

**STATE OF FLORIDA**

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**DIVISION OF ADMINISTRATIVE HEARINGS**



January 30, 2020

**FORTY-SIXTH 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. 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, 2019.

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Accordingly, the present report will focus primarily on the Adjudication of Disputes program. 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 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. 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 Environmental Protection, the Department of Financial Services, the Department of Business and Professional Regulation, the Department of Children and Families, the Department of Education, the Department of Economic Opportunity, the Agency for Persons with Disabilities, and the Department of Transportation. Additionally, entities such as

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water management districts, cities, counties, school districts, and other educational entities, are significant users of the Division's services and are reported separately since they are covered by contractual agreements.

During FY 2018-19, state agencies and other governmental entities referred 7,105 requests for assignment of an Administrative Law Judge, compared to 6,393 requests filed the previous year. This is an 11 percent increase from the previous fiscal year. Requests for assignment of Administrative Law Judges from the following six agencies constitute 52 percent of our fiscal year caseload: the Agency for Health Care Administration (187 cases, an increase of 14 percent over the 164 cases filed in FY 2017-18); the Department of Business and Professional Regulation (71 cases, an increase of 4 percent over the 68 cases filed in FY 2017-18); the Department of Environmental Protection (40 cases, an increase of 54 percent over the 26 cases filed in FY 2017-18); the Department of Management Services (16 cases, an increase of 78 percent over the 9 cases filed in FY 2017-18); the Florida Department of Law Enforcement (14 cases an increase of 133 percent over the 6 cases filed in FY 2017-18); and the Department of Revenue (3,391 cases, an increase of 13 percent over the 3,009 cases filed in FY 2017-18).

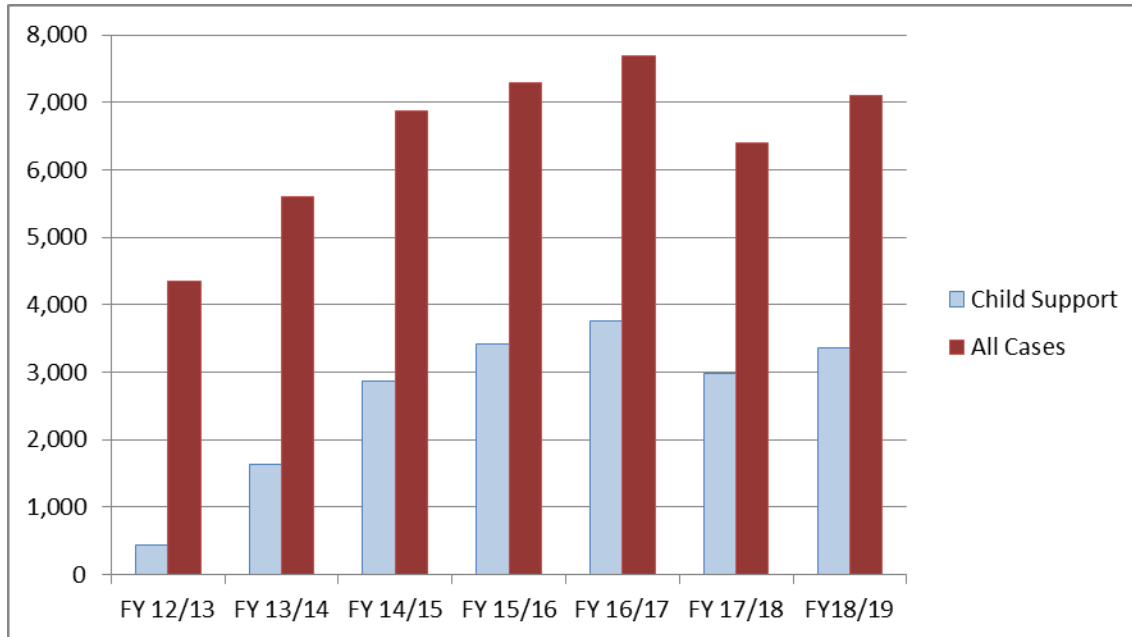
In FY 2012-13, with the exception of the past year two years as explained below, the Department of Revenue, Child Support Program, has been referring cases on an upward trend. During FY 2017-18, the Department of Revenue, Child Support Program, made adjustments in personnel at the coordinator level, adding additional personnel to streamline the process of referring cases and filing rendered

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final orders with the Division. These personnel changes caused some downturn in the referral trend; however, the Division has noticed positive changes associated with the adjustments by the Department of Revenue.



During the past six-month period, the Department of Revenue has referred 1,691 child support cases. This appears to be a steady trend for the program.

**UTILIZATION OF PERSONNEL**

As of June 30, 2019, 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

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Distributed Computer Systems Analyst, one Systems Programmer, one Clerk of the Division, two Commission Deputy Clerks, two Deputy Clerks, and two Senior Clerks. With one Administrative Secretary or Administrative Assistant assigned to three judges, this represents a highly efficient model for the adjudicatory process. Our judges utilize a minimum of administrative personnel to perform their assigned tasks, making them a largely self-sufficient group of adjudicators.

The Workers' Compensation Appeals program had 175 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, 26 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

In September 2019, the Governor and Cabinet, sitting as the Administration Commission, appointed a new Director and Chief Judge for the Division, whose

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asserted commitment is to lead the Division and all of its Administrative Law Judges with adherence to the law as written as its foremost guiding principle.

As a second internal change at the Division, the Information and Technology Section was previously a separate section reporting to the Director and Chief Judge. Effective June 20, 2019, the Information and Technology Section was moved to the Administrative Services Section, reporting to the Director of Administration to streamline administrative operations.

**HEARING REQUESTS**

During FY 2018-19, the Division processed 7,105 hearing requests, compared to 6,393 hearing requests filed the previous fiscal year. Of the total hearing requests filed, 2,152 were Baker Act cases. The remaining 4,953 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 Environmental Protection, which increased its referrals by 54 percent with 40 hearing requests filed this fiscal year, compared to 26 hearing requests previously reported. Other hearing requests filed are itemized by agency in the attached Appendix 2 (Analysis for Agency Requests).

In FY 2018-19, each Administrative Law Judge conducted an average of 204 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 54 cases, which were settled or otherwise dismissed without a final hearing. The case closure data does not include Baker Act closures.



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**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 2019, there were 31,063 documents uploaded via the eALJ filing portal; 34,168 documents were served (via email) to 117,647 parties of record. For the OJCC, 613,329 documents were uploaded via the eJCC filing portal; 789,927 documents were electronically served to 1,870,033 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 198,645 documents have been submitted to the Agency Index Documents database, with 31,519 of those uploaded in calendar year 2019.

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

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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 2019, 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. Appendix 3 summarizes the actual, estimated, and requested expenditures for the Division's programs for FY 2018-19, FY 2019-20, and FY 2020-21, 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

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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 2019, the Division submitted its thirty-third "Hearing Hours Held" report (*see* Appendix 1). In FY 2018-19, a total of 4,966.25 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 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 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

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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 \$1.13 million in the Division's FY 2020-21 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.

**VIDEO-TELECONFERENCING TECHNOLOGY**

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

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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 a 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. Video teleconferencing has been a major part of conducting DOAH hearings for many years. The gradual development of our network over the past 16 years has produced a profound savings in cost for DOAH, as well as the individuals that participate in the DOAH hearing process. Although we are unable to track and account for participant savings, DOAH has realized a

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cost avoidance savings, utilizing video-teleconferencing venues vs. traveling for hearings of over \$100,000 in calendar year 2019. In addition to the savings, other benefits include the ability to move cases forward faster, enhanced security, and the ability to facilitate special needs.

**RECOMMENDATIONS CONCERNING THE A.P.A.**

The Division does not make any new recommendations for legislative changes to the Administrative Procedures Act (APA) at this time. The issues raised for potential change in last year's report, recapped below, continue to provide opportunities for improvement. Beyond the issues raised in last year's report, the Division is committed to carrying out its purpose and the purpose of the APA both by managing internal procedures and by continued analysis and evaluation of issues that arise under the APA.

Section 120.65 (8)(b) directs the Division to include in this report any "[r]ecommendations for change or improvement in the administrative procedures act or any agency's practice or policy with respect thereto." Recommended changes and improvements should be made with respect to the purpose and ends sought by the enactment of the APA. The primary purpose, succinctly stated by the Joint Administrative Procedures Committee in their primer to the APA, is "to allow broad citizen involvement in agency decision making as well as unbiased resolution of disputes with an administrative agency." Eliminating and guarding against bias and improving efficiencies within those disputes are the focus of the Division's analysis of potential improvement and changes to the Act.

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Efforts to eliminate and guard against bias or to improve efficiencies do not always rise to the level of recommended legislative changes. Much of the Division's effort takes place by managing the agency under the authority currently provided by the legislature and executive branch. For instance, the paramount tool that the Director of the Division has to address that stated purpose of the Act is the purposeful hiring and supervision of the Administrative Law Judges employed by the Division. The selection and supervision of Administrative Law Judges must ensure unbiased adjudication and adherence to the law as written by the legislature.

The Division's 2019 report highlighted the opportunity for the Division to provide adjudicative services to the agencies housing professional licensing boards (i.e. the Department of Business and Professional Regulation and the Department of Health) to address minor violations, involving fines and compliance only. In addition to allowing the boards to concentrate on more serious cases, these cases seem to be exactly what was contemplated by the legislature when it provided for summary hearing procedures in section 120.574. Further, should the agencies or the legislature decide to send such cases to DOAH, the Division is prepared to handle the additional caseload with its current complement of Judges and staff.

Finally, the Division closely follows judicial decisions concerning the application and interpretation of the APA, and the issues that arise while implementing legislative changes from preceding years. The Division's observation and analysis is guided by input, which is actively sought from the agencies using

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the Division's services, the Administrative Law Section of The Florida Bar, advocacy groups representing parties that appear before the Division, and parties themselves. Given recent leadership turnover at the Division, the initial focus on internal management, and that this year's legislative session is almost halfway complete, recommendations for legislation based upon those observations would be more appropriate for inclusion in the 2021 report so that they might be addressed in the subsequent legislative session.

Agency Final Orders

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, 13 of the 33 reported agencies employing the services of the Division have completely or substantially complied with the 15-day filing requirement (Agency for Persons with Disabilities, Department of Agriculture and Consumer Services, Department of Children and Families, Department of Corrections, Department of Economic Opportunity, Department of Elder Affairs, Department of Environmental Protection, Department of Highway Safety and Motor Vehicles, Department of Revenue, Department of Transportation, Florida Commission on Ethics, Florida Commission on Human Relations, and Water Management Districts). Overall, of the agency final orders filed with the Division between July 1, 2018, and June 30, 2019, 43 percent were filed within 15 days of entry by the agency. The Division once again intends to remind the agencies of the



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statutory requirement to timely file their final orders. Filing these final orders electronically makes the task a simple one for the agencies.

Indexing of Final Orders

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

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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 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 is committed to focusing on the unbiased adjudication of disputes by prioritizing the principle that the Administrative Law Judges follow the law as written by the legislature. Further, the Division continues to seek 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. 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.

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To conclude, we shall continue to be resolute in our provision of efficient and unbiased adjudication of administrative disputes, following the dictates of the APA and governing regulatory statutes, read and applied plainly as written by the legislature.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'John MacIver', with a long horizontal flourish extending to the right.

JOHN MACIVER  
Director and Chief Judge

JM/lds

HEARING HOURS HELD REPORT  
FY 2018-2019  
For the Period 07/01/18 through 6/30/2019

AGENCY	PREHEARING CONFERENCE	MOTION HEARING	FINAL HEARING	TOTAL HOURS	% OF TOTAL HOURS	PRORATED AMOUNT OF FY 2020-21 LBR
AGR	0.50	0.00	5.75	6.25	0.16510%	\$12,456
AHCA	17.25	15.75	540.00	573.00	15.13671%	\$1,142,013
APD	1.75	0.00	34.50	36.25	0.95760%	\$72,248
CIT	0.00	0.00	0.00	0.00	0.00000%	\$0
COR	0.25	1.00	11.75	13.00	0.34342%	\$25,909
DBPR	8.50	10.75	79.50	98.75	2.60864%	\$196,813
DCF	3.75	0.00	89.00	92.75	2.45014%	\$184,855
DEO	2.00	3.25	39.00	44.25	1.16893%	\$88,192
DEP	1.50	5.50	103.50	110.50	2.91903%	\$220,231
DFS	5.75	2.75	94.00	102.50	2.70770%	\$204,287
DLA	0.00	0.00	0.00	0.00	0.00000%	\$0
DLE	0.00	1.25	19.75	21.00	0.55475%	\$41,854
DMA	0.00	0.00	0.00	0.00	0.00000%	\$0
DMS	16.75	9.25	287.25	313.25	8.27500%	\$624,320
DOE	4.25	3.00	79.00	86.25	2.27843%	\$171,900
DOH	6.25	12.50	241.50	260.25	6.87492%	\$518,689
DOS	0.00	0.00	0.00	0.00	0.00000%	\$0
DOT	1.50	2.00	24.25	27.75	0.73306%	\$55,307
ELDER	0.00	0.25	11.50	11.75	0.31039%	\$23,419
ETH	0.00	0.00	14.50	14.50	0.38304%	\$28,899
FEC	0.00	0.00	0.00	0.00	0.00000%	\$0
FWCC	0.75	0.75	2.00	3.50	0.09246%	\$6,976
GOV	0.00	0.00	3.00	3.00	0.07925%	\$5,979
HSM	3.25	2.50	1.50	7.25	0.19152%	\$14,449
JUV	0.25	0.00	16.50	16.75	0.44248%	\$33,383
LOT	0.00	0.00	0.00	0.00	0.00000%	\$0
PSC	1.50	0.00	23.00	24.50	0.64721%	\$48,829
REV	1.25	4.00	1906.75	1912.00	50.50852%	\$3,810,695
STA	0.00	3.50	3.00	6.50	0.17171%	\$12,955
VET	0.00	0.00	0.00	0.00	0.00000%	\$0
<b>TOTAL:</b>	<b>77.00</b>	<b>78.00</b>	<b>3630.50</b>	<b>3785.50</b>	<b>100.00000%</b>	<b>\$7,544,658</b>

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 2020-21 Legislative Budget Request totaling \$8,675,106 was adjusted to reflect estimated revenue of \$523,476 from contract entities, payment of \$685,736 from the Workers' Compensation Appeals Program for general management and administrative services costs, estimated revenue of \$16,610 from cases filed pursuant to Chapter 403, Florida Statutes, and the estimated nonoperating cost of \$95,374 for state agency video teleconferencing hearings.

HEARING HOURS HELD BY CONTRACT/EDUCATIONAL/OTHER AGENCIES  
 FY 2018-2019  
 For the Period 07/01/18 through 6/30/19

AGENCY	PREHEARING CONFERENCE	MOTION HEARING	FINAL HEARING	TOTAL HOURS	% OF HOURS ALL AGENCIES
CONTRACT	2.75	2.50	204.00	209.25	17.72179%
EPP	0.00	0.00	35.00	35.00	2.96422%
TL	0.00	0.00	0.00	0.00	0.00000%
BA	0.00	0.00	354.25	354.25	30.00212%
GM	1.00	10.25	83.00	94.25	7.98221%
MA	0.50	0.25	52.50	53.25	4.50985%
NICA	2.00	0.25	14.75	17.00	1.43976%
OTHER	0.75	0.00	0.00	0.75	0.06352%
SENATE CLAIM	0.00	0.00	0.00	0.00	0.00000%
SCHBDS	32.00	17.50	367.50	417.00	35.31654%
<b>TOTAL:</b>	<b>39.00</b>	<b>30.75</b>	<b>1111.00</b>	<b>1180.75</b>	<b>100.00000%</b>

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 2018 - 2019

AGENCY	Jul-Dec	Jan-June	TOTAL
<b>Department of Agriculture and Consumer Services</b>			
Department of Agriculture and Consumer Services	7	2	9
Division of Licensing	0	1	1
<b>Agency Total</b>	<b>7</b>	<b>3</b>	<b>10</b>
<b>Agency for Persons with Disabilities</b>			
Agency for Persons with Disabilities	2	2	4
License	2	4	6
<b>Agency Total</b>	<b>4</b>	<b>6</b>	<b>10</b>
<b>Department of Children and Family Services</b>			
Department of Children and Family Services	1	19	20
Exemption Ch. 435, position of special trust	8	18	26
Family Safety and Preservation Programs	30	42	72
Office of Licensure and Certification	2	0	2
<b>Non-Baker Act Total</b>	<b>41</b>	<b>79</b>	<b>120</b>
<b>Contract Hearings</b>			
City of Gainesville	1	0	1
Code Enforcement	1	2	3
City of Tampa General Employees Retirement Fund	0	1	1
Emerald Coast Utilities Authority	1	1	2
Monroe County	1	2	3
Pinellas County	1	1	2
South Broward Hospital District	1	0	1
Sunshine State One-Call of Florida	0	1	1
<b>Agency Total</b>	<b>6</b>	<b>8</b>	<b>14</b>
<b>Florida Commission on Human Relations</b>			
Florida Commission on Human Relations	73	38	111
Fair Housing Act	11	6	17
<b>Agency Total</b>	<b>84</b>	<b>44</b>	<b>128</b>
<b>Commissions</b>			
Florida Commission on Ethics	0	5	5
<b>Agency Total</b>	<b>0</b>	<b>5</b>	<b>5</b>
<b>Department of Corrections</b>			
Department of Corrections	1	1	2
<b>Agency Total</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>County School Boards</b>			
Bradford County School Board	0	1	1
Brevard County School Board	8	2	10
Broward County School Board	18	30	48
Charlotte County School Board	1	0	1
Collier County School Board	0	1	1
Columbia County School Board	0	1	1
Miami-Dade County School Board	23	23	46
DeSoto County School Board	0	1	1
Duval County School Board	4	5	9
Gilchrist County School Board	0	1	1
Hamilton County School Board	1	0	1
Hernando County School Board	1	2	3

## Division of Administrative Hearings

ANALYSIS OF AGENCY REQUEST FOR  
FISCAL YEAR 2018 - 2019

AGENCY	Jul-Dec	Jan-June	TOTAL
Highlands County School Board	1	0	1
Hillsborough County School Board	4	6	10
Indian River County School Board	0	1	1
Lake County School Board	3	1	4
Lee County School Board	0	1	1
Leon County School Board	7	6	13
Madison County School Board	1	0	1
Manatee County School Board	0	6	6
Marion County School Board	1	3	4
Monroe County School Board	2	1	3
Nassau County School Board	1	2	3
Okaloosa County School Board	1	0	1
Orange County School Board	13	12	25
Osceola County School Board	2	2	4
Palm Beach County School Board	9	16	25
Section 504 cases	2	3	5
Pasco County School Board	4	3	7
Pinellas County School Board	2	1	3
Polk County School Board	7	5	12
St Johns County School Board	5	1	6
St Lucie County School Board	5	3	8
Santa Rosa County School Board	0	6	6
Sarasota County School Board	1	5	6
Seminole County School Board	4	6	10
Union County School Board	0	1	1
Volusia County School Board	5	1	6
Walton County School Board	0	1	1
Charter Schools Non-renewal or Terminating	1	1	2
<b>Agency Total</b>	<b>137</b>	<b>161</b>	<b>298</b>
<b>Department of Elder Affairs</b>			
Department of Elder Affairs	2	0	2
<b>Agency Total</b>	<b>2</b>	<b>0</b>	<b>2</b>
<b>Department of Economic Opportunity</b>			
Department of Economic Opportunity	7	4	11
<b>Agency Total</b>	<b>7</b>	<b>4</b>	<b>11</b>
<b>Department of Environmental Protection</b>			
Department of Environmental Protection	10	30	40
<b>Agency Total</b>	<b>10</b>	<b>30</b>	<b>40</b>
<b>Department of Financial Services</b>			
Department of Financial Services	2	1	3
Division of Insurance Agent and Agency Services	1	7	8
Division of Unclaimed Property	2	1	3
Division of State Fire Marshal	1	0	1
Division of Funeral, Cemetery, and Consumer Services	7	4	11
Division of Workers` Compensation	127	38	165
<b>Agency Total</b>	<b>140</b>	<b>51</b>	<b>191</b>
<b>Department of Health</b>			
Department of Health	13	5	18
Board of Chiropractic	5	1	6
Board of Clinical Social Work, Marriage and Family	1	0	1

## Division of Administrative Hearings

ANALYSIS OF AGENCY REQUEST FOR  
FISCAL YEAR 2018 - 2019

AGENCY	Jul-Dec	Jan-June	TOTAL
Board of Dentistry	6	6	12
Environmental Health	0	3	3
Bureau of Emergency Medical Services	0	2	2
Board of Medicine	10	10	20
Board of Massage Therapy	7	9	16
Board of Nursing Home Administrators	0	1	1
Board of Nursing	4	13	17
Board of Opticianry	1	1	2
Board of Optometry	1	0	1
Board of Osteopathic Medicine	1	0	1
Board of Pharmacy	1	0	1
Board of Physical Therapy Practice	0	1	1
Board of Respiratory Therapy	1	0	1
<b>Agency Total</b>	<b>51</b>	<b>52</b>	<b>103</b>
<b>Department of Juvenile Justice</b>			
Department of Juvenile Justice	3	5	8
<b>Agency Total</b>	<b>3</b>	<b>5</b>	<b>8</b>
<b>Department of Law Enforcement</b>			
Department of Law Enforcement	1	0	1
Criminal Justice Standards and Training Commission	5	7	12
Medical Examiners Commission	0	1	1
<b>Agency Total</b>	<b>6</b>	<b>8</b>	<b>14</b>
<b>Department of Management Services</b>			
Department of Management Services	0	1	1
Division of State Group Insurance	4	0	4
Division of Retirement	3	8	11
<b>Agency Total</b>	<b>7</b>	<b>9</b>	<b>16</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	3	4	7
Division of Blind Services	2	1	3
Commission for Independent Education	1	0	1
Confidential Vocational Rehabilitation Cases	1	9	10
Education Practices Commission	62	34	96
Vocational Rehabilitation Services	3	1	4
<b>Agency Total</b>	<b>72</b>	<b>49</b>	<b>121</b>
<b>Department of Transportation</b>			
Department of Transportation	4	10	14
<b>Agency Total</b>	<b>4</b>	<b>10</b>	<b>14</b>
<b>Department of Business and Professional Regulation</b>			
Department of Business and Professional Regulation	1	0	1
Board of Architecture	3	1	4
Regulatory Council of Community Assoc. of Managers	1	0	1
Construction Industry Licensing Board	3	5	8
Division of Alcoholic Beverages and Tobacco	5	1	6
Division of Real Estate	2	0	2



## Division of Administrative Hearings

ANALYSIS OF AGENCY REQUEST FOR  
FISCAL YEAR 2018 - 2019

AGENCY	Jul-Dec	Jan-June	TOTAL
Electrical Contractors Licensing Board	0	1	1
Florida Real Estate Appraisal Board	1	0	1
Florida Real Estate Commission	0	5	5
Division of Land Sales, Condominiums, and Mobile H	1	0	1
Non-licensed Respondent	5	2	7
Division of Pari-Mutuel Wagering	19	11	30
Board of Professional Engineers	1	3	4
<b>Agency Total</b>	<b>42</b>	<b>29</b>	<b>71</b>
<b>Florida Commission on Ethics</b>			
Florida Commission on Ethics	4	9	13
<b>Agency Total</b>	<b>4</b>	<b>9</b>	<b>13</b>
<b>Florida Elections Commission</b>			
Florida Elections Commission	1	2	3
<b>Agency Total</b>	<b>1</b>	<b>2</b>	<b>3</b>
<b>Florida Housing Finance Corporation</b>			
Florida Housing Finance Corporation	1	15	16
<b>Agency Total</b>	<b>1</b>	<b>15</b>	<b>16</b>
<b>Fish and Wildlife Conservation Commission</b>			
Fish and Wildlife Conservation Commission	4	6	10
<b>Agency Total</b>	<b>4</b>	<b>6</b>	<b>10</b>
<b>Growth Management (No Agency)</b>			
Growth Management (No Agency)	15	7	22
<b>Agency Total</b>	<b>15</b>	<b>7</b>	<b>22</b>
<b>Office of the Governor</b>			
Florida Land and Water Adjudicatory Commission, Co	1	0	1
<b>Agency Total</b>	<b>1</b>	<b>0</b>	<b>1</b>
<b>Agency for Health Care Administration</b>			
Agency for Health Care Administration	41	24	65
Office of Certificate of Need	9	17	26
Medicaid Cost Reimbursement	5	0	5
Medicaid Program Integrity	15	12	27
Office of Licensure and Certification	38	26	64
<b>Agency Total</b>	<b>108</b>	<b>79</b>	<b>187</b>
<b>Department of Highway Safety and Motor Vehicles</b>			
Department of Highway Safety and Motor Vehicles	5	10	15
Section 320.642	15	14	29
<b>Agency Total</b>	<b>20</b>	<b>24</b>	<b>44</b>
<b>Medical Arbitration</b>			
Medical Arbitration	4	15	19
<b>Agency Total</b>	<b>4</b>	<b>15</b>	<b>19</b>
<b>Florida Birth-Related Neurological Injury Compensation</b>			
Florida Birth-Related Neurological Injury Compensa	23	21	44
<b>Agency Total</b>	<b>23</b>	<b>21</b>	<b>44</b>

## Division of Administrative Hearings

ANALYSIS OF AGENCY REQUEST FOR  
FISCAL YEAR 2018 - 2019

AGENCY	Jul-Dec	Jan-June	TOTAL
<b>Office of Financial Regulation</b>			
Office of Financial Regulation	0	4	4
<b>Agency Total</b>	<b>0</b>	<b>4</b>	<b>4</b>
<b>Office of Insurance Regulation</b>			
Office of Insurance Regulation	1	0	1
<b>Agency Total</b>	<b>1</b>	<b>0</b>	<b>1</b>
<b>Public Service Commission</b>			
Public Service Commission	1	0	1
<b>Agency Total</b>	<b>1</b>	<b>0</b>	<b>1</b>
<b>Department of Revenue</b>			
Department of Revenue	14	13	27
Child Support Enforcement (payment, lien, levy)	0	1	1
Child Support Enforcement Program	1,621	1,742	3,363
<b>Agency Total</b>	<b>1,635</b>	<b>1,756</b>	<b>3,391</b>
<b>State Board of Administration</b>			
State Board of Administration	1	1	2
<b>Agency Total</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>State Attorney</b>			
State Attorney	2	0	2
<b>Agency Total</b>	<b>2</b>	<b>0</b>	<b>2</b>
<b>Water Management Districts</b>			
South Florida Water Management District	2	5	7
St. Johns River Water Management District	3	0	3
Suwannee River Water Management District	1	0	1
Southwest Florida Water Management District	0	2	2
<b>Agency Total</b>	<b>6</b>	<b>7</b>	<b>13</b>
<b>NON BAKER ACT TOTAL</b>	<b>2,451</b>	<b>2,502</b>	<b>4,953</b>

## Division of Administrative Hearings

ANALYSIS OF AGENCY REQUEST FOR  
FISCAL YEAR 2018 - 2019

AGENCY	Jul-Dec	Jan-June	TOTAL
<b>Baker Acts</b>			
Apalachee Center Inc.	2	0	2
David Lawrence Center	1	0	1
Department of Veterans Affairs	3	3	6
Florida State Hospital	211	214	425
Florida Women's Reception Center	5	4	9
James A. Harley VA Hospital	1	1	2
Lake Correctional Institution	4	9	13
Lake Wales Medical Center Golden Care Unit	0	2	2
Lakeland Regional Health	0	1	1
Largo Medical Center, Indian Rocks	3	0	3
Life Management Center of Northwest Florida	0	1	1
Mease Dunedin Hospital	9	1	10
Medical Center of Trinity West Pasco Campus	2	0	2
Mental Health Care, Inc. d/b/a Gracepoint	2	0	2
Meridian Behavioral Healthcare, Inc.	7	0	7
Morton Plant Hospital	4	0	4
North Florida Regional Medical Center	3	3	6
Northeast Florida State Hospital	399	567	966
Northside Mental Health Center	1	0	1
Peace River Center	12	7	19
Personal Enrichment Mental Health Services	5	1	6
Saint Anthony`s Hospital	1	2	3
Salus Care	1	0	1
Shands at Vista	1	0	1
St. Joseph's Behavioral Health Center	3	1	4
Suwannee Correctional Institution	0	3	3
Tampa Community Hospital	1	0	1
The Centers	3	0	3
Wellpath Recovery Solutions	270	287	557
Wellpath Recovery Solutions Arcadia	1	1	2
West Florida Community Care Center	50	38	88
Windmoore Healthcare of Clearwater	1	0	1
<b>Baker Act Total</b>	<b>1,006</b>	<b>1,146</b>	<b>2,152</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 2018-19</u>	Estimated Expenditures <u>FY 2019-20</u>	Requested Expenditures <u>FY 2020-21</u>
Salaries and Benefits	\$7,119,229	\$7,285,376	\$7,302,100
Other Personal Services	\$870	\$18,082	\$18,082
Expenses	\$1,000,962	\$1,018,147	\$1,018,147
Operating Capital Outlay	\$64,893	\$65,000	\$65,000
Special Categories			
Contracted Services	\$204,907	\$200,495	\$200,495
Contracted Legal Svcs.	\$3,023	\$1,000	\$1,000
Risk Mgmt. Ins.	\$16,782	\$26,072	\$26,072
Lease/Purch/Equip	\$9,801	\$24,000	\$24,000
TR/DMS/HR SVCS	<u>\$20,135</u>	<u>\$20,210</u>	<u>\$20,210</u>
Total Program Budget	<u>\$8,440,602</u>	<u>\$8,658,382</u>	<u>\$8,675,106</u>
Total Program Positions	65	65	65

**Workers' Compensation Appeals**

<u>Appropriation Category</u>	Actual Expenditures <u>FY 2018-19</u>	Estimated Expenditures <u>FY 2019-20</u>	Requested Expenditures <u>FY 2020-21</u>
Salaries and Benefits	\$13,876,692	\$14,289,414	\$14,331,282
Other Personal Services	\$16,270	\$17,836	\$17,836
Expenses	\$2,914,535	\$2,864,842	\$2,864,842
Operating Capital Outlay	\$64,851	\$64,916	\$64,916
Special Categories			
Contracted Services	\$973,960	\$1,008,324	\$1,008,324
Contracted Legal Svcs.	\$1,183	\$1,279	\$1,279
Tenant Broker Commissions	\$163,905	\$0	\$0
Risk Mgmt. Ins.	\$84,376	\$97,430	\$97,430
Lease/Purchase/Equip	\$24,774	\$34,000	\$34,000
TR/DMS/HR SVCS	<u>\$58,662</u>	<u>\$58,879</u>	<u>\$58,879</u>
Total Program Budget	<u>\$18,179,208</u>	<u>\$18,436,920</u>	<u>\$18,478,788</u>
Total Program Positions	176	175	175

<b>TOTAL DIVISION BUDGET</b>	<b><u>\$26,619,810</u></b>	<b><u>\$27,095,302</u></b>	<b><u>\$27,153,894</u></b>
<b>TOTAL DIVISION POSITIONS</b>	<b>241</b>	<b>240</b>	<b>240</b>