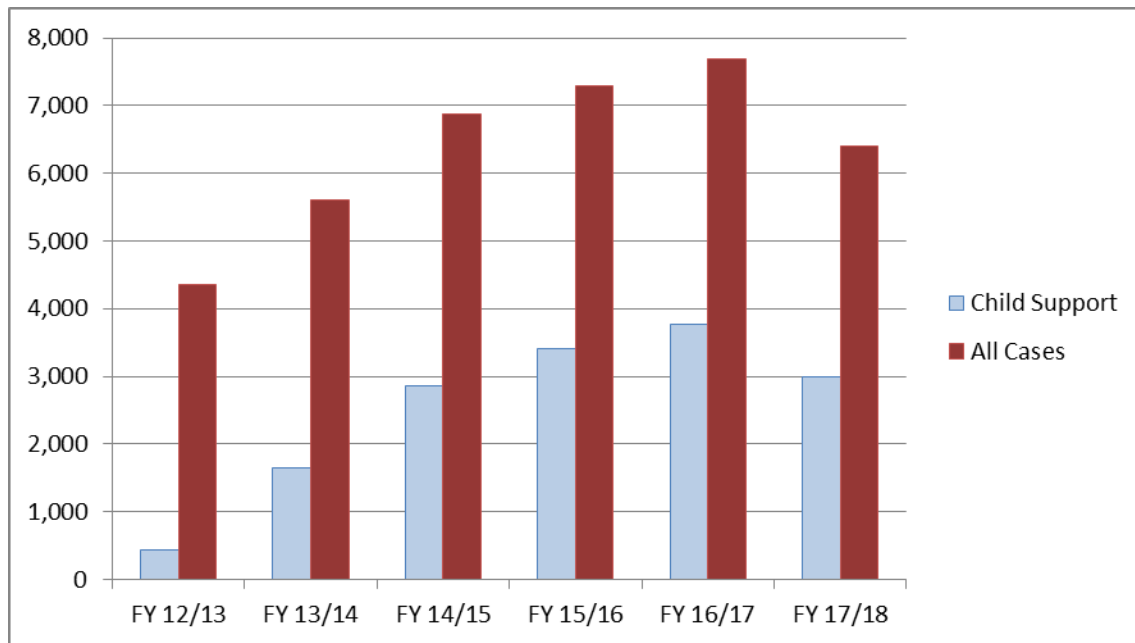
Appendix 1 breaks out by agency the utilization rates of Division resources and demonstrates, in descending order, that 12 agencies utilized 97 percent of the Division's non-contract cases docket: the Department of Revenue, the Agency for Health Care Administration, the Department of Management Services, the Department of Health, the Department of Financial Services, the Department of Environmental Protection, the Department of Children and Families, the Department of Education, the Department of Transportation, the Department of Business and Professional Regulation, the Agency for Persons with Disabilities, and the Fish and Wildlife Conservation Commission. 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 2017-18, state agencies and other governmental entities referred 6,393 requests for assignment of an Administrative Law Judge compared to 7,691 requests filed the previous year. This is a 16-percent decrease 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 Children and Families (163 cases, an increase of 90 percent over the 86 cases filed in FY 2016-17); the County School Boards (277 cases, an increase of 14 percent over the 244 cases filed in FY 2016-17); the Department of Elder Affairs (11 cases, an increase of 450 percent over the 2 cases filed in FY 2016-17); the Florida Commission on Ethics (15 cases, an increase of 25 percent over the 12 cases filed in FY 2016-17); the Florida Housing Finance Corporation (29 cases (includes 1 “informal hearing” contract case) an increase of 45 percent over the 20 cases (includes 8 “informal hearing” contract cases) filed in FY 2016-17); and the Department of Revenue (3,009 cases, a decrease of 21 percent over the 3,827 cases filed in FY 2016-17).

Since FY 2012-13, with the exception of this past year as explained below, the Department of Revenue, Child Support Program, has been referring cases on an upward trend. Prior to FY 2012-13, the referrals from this program had started on a downward trend due to the implementation of a new system at the Department of Revenue with the lowest referral of child support cases ending in FY 2012-13. In FY 2017-18, the Department of Revenue, Child Support Program, made adjustments in personnel at the coordinator level, adding additional personnel to streamline the process of referring cases and filing rendered final orders with the Division. The Division has noticed positive changes associated with the adjustments by the Department of Revenue.

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During the past six-month period, the Department of Revenue has referred 1,621 child support cases. This appears to be a steady trend for the program.

UTILIZATION OF PERSONNEL

As of June 30, 2018, 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 Director of Administration, one Personnel Officer, one Purchasing Specialist, one Accounting Services Administrator, 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 represents a highly efficient model for the adjudicatory process. Our judges utilize a minimum of

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administrative personnel to perform their assigned tasks, making them a largely self-sufficient group of adjudicators.

The Workers' Compensation Appeals program had 176 established positions consisting of one Deputy Chief Judge of Compensation Claims, 31 Judges of Compensation Claims, 29 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, 27 Administrative Secretaries, one Secretary Specialist, one Staff Assistant, one Clerk, one Accountant, one Court Reporter, one Distributed Computer Systems Administrator, two Distributed Computer Systems Analysts, and one Attorney. In an extremely high-volume area of the law and in recognition of the potential for an economic downturn, the program constantly seeks ways to combine staff positions and responsibilities in the interest of cost savings.

Area Changes

The Adjudication of Disputes program area previously was divided into four sections (Northern District, Middle District, Southern District, and Medical and Environmental District). Over time, the specializations of Administrative Law Judges have been absorbed into the other three districts, and, as a result of changes to the Florida Statutes, there have been fewer environmental cases. Therefore, effective July 1, 2018, the Medical and Environmental District was deleted, and the positions, along with specialized cases, were distributed to the other three districts. The medical and environmental cases, however, continue to be assigned to judges with the most experience handling those particular matters.

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HEARING REQUESTS

During FY 2017-18, the Division processed 6,393 hearing requests compared to 7,691 hearing requests filed the previous fiscal year. Of the total hearing requests filed, 1,737 were Baker Act cases. The remaining 4,656 hearing requests were primarily filed pursuant to sections 120.56, 120.569, and 120.57(1). Most notable were the referrals from the Department of Children and Families, which increased its referrals by 90 percent with 163 hearing requests filed this fiscal year compared to 86 hearing requests previously reported. Other hearing requests filed are itemized by agency in the attached Appendix 2.

In FY 2017-18, each Administrative Law Judge conducted an average of 197 hearings and wrote an average of 94 Recommended or Final Orders of varying length and complexity. In addition, each Administrative Law Judge closed an average of 52 cases, which were settled or otherwise dismissed without a final hearing. The case closure data does not include Baker Act closures.

INFORMATION TECHNOLOGY

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

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Electronic Filing

During calendar year 2018, there were 43,202 documents uploaded via the eALJ filing portal; 40,395 documents were served (via email) to 158,755 parties of record. For the OJCC, 593,648 documents were uploaded via the eJCC filing portal; 761,337 documents were electronically served to 1,779,169 parties of record.

Indexing

Pursuant to 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 162,918 documents have been submitted to the Agency Index Documents database, with 26,500 of those uploaded in calendar year 2018.

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 2018, 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

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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. Appendix 3 summarizes the actual, estimated, and requested expenditures for the Division's programs for FY 2017-18, FY 2018-19, and FY 2019-20, 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 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 2018, the Division submitted its thirty-second "Hearing Hours Held" report (see Appendix 1). In FY 2017-18, a total of 5,284.50 hearing hours were held.

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 has also entered into a contract with the Florida Legislature to hear all Florida

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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 \$153 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 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 \$1.2 million in the Division's FY 2019-20 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.

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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 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.

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The Division expects bills to be filed in 2019 to either increase the caseload or types of cases to be heard, to implement constitutional amendments (such as Amendment 6 related to deference to agency interpretation of statutes), or related to rulemaking. As in the past, the Division will work with the Legislature and proponents or opponents of any proposed legislation affecting administrative practice to ensure that the goals of due process and 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 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

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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 hoped that legislation will pass during the 2019 Session to formally allow the Division to electronically serve all pleadings and orders on the registered parties in our cases. This 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 unrepresented. 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 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 unrepresented 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

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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 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, 11 of the 33 reported agencies employing the services of the Division have completely or substantially complied with the 15-day filing requirement (Department of Agriculture and Consumer Services, Department of Business and Professional Regulation, Department of Corrections, Department of Environmental Protection, Department of Financial Services, Department of Health, Department of Highway Safety and Motor Vehicles, Florida Commission on Ethics, State Board of Administration, Universities and Colleges, and Water Management Districts). Overall, of the agency final orders filed with the Division between July 1, 2017, and

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June 30, 2018, 38 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 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 (DEO), 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,

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Department of Revenue, and 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 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, both the cost of litigation and the time lost in the pursuit of a remedy are 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.

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To conclude, we consider the Division successful when three things have been accomplished: first, that we provide a fair, unbiased adjudication of administrative and workers' compensation disputes, with the most qualified judges available, who are free from bias and consider nothing but applying the law to the relevant facts before them; second, that we serve the public by offering an electronic filing service that assumes the burden of in-person filings, service of pleadings and papers, and online research of the DOAH database of agency decisions at no cost to the users; and finally, that we provide for our staff a secure, respectful, non-discriminatory, comfortable, and supportive work environment, which allows them to best serve the public. We shall continue to accomplish this without sacrificing quality and fairness in the Adjudication of Disputes program, and shall accomplish our goals without requesting additional funding from the Legislature, except in extraordinary circumstances.

Respectfully submitted,



ROBERT S. COHEN
Director and Chief Judge

RSC/ljs

HEARING HOURS HELD REPORT
FY 2017-2018
For the Period 07/01/17 through 6/30/2018

AGENCY	PREHEARING CONFERENCE	MOTION HEARING	FINAL HEARING	TOTAL HOURS	% OF TOTAL HOURS	PRORATED AMOUNT OF FY 2019-20 LBR
AGR	0.50	0.00	3.00	3.50	0.08596%	\$6,411
AHCA	11.25	10.00	807.50	828.75	20.35491%	\$1,518,151
APD	1.25	0.00	56.00	57.25	1.40612%	\$104,874
CIT	0.00	0.00	0.00	0.00	0.00000%	\$0
COR	0.75	0.00	10.25	11.00	0.27017%	\$20,150
DBPR	2.75	3.75	55.25	61.75	1.51664%	\$113,117
DCF	5.25	5.25	113.50	124.00	3.04556%	\$227,150
DEO	2.50	1.50	35.00	39.00	0.95788%	\$71,442
DEP	4.00	2.25	121.00	127.25	3.12538%	\$233,104
DFS	4.75	5.00	137.75	147.50	3.62274%	\$270,199
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	9.00	6.75	323.50	339.25	8.33231%	\$621,457
DOE	3.25	4.75	108.75	116.75	2.86749%	\$213,869
DOH	5.00	10.50	161.50	177.00	4.34729%	\$324,238
DOS	0.00	0.00	0.00	0.00	0.00000%	\$0
DOT	1.00	2.25	84.75	88.00	2.16137%	\$161,203
ELDER	1.00	0.50	35.25	36.75	0.90262%	\$67,321
ETH	0.00	0.00	8.75	8.75	0.21491%	\$16,029
FEC	0.00	1.00	2.50	3.50	0.08596%	\$6,411
FWCC	1.00	1.25	41.25	43.50	1.06840%	\$79,686
GOV	0.00	0.00	3.00	3.00	0.07368%	\$5,496
HSM	2.00	2.00	28.25	32.25	0.79209%	\$59,077
JUV	0.00	0.00	3.25	3.25	0.07982%	\$5,954
LOT	0.00	0.00	0.00	0.00	0.00000%	\$0
PSC	0.00	0.00	0.00	0.00	0.00000%	\$0
REV	0.75	2.00	1816.75	1819.50	44.68869%	\$3,333,062
VET	0.00	0.00	0.00	0.00	0.00000%	\$0
TOTAL:	56.00	58.75	3956.75	4071.50	100.00000%	\$7,458,401

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 2019-20 Legislative Budget Request totaling \$8,610,153 was adjusted to reflect estimated revenue of \$528,525 from contract entities, payment of \$704,435 from the Workers' Compensation Appeals Program for general management and administrative services costs, estimated revenue of \$15,100 from cases filed pursuant to Chapter 403, Florida Statutes, and the estimated nonoperating cost of \$96,308 for state agency video conferencing hearings.

HEARING HOURS HELD BY CONTRACT/EDUCATIONAL/OTHER AGENCIES
 FY 2017-2018
 For the Period 07/01/17 through 6/30/18

AGENCY	PREHEARING CONFERENCE	MOTION HEARING	FINAL HEARING	TOTAL HOURS	% OF HOURS ALL AGENCIES
CONTRACT	5.75	2.75	133.75	142.25	2.69183%
EPP	0.00	3.25	36.50	39.75	0.75220%
TL	0.00	0.00	0.00	0.00	0.00000%
BA	0.00	0.00	315.25	315.25	5.96556%
GM	0.00	2.25	52.75	55.00	1.04078%
MA	0.25	0.50	42.00	42.75	0.80897%
NICA	1.00	0.50	14.75	16.25	0.30750%
OTHER	0.50	0.00	14.50	15.00	0.28385%
SENATE CLAIM	0.00	0.00	0.00	0.00	0.00000%
SCHBDS	15.75	8.25	562.75	586.75	11.10323%
TOTAL:	23.25	17.50	1172.25	1213.00	22.95392%

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.

BA: Baker Act

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 2017 - 2018

Appendix 2

AGENCY	Jul-Dec	Jan-June	TOTAL
Department of Agriculture and Consumer Services			
Department of Agriculture and Consumer Services	2	1	3
Division of Consumer Services	1	0	1
Agency Total	3	1	4
Agency for Persons with Disabilities			
Agency for Persons with Disabilities	5	8	13
General Revenue	0	1	1
License	5	5	10
Agency Total	10	14	24
Department of Children and Family Services			
Department of Children and Family Services	3	4	7
Alcoholic, Drug Abuse and Mental Health	22	11	33
Exemption Ch. 435, position of special trust	15	20	35
BA/Florida State Hospital	0	1	1
Family Safety and Preservation Programs	32	45	77
Office of Licensure and Certification	6	4	10
Non-Baker Act Total	78	85	163
Contract Hearings			
City of Clearwater	1	2	3
City of Dania Beach Police and Firefighters' Retir	0	1	1
Code Enforcement	1	2	3
Emerald Coast Utilities Authority	1	6	7
Informal Hearing	1	0	1
Leon County	1	1	2
Monroe County	2	1	3
Pinellas County	0	1	1
Sunshine State One-Call of Florida	0	1	1
Tampa Bay Water, a Regional Water Supply Authority	1	0	1
Agency Total	8	15	23
Florida Commission on Human Relations			
Florida Commission on Human Relations	68	29	97
Fair Housing Act	6	15	21
Agency Total	74	44	118
Department of Citrus			
Department of Citrus	1	0	1
Agency Total	1	0	1
Department of Corrections			
Department of Corrections	2	2	4
Agency Total	2	2	4
County School Boards			
County School Boards	0	1	1
Alachua County School Board	0	1	1
Bradford County School Board	0	1	1
Brevard County School Board	1	1	2
Broward County School Board	18	28	46
Charlotte County School Board	0	2	2
Citrus County School Board	0	1	1

ANALYSIS OF AGENCY REQUEST FOR
FISCAL YEAR 2017 - 2018

AGENCY	Jul-Dec	Jan-June	TOTAL
Clay County School Board	0	3	3
Collier County School Board	3	0	3
Columbia County School Board	1	0	1
Miami-Dade County School Board	21	25	46
Duval County School Board	4	4	8
Escambia County School Board	2	6	8
Hamilton County School Board	0	1	1
Hernando County School Board	1	0	1
Highlands County School Board	0	1	1
Hillsborough County School Board	3	4	7
Holmes County School Board	0	1	1
Lafayette County School Board	0	1	1
Lake County School Board	2	4	6
Lee County School Board	2	5	7
Leon County School Board	2	4	6
Marion County School Board	0	2	2
Martin County School Board	0	2	2
Monroe County School Board	0	1	1
Nassau County School Board	1	1	2
Okaloosa County School Board	0	2	2
Okeechobee County School Board	1	0	1
Orange County School Board	8	7	15
Osceola County School Board	1	1	2
Palm Beach County School Board	12	13	25
Section 504 cases	2	3	5
Pasco County School Board	1	5	6
Pinellas County School Board	5	5	10
Polk County School Board	3	6	9
St Johns County School Board	3	2	5
St Lucie County School Board	5	4	9
Santa Rosa County School Board	1	0	1
Sarasota County School Board	2	2	4
Seminole County School Board	3	8	11
Volusia County School Board	0	7	7
Wakulla County School Board	1	0	1
Walton County School Board	1	2	3
Agency Total	110	167	277
Department of Elder Affairs			
Department of Elder Affairs	7	4	11
Agency Total	7	4	11
Department of Economic Opportunity			
Department of Economic Opportunity	6	3	9
Agency Total	6	3	9
Department of Environmental Protection			
Department of Environmental Protection	12	14	26
Agency Total	12	14	26
Department of Financial Services			
Department of Financial Services	1	2	3
Division of Insurance Agent and Agency Services	4	3	7
Division of Unclaimed Property	1	1	2
Division of Funeral, Cemetery, and Consumer Servic	4	6	10

Division of Administrative Hearings
 ANALYSIS OF AGENCY REQUEST FOR
 FISCAL YEAR 2017 - 2018

AGENCY	Jul-Dec	Jan-June	TOTAL
Division of Workers` Compensation	119	93	212
Agency Total	129	105	234
Department of Health			
Department of Health	5	9	14
Board of Chiropractic	0	3	3
Board of Clinical Social Work, Marriage and Family	0	2	2
Board of Dentistry	0	3	3
Bureau of Emergency Medical Services	0	3	3
Division of Emergency Preparedness and Community S	1	1	2
Board of Medicine	7	12	19
Board of Massage Therapy	5	9	14
Board of Nursing	7	28	35
Board of Osteopathic Medicine	1	2	3
Board of Pharmacy	0	1	1
Board of Podiatric Medicine	0	1	1
Board of Physical Therapy Practice	0	1	1
Board of Respiratory Therapy	1	0	1
Agency Total	27	75	102
Department of Juvenile Justice			
Department of Juvenile Justice	1	1	2
Agency Total	1	1	2
Department of Law Enforcement			
Department of Law Enforcement	1	0	1
Criminal Justice Standards and Training Commission	1	4	5
Agency Total	2	4	6
Department of Management Services			
Department of Management Services	0	2	2
Convicted Vendor List	1	0	1
Division of State Group Insurance	0	2	2
Division of Retirement	1	3	4
Agency Total	2	7	9
Division of Administrative Hearings			
Division of Administrative Hearings	0	1	1
Agency Total	0	1	1
Department of Education			
Department of Education	3	2	5
Charter Schools Operation	0	3	3
Confidential Vocational Rehabilitation Cases	5	6	11
Education Practices Commission	80	51	131
Vocational Rehabilitation Services	3	1	4
Agency Total	91	63	154
Department of Offender Rehabilitation			
Department of Offender Rehabilitation	1	0	1
Agency Total	1	0	1
Department of Transportation			
Department of Transportation	2	11	13

Division of Administrative Hearings
ANALYSIS OF AGENCY REQUEST FOR
FISCAL YEAR 2017 - 2018

Appendix 2

AGENCY	Jul-Dec	Jan-June	TOTAL
Agency Total	2	11	13
Department of Business and Professional Regulation			
Department of Business and Professional Regulation	2	4	6
Board of Accountancy	1	0	1
Board of Architecture	2	0	2
Regulatory Council of Community Assoc. of Managers	0	1	1
Construction Industry Licensing Board	2	1	3
Division of Alcoholic Beverages and Tobacco	4	3	7
Division of Real Estate	2	0	2
Electrical Contractors Licensing Board	1	0	1
Florida Building Commission	1	0	1
Florida Real Estate Appraisal Board	1	0	1
Florida Real Estate Commission	1	1	2
Division of Land Sales, Condominiums, and Mobile H	0	1	1
Non-licensed Respondent	8	4	12
Division of Pari-Mutuel Wagering	11	12	23
Board of Professional Engineers	2	1	3
Pilotage Rate Review Board	2	0	2
Agency Total	40	28	68
Florida Commission on Ethics			
Florida Commission on Ethics	5	10	15
Agency Total	5	10	15
Florida Elections Commission			
Florida Elections Commission	1	1	2
Agency Total	1	1	2
Florida Housing Finance Corporation			
Florida Housing Finance Corporation	0	28	28
Agency Total	0	28	28
Fish and Wildlife Conservation Commission			
Fish and Wildlife Conservation Commission	4	8	12
Agency Total	4	8	12
Growth Management (No Agency)			
Growth Management (No Agency)	6	4	10
Agency Total	6	4	10
Office of the Governor			
Florida Land and Water Adjudicatory Commission	1	0	1
Florida Land and Water Adjudicatory Commission, Co	1	2	3
Agency Total	2	2	4
Agency for Health Care Administration			
Agency for Health Care Administration	22	25	47
Office of Certificate of Need	12	15	27
Medicaid Cost Reimbursement	1	3	4
Medicaid Program Integrity	17	13	30
Office of Licensure and Certification	31	25	56
Agency Total	83	81	164

Division of Administrative Hearings
ANALYSIS OF AGENCY REQUEST FOR
FISCAL YEAR 2017 - 2018

AGENCY	Jul-Dec	Jan-June	TOTAL
Department of Highway Safety and Motor Vehicles			
Department of Highway Safety and Motor Vehicles	7	2	9
Section 320.642	36	8	44
Agency Total	43	10	53
Medical Arbitration			
Medical Arbitration	8	6	14
Agency Total	8	6	14
Florida Birth-Related Neurological Injury Compensation			
Florida Birth-Related Neurological Injury Compensa	27	24	51
Agency Total	27	24	51
Office of Financial Regulation			
Office of Financial Regulation	8	6	14
Agency Total	8	6	14
Office of Insurance Regulation			
Office of Insurance Regulation	2	1	3
Agency Total	2	1	3
Department of Revenue			
Department of Revenue	16	10	26
Child Support Enforcement Program	1,412	1,571	2,983
Agency Total	1,428	1,581	3,009
State Board of Administration			
State Board of Administration	2	2	4
Agency Total	2	2	4
Self-contained Agencies			
Pinellas County Construction Licensing Board	3	0	3
Agency Total	3	0	3
Universities and Colleges			
Florida A & M University	1	0	1
Miami-Dade Community College	0	1	1
St. Petersburg Jr. College	1	0	1
University of Central Florida	1	0	1
Agency Total	3	1	4
Water Management Districts			
South Florida Water Management District	3	0	3
St. Johns River Water Management District	0	2	2
Suwannee River Water Management District	1	0	1
Southwest Florida Water Management District	2	8	10
Agency Total	6	10	16
NON BAKER ACT TOTAL	2,237	2,419	4,656

Division of Administrative Hearings
 ANALYSIS OF AGENCY REQUEST FOR
 FISCAL YEAR 2017 - 2018

Appendix 2

AGENCY	Jul-Dec	Jan-June	TOTAL
Baker Acts			
Correct Care Recovery Solutions	246	280	526
Department of Veterans Affairs	4	3	7
Florida State Hospital	211	159	370
Florida Women's Reception Center	2	3	5
Lake Correctional Institution	11	10	21
Lakeland Regional Health	1	1	2
Largo Medical Center, Indian Rocks	0	1	1
Life Management Center of Northwest Florida	1	0	1
Mease Dunedin Hospital	0	1	1
Mental Health Care, Inc. d/b/a Gracepoint	0	1	1
Meridian Behavioral Healthcare, Inc.	1	0	1
Morton Plant Hospital	0	2	2
Morton Plant North Bay Hospital-Recovery Cente	1	0	1
North Florida Regional Medical Center	1	2	3
Northeast Florida State Hospital	339	349	688
Peace River Center	5	3	8
Personal Enrichment Mental Health Services	2	2	4
Saint Anthony`s Hospital	0	1	1
Shands at Vista	2	0	2
Shands University of Florida Health	2	2	4
Suwannee Correctional Institution	8	10	18
The Centers	1	1	2
West Florida Community Care Center	33	34	67
Winter Haven Hospital	1	0	1
Baker Act Total	872	865	1,737

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 2017-18</u>	Estimated Expenditures <u>FY 2018-19</u>	Requested Expenditures <u>FY 2019-20</u>
Salaries and Benefits	\$7,089,074	\$7,222,391	\$7,246,512
Other Personal Services	\$0	\$18,082	\$18,082
Expenses	\$963,573	\$1,018,147	\$1,018,147
Operating Capital Outlay	\$64,677	\$65,000	\$65,000
Special Categories			
Contracted Services	\$203,677	\$200,495	\$200,495
Contracted Legal Svcs.	\$44	\$1,000	\$1,000
Risk Mgmt. Ins.	\$23,454	\$16,782	\$16,782
Lease/Purch/Equip	\$15,367	\$24,000	\$24,000
TR/DMS/HR SVCS	<u>\$20,272</u>	<u>\$20,135</u>	<u>\$20,135</u>
Total Program Budget	<u>\$8,380,138</u>	<u>\$8,586,032</u>	<u>\$8,610,153</u>
Total Program Positions	65	65	65

Workers' Compensation Appeals

<u>Appropriation Category</u>	Actual Expenditures <u>FY 2017-18</u>	Estimated Expenditures <u>FY 2018-19</u>	Requested Expenditures <u>FY 2019-20</u>
Salaries and Benefits	\$13,620,022	\$14,103,552	\$15,261,994
Other Personal Services	\$0	\$17,836	\$17,836
Expenses	\$2,835,646	\$2,720,842	\$2,872,325
Operating Capital Outlay	\$94,899	\$64,916	\$64,916
Special Categories			
Contracted Services	\$1,006,574	\$1,008,324	\$1,008,324
Contracted Legal Svcs.	\$5,645	\$1,279	\$1,279
Tenant Broker Commissions	\$15,457	\$0	\$0
Risk Mgmt. Ins.	\$80,989	\$84,376	\$84,376
Lease/Purchase/Equip	\$19,889	\$34,000	\$34,000
TR/DMS/HR SVCS	<u>\$59,061</u>	<u>\$58,662</u>	<u>\$58,662</u>
Total Program Budget	<u>\$17,738,182</u>	<u>\$18,093,787</u>	<u>\$19,403,712</u>
Total Program Positions	176	175	175

TOTAL DIVISION BUDGET	<u>\$26,118,320</u>	<u>\$26,679,819</u>	<u>\$28,013,865</u>
TOTAL DIVISION POSITIONS	241	240	240