

**DIVISION OF ADMINISTRATIVE
HEARINGS**



February 1, 2009

THIRTY-FIFTH ANNUAL REPORT

Division of Administrative Hearings
Thirty-Fifth Annual Report

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This report is submitted to the Administrative Procedures Committee and to the Administration Commission in compliance with the requirements of Subsection 120.65(10), Florida Statutes, which provides:

Not later than February 1 of each year, the division shall issue a written report to the Administrative Procedures Committee and the Administration Commission, including at least the following information:

(a) A summary of the extent and effect of agencies' utilization of administrative law judges, court reporters, and other personnel in proceedings under this chapter.

(b) Recommendations for change or improvement in the Administrative Procedure Act or any agency's practice or policy with respect thereto.

(c) Recommendations as to those types of cases or disputes which should be conducted under the summary hearing process described in s. 120.574.

(d) A report regarding each agency's compliance with the filing requirement in s. 120.57(1)(m).

GENERAL

The Division of Administrative Hearings administers two programs. One, which is the subject of this report, is the Adjudication of Disputes program that operates pursuant to Chapter 120, Florida Statutes. The other is the Workers' Compensation Appeals program, Office of the Judges of Compensation Claims (OJCC), which operates pursuant to Chapter

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440, Florida Statutes. Subsection 440.45(5), Florida Statutes, requires the OJCC to issue an annual report to the Governor, the House of Representatives, the Senate, The Florida Bar, and the statewide nominating commission. This report was submitted on November 20, 2008. 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.

UTILIZATION RATES

Appendix I breaks out by agency the utilization rates of Division resources and demonstrates, in descending order, that 12 agencies utilized 94 percent of the Division's docket: the Department of Revenue, the Agency for Health Care Administration, the Agency for Persons with Disabilities, the Department of Management Services, the Department of Financial Services, the Department of Community Affairs, the Department of Environmental Protection, the Department of Children and Family Services, the Department of Business and Professional Regulation, the Department of Health, the Department of Education, and the Department of Highway Safety and Motor Vehicles. Additionally, entities such as water management districts, cities, counties, school districts, and other educational entities, are significant users of the Division's

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services and are reported separately since they are covered by contractual agreements.

During FY 2007-2008, state agency and other governmental entity referrals increased by three percent with 6,045 requests for assignment of Administrative Law Judges, compared to 5,859 requests filed the previous fiscal year. Requests for assignment of Administrative Law Judges from the following six agencies constitute 49 percent of our fiscal year caseload: the Department of Business and Professional Regulation (508 cases, a 46 percent increase over the 349 cases filed in FY 2006-2007), the Department of Children and Family Services (1,849 cases which includes an increase in Baker Act referrals to 1,723 cases in FY 2007-2008, compared to 1,558 reported in FY 2006-2007, an increase of 11 percent), the Department of Environmental Protection (111 cases, a 17 percent increase over the 95 cases filed in FY 2006-2007), the Department of Health (174 cases, a 14 percent increase over the 152 cases filed in FY 2006-2007), the Department of Highway Safety and Motor Vehicles (80 cases, a 33 percent increase over the 60 cases filed in FY 2006-2007) and the Department of Management Services (255 cases, a 47 percent increase over the 174 cases filed in FY 2006-2007).

UTILIZATION OF PERSONNEL

As of June 30, 2008, the Adjudication of Disputes program had 69 established positions comprising the Director and Chief

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Judge, the Deputy Chief Judge, 34 Administrative Law Judges, seven Administrative Secretaries, six Administrative Assistants, one Budget Officer, one Executive Assistant, three Staff Assistants, one Administrative Services Director, one Personnel Officer, one Purchasing Agent, one Accountant Supervisor, one Database Administrator, one Office Automation Specialist, one Distributed Computer Systems Analyst, one Systems Programmer, one Clerk of the Division, one Commission Deputy Clerk, one Deputy Clerk Supervisor, two Deputy Clerks, and two Senior Clerks. With one Administrative Secretary or Administrative Assistant assigned to three judges, this represents a highly efficient model for the adjudicatory process. Our judges utilize a minimum of administrative personnel to perform their assigned tasks.

The Workers' Compensation Appeals program had 198 established positions comprising one Deputy Chief Judge of Compensation Claims, 32 Judges of Compensation Claims, 32 General Masters (mediators), 32 Executive Secretaries, 36 Deputy Clerks (32 in field offices and four in Clerk's Office), two Deputy Clerk Supervisors, eight Commission Deputy Clerks, five Administrative Assistants, one Staff Assistant, 31 Administrative Secretaries, ten Secretary Specialists, one Senior Clerk, one Senior Management Analyst, two Accountants, one Distributed Computer Systems Administrator, one Distributed

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Computer Systems Analyst, one Distributed Computer Systems Specialist and one Senior Attorney. In an extremely high volume area of the law, the program constantly seeks ways to combine staff positions and responsibilities in the interest of cost savings.

HEARING REQUESTS

During FY 2007-08, the Division processed 6,045 hearing requests compared to 5,859 cases filed the previous fiscal year. Of the total cases filed, 1,723 were Baker Act cases. The remaining 4,322 cases were primarily filed pursuant to Sections 120.56 and 120.569, and Subsection 120.57(1), Florida Statutes. Most notable were the referrals from the Department of Business and Professional Regulation, which increased its referrals by 46 percent with 508 cases filed this fiscal year as compared to 349 cases previously reported. Other cases filed are itemized by agency in the attached Appendix 2.

In FY 2007-08, each Administrative Law Judge conducted an average of 108 hearings and wrote an average of 30 recommended or final orders of varying length and complexity. In addition, each Judge closed an average of 69 cases, which were settled or otherwise dismissed without a final hearing.

INFORMATION TECHNOLOGY

The Division maintains two mission-critical databases and applications: the DOAH Case Management System (CMS) and the

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OJCC Case Management System (JCC). 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 word processing, electronic mail, and online legal research via LexisNexis and other Internet resources.

In 2008, the Division continued its development of the electronic-filing applications. For the OJCC, a total of 316,303 documents were electronically filed by practitioners. For the Adjudication of Disputes, 12,679 documents were electronically filed. The growth in the use of electronic filing, which, at this point, is voluntary since no statutory mandate exists, was due, in large part, to the efforts of Division staff and leadership in promoting the efficiencies of filing by electronic means. The Division is committed to continuing to promote the use of electronic services over traditional means of filing and serving documents. Electronic service of selected orders has been implemented and will be expanded to include all orders issued by the OJCC. Online initiation of new cases has also been implemented. The savings to the users of electronic filing, in terms of paper, postage, and time, has already registered in the tens of thousands of

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dollars and will continue to grow as the technology is more widely accepted by users of the Division's services.

Website enhancements made in 2008 include the addition of a Google-based search capability and, on the OJCC website, an English-to-Spanish translation capability.

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 2007-08, FY 2008-09, and FY 2009-10, 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 encouraging the resolution of disputes short of proceeding to hearing. In October 2008, the Division submitted its twenty-

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second "Hearing Hours Held" report (see Appendix 1). In FY 2007-08, 5,070 hearing hours were held. (Appendix I excludes Baker Act hearing hours, which totaled 231 in FY 2007-08).

The Division is also authorized to enter into contracts with non-state entities such as cities, counties, regional planning councils, water management districts, school districts, and other educational entities for the provision of Administrative Law Judge services. The Division executed a contract with the Florida Legislature in late 2006, and the Division's judges are now hearing Florida Senate claim bills. Contract organizations reimburse the Division for the costs of its services at a rate that is based on a total-cost-recovery methodology.

The Division has continued to implement the Office of Program Policy Analysis and Government Accountability's (OPPAGA's) recommendation to shift the burden of the cost of the Adjudication of Disputes program from state agencies to non-state entities. This has been accomplished by revising each year the hourly rate that is paid by the non-state entities for Administrative Law Judge services, by marketing the Division's services to attract new non-state entities, and by backing out these revenues before the budget is prorated among the state agencies. The assessment for administrative support that is paid by the Workers' Compensation Appeals program is also backed

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out before the budget is prorated. Hence, state agency transfers have been reduced by about \$1 million in the Division's FY 2009-10 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 just 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 Subsection 120.65(10)(b), Florida Statutes, the Division is required to make recommendations for changes or

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improvements in the A.P.A. "or any agency's practice or policy with respect thereto." Further, Section 120.65, Florida Statutes, was amended in 2006 to require the Division to include recommendations as to the types of cases that should be conducted under the summary hearing process described in Section 120.574, Florida Statutes. § 120.65(10)(c), Fla. Stat. Finally, Section 120.65, Florida Statutes, was amended to require the Division's report to include information regarding each agency's compliance with the filing requirement in Subsection 120.57(1)(m), Florida Statutes.

This year, as in the past, bills have been filed in the Florida Senate and House of Representatives, which relate to providing administrative hearing rights at the Division to individuals who are aggrieved by certain agency actions. In the past year, the Division had new types of cases added to those within its jurisdiction. The Division will now hear cases concerning individuals who were wrongfully incarcerated, challenges to proposed state action concerning phosphate mines and reclamation, expedited hearings for insurance company rate filings, and the continued involuntary placement of inmates in mental health facilities. Additionally, the health care certificate of need process has been streamlined and expedited to ensure that needed health care services and facilities, if

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approved, will be developed and constructed in a more timely fashion. The Division continues to perform Special Master duties under contract with the Florida Senate, and the Administrative Law Judges assigned to hear legislative claim bills will be called upon to support their decisions before the appropriate Senate committee. The Division has taken on these new matters without the addition of new judges or support staff. In fact, during the 2009 Special Session, the Division had one vacant Administrative Law Judge position eliminated, but does not expect any reduction in the timeliness of hearings conducted and orders issued.

The summary hearing process set forth in Section 120.574, Florida Statutes, has been selected by agencies and private parties only in rare instances since its enactment in 1998. In fact, to date, fewer than 20 cases have been heard by the Division under this Section. Once again, we will note that if certain regulatory agencies, namely, those responsible for the prosecution of licensure disciplinary matters, such as the Department of Business and Professional Regulation and the Department of Health, were to refer their "misdemeanor" cases (those where the only penalty sought is an administrative fine) into the summary hearing process, the Division could assist with any backlog these agencies currently experience with respect to

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these cases. Also, if the minor infraction cases were referred to the Division for prompt adjudication, the regulatory agencies could concentrate their efforts (and precious meeting time for the volunteer members of the professional licensing boards) on the more serious matters which pose a threat to the health, safety, and welfare of the citizens of Florida. The Division could handle these additional summary matters with its current complement of judges and support staff. Another complement of cases currently referred to the Division, Medicaid waiver matters from the Agency for Persons with Disabilities, may be compatible with the summary hearing process. The majority of these matters involve little, if any, discovery; are set for hearing on an expedited basis; and involve claims by individuals who need a rapid determination of their entitlement, or continued entitlement, to health care benefits. Additionally, these matters generally involve limited records and post-hearing submissions by the parties. Since the Division currently handles these matters with its existing personnel, no additional staffing would be required to move these matters into the summary hearing process.

Pursuant to the requirement contained in Subsection 120.65(10)(d), Florida Statutes, many agencies have improved the timeliness of filing their final orders with the Division. In

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this past fiscal year, seven of the 17 reported agencies employing the services of the Division have completely or substantially complied with the 15-day filing requirement (Agency for Persons with Disabilities, Florida Commission on Human Relations, Florida Elections Commission, Department of Children and Family Services, Department of Financial Services, District School Boards, and Contract Cases). Overall, of the agency final orders filed with the Division between July 1, 2007, and June 30, 2008, 57 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. The ability to file these final orders electronically makes the task a simple one for the agencies.

Finally, in 2008, the Legislature designated the Division as an alternative for agencies who seek help in indexing their final orders pursuant to Subsection 120.53(1)(a)2.b., Florida Statutes. Agencies may now designate the Division to keep, in an electronic format, all of their final orders and make those orders available to the public in a searchable database. Several agencies are now in the process of electronically transmitting these orders to the Division, which will publish them on its website for public use. As more agencies take advantage of this service, the Division may have to increase its data storage capabilities.

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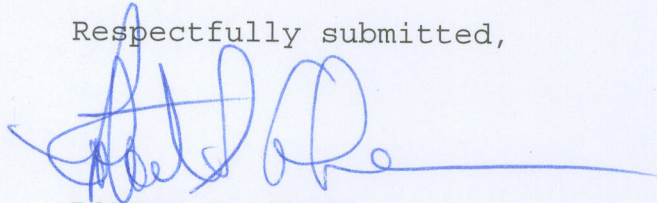
CONCLUSION

The Division continues to supply high-quality adjudication of disputes pursuant to Chapter 120, the Administrative Procedure Act, despite an increase of three percent in its caseload. 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, for order preparation, and for archiving purposes. Through the elimination of programs that prove not to be cost-effective; through the elimination of personnel no longer needed in the face of improved technology; through promoting alternative dispute resolution short of hearing; and through encouraging agencies to take advantage of the summary hearing process, and to increase the number of non-state agencies contracting for the Division's services, the Division contributes to the goal of efficient government. We accomplish this without sacrificing quality and fairness in the Adjudication of Disputes program,

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and intend to accomplish our goals without requesting additional funding from the Legislature.

Respectfully submitted,



ROBERT S. COHEN
Director and Chief Judge

RSC/lds

HEARING HOURS HELD REPORT

FY 2007-2008

For the Period 07/01/07 through 6/30/2008

AGENCY	PREHEARING CONFERENCE	MOTION HEARING	FINAL HEARING	TOTAL HOURS	% OF TOTAL HOURS	PRORATED AMOUNT OF FY 2009-10 LBR
AHCA	6.75	31.00	576.00	613.75	15.51441%	\$1,217,012
AGR	0.50	4.50	42.50	47.50	1.20071%	\$94,188
APD	6.75	15.00	414.00	435.75	11.01491%	\$864,053
AWI	0.00	1.25	0.00	1.25	0.03160%	\$2,479
DPBR	3.00	9.00	167.75	179.75	4.54373%	\$356,428
DCF	1.75	2.75	176.25	180.75	4.56901%	\$358,411
CIT	0.00	0.00	0.00	0.00	0.00000%	\$0
DCA	2.75	13.00	213.50	229.25	5.79499%	\$454,582
COR	0.00	0.50	24.50	25.00	0.63195%	\$49,573
DOE	1.25	5.25	139.50	146.00	3.69060%	\$289,505
ELDER	0.00	0.00	0.00	0.00	0.00000%	\$0
DEP	4.75	15.75	169.25	189.75	4.79651%	\$376,257
ETH	0.00	3.75	21.75	25.50	0.64459%	\$50,564
FEC	0.75	10.00	0.00	10.75	0.27174%	\$21,316
FWCC	0.50	0.00	14.00	14.50	0.36653%	\$28,752
GOV	0.00	0.25	11.75	12.00	0.30334%	\$23,795
DMA	0.25	0.00	1.50	1.75	0.04424%	\$3,470
DOH	4.25	22.00	139.25	165.50	4.18352%	\$328,172
HSM	3.00	4.75	63.25	71.00	1.79474%	\$140,787
DFS	7.25	35.75	202.50	245.50	6.20576%	\$486,804
JUV	0.75	0.25	15.25	16.25	0.41077%	\$32,222
DLE	0.50	4.00	34.25	38.75	0.97952%	\$76,838
DIA	0.00	0.00	0.00	0.00	0.00000%	\$0
LOT	0.00	0.00	0.00	0.00	0.00000%	\$0
DMS	8.50	15.25	381.00	404.75	10.23129%	\$802,583
PSC	0.00	0.00	0.00	0.00	0.00000%	\$0
REV	1.00	2.50	838.50	842.00	21.28413%	\$1,669,610
DOS	0.25	0.00	1.00	1.25	0.03160%	\$2,479
DOT	1.00	4.75	52.00	57.75	1.45981%	\$114,513
VET	0.00	0.00	0.00	0.00	0.00000%	\$0
TOTAL:	55.50	201.25	3699.25	3956.00	100.00000%	\$7,844,393

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 2009-10 Legislative Budget Request totaling \$8,877,077 was adjusted to reflect estimated revenue of \$463,342 from contract entities, payment of \$576,215 from the Workers' Compensation Appeals Program for general management and administrative services costs, estimated revenue of \$71,155 from cases filed pursuant to Chapter 403, Florida Statutes, and the estimated non-operating cost of \$78,028 for state agency video teleconferencing hearings.

6/30/2008

Appendix 1

HEARING HOURS HELD BY CONTRACT/EDUCATIONAL/OTHER AGENCIES

FY 2007-2008

For the Period 07/01/07 through 6/30/08

AGENCY	PREHEARING CONFERENCE	MOTION HEARING	FINAL HEARING	TOTAL HOURS	% OF HOURS ALL AGENCIES
CONTRACT	3.75	8.50	318.00	330.25	6.51381%
EPP	0.25	0.50	3.50	4.25	0.08383%
TL	0.00	2.25	132.50	134.75	2.65779%
NICA	4.50	8.25	22.25	35.00	0.69034%
OTHER	0.00	0.00	0.75	0.75	0.01479%
SENATE CLAIM	5.00	0.00	29.75	34.75	0.68540%
SCHBDS	54.75	33.50	486.00	574.25	11.32643%
TOTAL:	68.25	53.00	992.75	1114.00	21.97239%

CONTRACT: Water Management Districts, Regional Planning Councils, Cities, Counties, etc., as specified in Subsection 120.65(11), F.S.

EPP: Cases filed by DEP, pursuant to Chapter 403, Florida Statutes.

TL: Transmission line siting cases filed by DEP, pursuant to Chapter 403, Florida Statutes.

NICA: Florida Birth-Related Neurological Injury Compensation Association.

OTHER: Noncontract entities such as Pinellas County Construction Licensing Board

SENATE CLAIM BILLS: Excess judgment claims and equitable claims, pursuant to Senate Rules 4.81

SCHBDS: School boards and other educational entities specified in Subsection 120.65(11), F.S.

Division of Administrative Hearings
ANALYSIS OF AGENCY REQUEST FOR
FISCAL YEAR 2007 - 2008

AGENCY	Jul-Dec	Jan-June	TOTAL
Department of Agriculture and Consumer Services			
Department of Agriculture and Consumer Services	0	2	2
Bureau of Compliance and Monitoring	2	0	2
Bureau of License and Bond	2	4	6
Office of Citrus License and Bond	1	3	4
Division of Consumer Services	3	2	5
Division of Food and Safety	3	4	7
Division of Standards	2	2	4
Bureau of Entomology and Pest Control	6	5	11
Division of Licensing	4	2	6
Agency Total	23	24	47
Agency for Persons with Disabilities			
Agency for Persons with Disabilities	6	13	19
Medicaid Waiver Benefits (Attorney General referra	204	154	358
Medicaid Waiver Benefits (DCFS referral)	14	11	25
Medicaid Waiver Benefits (APD referral)	96	31	127
Agency Total	320	209	529
Agency for Workforce Innovation			
Agency for Workforce Innovation	1	1	2
Agency Total	1	1	2
Department of Children and Family Services			
Department of Children and Family Services	1	3	4
Developmental Disabilities	1	0	1
Exemption Ch. 435, position of special trust	26	25	51
Family Safety and Preservation Programs	7	19	26
Office of Human Resources Management	2	4	6
Office of Licensure and Certification	31	7	38
Non-Baker Act Total	68	58	126
Contract Hearings			
Bradford County	0	1	1
Claim Bill (Senate)	28	1	29
City of Cape Coral	1	0	1
City of Clearwater	0	1	1
City of Gainesville	0	1	1
Code Enforcement	0	1	1
City of Tallahassee	1	0	1
Hillsborough County	1	2	3
Leon County	1	0	1
Monroe County	1	1	2
Pinellas County Sheriff's Civil Service Board	0	2	2
Pinellas County	4	3	7
Walnut Creek Community Development District	2	0	2
Agency Total	39	13	52
Commissions			
Commissions	1	0	1
Commission for the Transportation Disadvantaged	0	1	1
Florida Commission on Ethics	3	10	13
Florida Commission on Human Relations	80	116	196
FCHR, Fair Housing Act	11	12	23
Florida Elections Commission	13	7	20

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ANALYSIS OF AGENCY REQUEST FOR
FISCAL YEAR 2007 - 2008

AGENCY	Jul-Dec	Jan-June	TOTAL
Hillsborough County Public Transportation Commissi	0	1	1
Agency Total	108	147	255
Department of Corrections			
Department of Corrections	1	2	3
Agency Total	1	2	3
County School Boards			
Alachua County School Board	1	1	2
Bay County School Board	0	1	1
Brevard County School Board	2	2	4
Broward County School Board	7	21	28
Clay County School Board	2	2	4
Miami-Dade County School Board	31	29	60
Duval County School Board	2	3	5
Escambia County School Board	1	1	2
Flagler County School Board	0	3	3
Gulf County School Board	1	0	1
Hernando County School Board	0	1	1
Hillsborough County School Board	1	5	6
Indian River County School Board	1	0	1
Lake County School Board	1	1	2
Lee County School Board	1	0	1
Leon County School Board	0	1	1
Manatee County School Board	0	4	4
Marion County School Board	3	10	13
Martin County School Board	0	2	2
Nassau County School Board	2	1	3
Okaloosa County School Board	1	0	1
Orange County School Board	0	4	4
Osceola County School Board	0	1	1
Palm Beach County School Board	4	10	14
Section 504 cases	2	1	3
Pasco County School Board	0	1	1
Pinellas County School Board	2	2	4
Polk County School Board	1	1	2
St Johns County School Board	1	3	4
Sarasota County School Board	4	2	6
Seminole County School Board	2	4	6
Volusia County School Board	1	1	2
School for the Deaf and Blind	1	2	3
Teacher Termination or Suspension	21	32	53
Agency Total	96	152	248
Department of Community Affairs			
Department of Community Affairs	33	39	72
Florida Building Commission	2	0	2
Florida Housing Finance Corporation	1	8	9
Small Scale Comprehensive Plan Amendment	3	1	4
Agency Total	39	48	87
Department of Elder Affairs			
Department of Elder Affairs	2	1	3
Agency Total	2	1	3

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FISCAL YEAR 2007 - 2008

AGENCY	Jul-Dec	Jan-June	TOTAL
Department of Environmental Protection			
Department of Environmental Protection	61	50	111
Agency Total	61	50	111
Department of Financial Services			
Department of Financial Services	5	3	8
Division of Insurance Agents and Agencies Services	35	29	64
Bureau of Unclaimed Property	4	0	4
Division of State Fire Marshal	4	4	8
Division of Funeral, Cemetery, and Consumer Service	1	2	3
Neurological Injury	19	13	32
Division of Workers' Compensation	43	30	73
Agency Total	111	81	192
Department of Health			
Department of Health	0	3	3
Bureau of Testing Services	1	1	2
Bureau of Water Programs	0	1	1
Board of Chiropractic	12	4	16
Clinical Laboratory Personnel	0	1	1
Board of Clinical Social Work, Marriage and Family	2	1	3
Division of Children's Medical Services	0	1	1
Board of Dentistry	6	8	14
Drugs, Devices, and Cosmetics Program	0	2	2
Environmental Health	3	2	5
Bureau of Emergency Medical Services	1	2	3
Board of Medicine	29	30	59
Board of Massage Therapy	0	1	1
Board of Nursing	6	15	21
Bureau of Radiation Control	1	0	1
Board of Optometry	1	0	1
Board of Osteopathic Medicine	7	4	11
Board of Pharmacy	6	16	22
Board of Podiatric Medicine	1	0	1
Board of Psychology	1	2	3
Board of Physical Therapy Practice	3	0	3
Agency Total	80	94	174
Department of Juvenile Justice			
Department of Juvenile Justice	6	7	13
Agency Total	6	7	13
Department of Law Enforcement			
Department of Law Enforcement	4	0	4
Criminal Justice Standards and Training Commission	35	13	48
Medical Examiners Commission	1	0	1
Agency Total	40	13	53
Department of Military Affairs			
Department of Military Affairs	1	1	2
Agency Total	1	1	2
Department of Management Services			
Department of Management Services	3	0	3

Division of Administrative Hearings
ANALYSIS OF AGENCY REQUEST FOR
FISCAL YEAR 2007 - 2008

AGENCY	Jul-Dec	Jan-June	TOTAL
Career Service Commission	2	0	2
Division of State Group Insurance	8	5	13
Division of Retirement	10	8	18
Agency Total	23	13	36
Department of Education			
Department of Education	0	5	5
Education Practices Commission	53	38	91
Vocational Rehabilitation Services	24	19	43
Agency Total	77	62	139
Department of State			
Division of Elections	1	0	1
Agency Total	1	0	1
Department of Transportation			
Department of Transportation	27	18	45
Agency Total	27	18	45
Department of Business and Professional Regulation			
Department of Business and Professional Regulation	3	0	3
Board of Accountancy	0	1	1
Board of Architecture	5	3	8
Board of Auctioneers	0	1	1
Building Code Administrators and Inspectors	0	3	3
Regulatory Council of Community Assoc. of Managers	1	1	2
Construction Industry Licensing Board	60	112	172
Board of Cosmetology	2	0	2
Division of Alcoholic Beverages and Tobacco	35	51	86
Division of Real Estate	6	13	19
Electrical Contractors	0	1	1
Florida Real Estate Appraisal Board	1	1	2
Florida Real Estate Commission	4	2	6
Division of Hotels and Restaurants	66	42	108
Board of Professional Surveyors and Mappers	1	1	2
Non-licensed Respondent	44	30	74
Board of Pilot Commissioners	1	0	1
Division of Pari-Mutuel Wagering	3	4	7
Board of Professional Engineers	2	6	8
State Boxing Commission	1	0	1
Board of Veterinary Medicine	0	1	1
Agency Total	235	273	508
Florida State University Schools			
Pembroke Pines Florida State University Schools	1	0	1
Agency Total	1	0	1
Fish and Wildlife Conservation Commission			
Fish and Wildlife Conservation Commission	1	4	5
Agency Total	1	4	5
Office of the Governor			
Florida Land and Water Adjudicatory Commission	4	0	4
Florida Land and Water Adjudicatory Commission, Co	2	1	3

Division of Administrative Hearings
ANALYSIS OF AGENCY REQUEST FOR
FISCAL YEAR 2007 - 2008

AGENCY	Jul-Dec	Jan-June	TOTAL
Agency Total	6	1	7
Agency for Health Care Administration			
Agency for Health Care Administration	8	6	14
Audit Quality Control Services	2	5	7
Bureau of Managed Care	25	24	49
Office of Certificate of Need	17	13	30
Bureau of Health Facility Regulation	4	1	5
Medicaid Cost Reimbursement	5	33	38
Medicaid Program Integrity	14	19	33
Office of Licensure and Certification	67	93	160
Agency Total	142	194	336
Department of Highway Safety and Motor Vehicles			
Department of Highway Safety and Motor Vehicles	9	7	16
Section 320.642	35	29	64
Agency Total	44	36	80
Medical Arbitration			
Medical Arbitration	6	7	13
Agency Total	6	7	13
No Agency			
Construction Mining	0	1	1
Agency Total	0	1	1
Office of Financial Regulation			
Office of Financial Regulation	7	7	14
Agency Total	7	7	14
Office of Insurance Regulation			
Office of Insurance Regulation	17	8	25
Agency Total	17	8	25
Department of Revenue			
Department of Revenue	12	11	23
Child Support Enforcement (payment, lien, levy)	2	4	6
Child Support Enforcement Program	474	670	1,144
Agency Total	488	685	1,173
Self-contained Agencies			
Pinellas County Construction Licensing Board	1	1	2
Agency Total	1	1	2
Universities and Colleges			
Florida A & M University	0	1	1
University of Florida	0	1	1
Agency Total	0	2	2
Water Management Districts			
South Florida Water Management District	1	7	8
St. Johns River Water Management District	5	11	16
Suwannee River Water Management District	1	0	1
Southwest Florida Water Management District	7	5	12

Division of Administrative Hearings
 ANALYSIS OF AGENCY REQUEST FOR
 FISCAL YEAR 2007 - 2008

AGENCY	Jul-Dec	Jan-June	TOTAL
Agency Total	14	23	37
NON BAKER ACT TOTAL	2,086	2,236	4,322
Baker Acts			
Department of Veterans Affairs	2	0	2
Florida State Hospital	136	89	225
Lake Correctional Institution	14	10	24
Lakeside Behavioral Healthcare	1	0	1
Manatee Glens	0	2	2
Mental Health Care, Inc.	0	1	1
Meridian Behavioral Healthcare, Inc.	1	0	1
Northeast Florida State Hospital	448	412	860
Northside Mental Health Center	3	3	6
Peace River Center	4	6	10
Personal Enrichment Mental Health Services	0	3	3
Shands at the University of Florida	2	2	4
Shands at Vista	3	0	3
South Florida State Hospital	248	270	518
Tampa General Hospital	0	2	2
West Florida Community Care Center	32	29	61
Baker Act Total	894	829	1,723

SUMMARY
Division of Administrative Hearings
Actual, Estimated and Requested Expenditures

Adjudication of Disputes^(a)

<u>Appropriation Category</u>	Actual Expenditures FY 2007-08	Estimated Expenditures FY 2008-09 ^(a)	Requested Expenditures FY 2009-10 ^(a)
Salaries and Benefits	\$7,295,563	\$7,109,949	\$7,172,153
Other Personal Services	0	36,391	36,391
Expenses	1,242,250	1,145,935	1,150,654
Operating Capital Outlay	142,183	65,000	127,804
Special Categories			
Contracted Services	194,086	195,475	199,475
Risk Mgmt. Ins.	14,174	51,305	51,305
TR/DMS/HR SVCS	27,482	27,482	27,482
Total Program Budget	<u>\$8,915,738</u>	<u>\$8,631,537</u>	<u>\$8,765,264</u>
Total Program Positions	69	68	68

Workers' Compensation Appeals

<u>Appropriation Category</u>	Actual Expenditures FY 2007-08	Estimated Expenditures FY 2008-09	Requested Expenditures FY 2009-10
Salaries and Benefits	\$13,501,354	\$13,438,447	\$14,245,012
Other Personal Services	75,440	230,000	230,000
Expenses	3,451,669	3,270,218	3,274,936
Operating Capital Outlay	51,004	28,796	91,601
Fixed Capital Outlay	1,154,914	0	0
Special Categories			
Contracted Services	1,066,748	1,136,549	1,140,549
Contracted Legal Svcs.	3	2,500	2,500
Risk Mgmt. Ins.	90,972	66,758	66,758
TR/DMS/HR SVCS	80,066	80,066	80,066
Total Program Budget	<u>\$19,472,170</u>	<u>\$18,253,334</u>	<u>\$19,131,422</u>
Total Program Positions	198	198	198

TOTAL DIVISION BUDGET	<u>\$28,387,908</u>	<u>\$26,884,871</u>	<u>\$27,896,686</u>
TOTAL DIVISION POSITIONS	267	266	266

(a) Adjusted to include budget reductions adopted during Special Session 2009-A.