

**DIVISION OF
ADMINISTRATIVE HEARINGS**



February 1, 2010

THIRTY-SIXTH ANNUAL REPORT

Division of Administrative Hearings
Thirty-Sixth Annual Report

TABLE OF CONTENTS

| | <u>Page Number</u> |
|---|--------------------|
| INTRODUCTION | 2 |
| GENERAL | 2 |
| UTILIZATION RATES | .3 |
| UTILIZATION OF PERSONNEL | 4 |
| HEARING REQUESTS | 6 |
| INFORMATION TECHNOLOGY | 6 |
| OPERATING BUDGET | 8 |
| RECOMMENDATIONS CONCERNING THE A.P.A. | 11 |
| CONCLUSION | .17 |
| APPENDICES | .19 |

**Division of Administrative Hearings
Thirty-Sixth Annual Report**

This report is submitted to the Joint 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

**Division of Administrative Hearings
Thirty-Sixth Annual Report**

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 18, 2009. 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 Department of Management Services, the Department of Environmental Protection, the Agency for Health Care Administration, the Department of Financial Services, the Department of Community Affairs, the Agency for Persons with Disabilities, the Department of Business and Professional Regulation, the Department of Education, the Department of Children and Family Services, the Department of Highway Safety and Motor Vehicles, and the Department of Health. Additionally, entities such as water management districts, cities, counties, school districts, and other educational entities, are significant users of the Division's services and

**Division of Administrative Hearings
Thirty-Sixth Annual Report**

are reported separately since they are covered by contractual agreements.

During FY 2008-2009, state agency and other governmental entity referrals increased by 12 percent with 6,758 requests for assignment of Administrative Law Judges, compared to 6,045 requests filed the previous fiscal year. Requests for assignment of Administrative Law Judges from the following six agencies constitute 41 percent of our fiscal year caseload: the Department of Revenue (2,038 cases, a 74 percent increase over the 1,173 cases filed in FY 2007-2008), the Department of Education (206 cases, a 48 percent increase over the 139 cases filed in FY 2007-2008), the Department of Financial Services (226 cases, an 18 percent increase over the 192 cases in FY 2007-2008), the Department of Environmental Protection (117 cases, a 5 percent increase over the 111 cases filed in FY 2007-2008), the Department of Highway Safety and Motor Vehicles (196 cases, a 145 percent increase over the 80 cases filed in FY 2007-2008), and the Department of Juvenile Justice (15 cases, a 15 percent increase over the 13 cases filed in FY 2007-2008).

UTILIZATION OF PERSONNEL

As of June 30, 2009, the Adjudication of Disputes program had 68 established positions comprising the Director and Chief Judge, the Deputy Chief Judge, 33 Administrative Law Judges, seven Administrative Secretaries, six Administrative Assistants,

Division of Administrative Hearings
Thirty-Sixth Annual Report

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 central 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 Computer Systems Analyst, one Distributed Computer Systems Specialist and one Senior Attorney. In an extremely high-volume

**Division of Administrative Hearings
Thirty-Sixth Annual Report**

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 2008-09, the Division processed 6,758 hearing requests compared to 6,045 cases filed the previous fiscal year. Of the total cases filed, 1,625 were Baker Act cases. The remaining 5,133 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 Highway Safety and Motor Vehicles, which increased its referrals by 145 percent with 196 cases filed this fiscal year as compared to 80 cases previously reported. Other cases filed are itemized by agency in the attached Appendix 2.

In FY 2008-09, each Administrative Law Judge conducted an average of 163 hearings and wrote an average of 78 recommended or final orders of varying length and complexity. In addition, each Judge closed an average of 68 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 (JCC). Associated applications

**Division of Administrative Hearings
Thirty-Sixth Annual Report**

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 2009, the Division continued its implementation of the electronic-filing applications. For the OJCC, a total of 430,548 documents were electronically filed by practitioners. For the Adjudication of Disputes, 18,230 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 orders issued by the OJCC and by Administrative Law Judges has been implemented in all cases where the parties of record have provided email addresses to the Division. 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 dollars and will

**Division of Administrative Hearings
Thirty-Sixth Annual Report**

continue to grow as the technology is more widely accepted by users of the Division's services or becomes mandatory based upon statutory changes as discussed more fully below.

Under new provisions of Subsection 120.53(2)(a), Florida Statutes, all state agencies now have an option to electronically transmit their agency orders to the Division's website for indexing purposes. To date, two agencies (the Department of Agriculture and Consumer Services and the Department of Environmental Protection) have taken advantage of this new provision. Several additional agencies are considering using the Division to index and display via website their final agency orders.

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 2008-09, FY 2009-10, and FY 2010-11, 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 of Administrative Hearings
Thirty-Sixth Annual Report

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 2009, the Division submitted its twenty-third "Hearing Hours Held" report (see Appendix 1). In FY 2008-09, 5,603 hearing hours were held. (Appendix I excludes Baker Act hearing hours, which totaled 230 in FY 2008-09).

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

**Division of Administrative Hearings
Thirty-Sixth Annual Report**

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 out before the budget is prorated. Hence, state agency transfers have been reduced by about \$1.2 million in the Division's FY 2010-11 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.

**Division of Administrative Hearings
Thirty-Sixth Annual Report**

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 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

**Division of Administrative Hearings
Thirty-Sixth Annual Report**

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 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 committees. 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.

Most notably this year, legislation has been proposed in the Senate, and has been discussed at the committee level in the House, to make the electronic filing provisions contained both in Chapter 120 and Chapter 440, Florida Statutes, mandatory. As noted above, the Division has experienced immense growth in the

**Division of Administrative Hearings
Thirty-Sixth Annual Report**

use of filing of pleadings, orders, and other documents by electronic means under a purely voluntary system. Under the current system, registered users of the electronic filing program realize the efficiencies and savings afforded by not using the mail, both regular and overnight, courier services to file papers with the Division, copying charges and materials, and staff time to carry out each of these functions. If the system is made mandatory, not only will the Division save additionally, but the users of the system will realize great savings in time, effort, and the cost of materials and staff. Moreover, electronic filing will allow 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. Realizing that not everyone has access to a computer, the proposed legislation will carve out an exception to the requirement of electronic filing for those unable to gain reasonable access to a computer for filing documents.

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. As we have done numerous times in the past, we will again note that if certain regulatory

Division of Administrative Hearings
Thirty-Sixth Annual Report

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 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 of Administrative Hearings
Thirty-Sixth Annual Report**

Division currently handles these matters with its existing personnel, no additional staffing would be required to move these matters into the summary hearing process. Even if these matters do not become part of the summary hearing process, we will continue to devise ways to schedule multiple matters for hearing in single locations in order to maximize the use of our judges and to minimize travel expenditures.

In 2009, the Division was able for the first time to offer video-teleconferencing capabilities in each of its 17 district offices around the state, as well as in the central offices in Tallahassee. This has resulted in tremendous cost and time savings since the judges assigned to cases outside Tallahassee are able to conduct many of these cases via video. This allows judges to maximize their time in the office rather than on the road traveling from city to city, which results in greater timeliness in the issuance of the detailed orders required in administrative hearings. The video teleconferencing technology has developed to the point where many attorneys prefer its use to the live hearing since multiple sites may be linked for a single hearing, allowing, for example, the judge and agency representatives to be in Tallahassee, the party involved in the hearing to be in Ft. Lauderdale, and maybe even a witness to appear in Orlando rather than having to travel to one of the other sites.

Division of Administrative Hearings
Thirty-Sixth Annual Report

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. Finally, we have recently begun use of the video teleconferencing for workshops related to the updating and amendment of our workers' compensation rules. Attorneys in Jacksonville, Orlando, Tampa, and Ft. Lauderdale, all were able to participate in rules workshops on the same day without having to leave their hometowns, a considerable savings in terms of time and resources. The result was significantly increased participation by the local attorneys and employer/carriers in the rulemaking 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 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 (Department of Education, Department of Environmental Protection, Department of Financial Services, Department of Health, Department of Highway Safety and Motor Vehicles, Department of Juvenile Justice, and Department of Transportation). Overall, of the agency final orders filed with

**Division of Administrative Hearings
Thirty-Sixth Annual Report**

the Division between July 1, 2008, and June 30, 2009, 72 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.

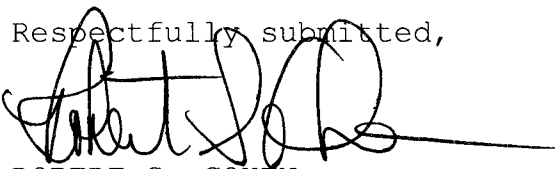
Finally, in 2008, the Legislature designated the Division as an alternative for agencies who seek help in indexing their final orders pursuant to Subsection 120.53(1)(a)2.b., Florida Statutes. Agencies may now designate the Division to keep, in an electronic format, all of their final orders and make those orders available to the public in a searchable database. Two agencies, the Department of Agriculture and Consumer Services and the Department of Environmental Protection have already taken advantage of this service, and 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.

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

Division of Administrative Hearings
Thirty-Sixth Annual Report

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

Respectfully submitted,

ROBERT S. COHEN
Director and Chief Judge

RSC/ljs

HEARING HOURS HELD REPORT

FY 2008-2009

For the Period 07/01/08 through 6/30/2009

| AGENCY | PREHEARING CONFERENCE | MOTION HEARING | FINAL HEARING | TOTAL HOURS | % OF TOTAL HOURS | PRORATED AMOUNT OF FY 2010-11 LEGISLATIVE BUDGET REQUEST* |
|--------|--------------------------|-------------------|------------------|----------------|---------------------|---|
| AHCA | 5.75 | 24.25 | 268.75 | 298.75 | 6.93155% | \$508,253 |
| AGR | 1.25 | 1.25 | 43.25 | 45.75 | 1.06148% | \$77,833 |
| APD | 8.00 | 9.00 | 211.25 | 228.25 | 5.29582% | \$388,314 |
| AWI | 0.00 | 0.00 | 11.00 | 11.00 | 0.25522% | \$18,714 |
| DPBR | 3.25 | 8.25 | 213.50 | 225.00 | 5.22042% | \$382,785 |
| DCF | 1.75 | 4.00 | 118.50 | 124.25 | 2.88283% | \$211,382 |
| CIT | 0.00 | 0.00 | 0.00 | 0.00 | 0.00000% | \$0 |
| DCA | 2.50 | 2.75 | 257.25 | 262.50 | 6.09049% | \$446,582 |
| COR | 0.00 | 0.75 | 13.00 | 13.75 | 0.31903% | \$23,392 |
| DOE | 3.00 | 6.00 | 157.00 | 166.00 | 3.85151% | \$282,410 |
| ELDER | 0.00 | 0.00 | 0.00 | 0.00 | 0.00000% | \$0 |
| DEP | 7.75 | 16.75 | 320.25 | 344.75 | 7.99884% | \$586,511 |
| ETH | 0.25 | 0.75 | 44.25 | 45.25 | 1.04988% | \$76,982 |
| FEC | 1.75 | 2.50 | 45.75 | 50.00 | 1.16009% | \$85,063 |
| FWCC | 0.50 | 0.00 | 12.25 | 12.75 | 0.29582% | \$21,691 |
| GOV | 0.00 | 0.00 | 0.50 | 0.50 | 0.01160% | \$851 |
| DMA | 0.00 | 0.00 | 4.50 | 4.50 | 0.10441% | \$7,656 |
| DOH | 1.25 | 11.25 | 98.25 | 110.75 | 2.56961% | \$188,415 |
| HSM | 1.50 | 4.75 | 105.75 | 112.00 | 2.59861% | \$190,542 |
| DFS | 12.00 | 27.50 | 247.00 | 286.50 | 6.64733% | \$487,413 |
| JUV | 0.25 | 0.50 | 8.75 | 9.50 | 0.22042% | \$16,162 |
| DLE | 0.50 | 1.25 | 15.75 | 17.50 | 0.40603% | \$29,772 |
| DLA | 0.00 | 0.00 | 0.00 | 0.00 | 0.00000% | \$0 |
| LOT | 0.00 | 0.00 | 0.00 | 0.00 | 0.00000% | \$0 |
| DMS | 8.75 | 23.25 | 476.00 | 508.00 | 11.78654% | \$864,243 |
| PSC | 0.00 | 0.00 | 0.00 | 0.00 | 0.00000% | \$0 |
| REV | 1.00 | 4.25 | 1384.25 | 1389.50 | 32.23898% | \$2,363,909 |
| DOS | 0.00 | 0.00 | 0.00 | 0.00 | 0.00000% | \$0 |
| DOT | 0.75 | 2.50 | 40.00 | 43.25 | 1.00348% | \$73,580 |
| VET | 0.00 | 0.00 | 0.00 | 0.00 | 0.00000% | \$0 |
| TOTAL: | 61.75 | 151.50 | 4096.75 | 4310.00 | 100.00000% | \$7,332,455 |

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 2010-11 Legislative Budget Request totaling \$8,579,579 was adjusted to reflect estimated revenue of \$559,107 from contract entities, payment of \$599,947 from the Workers' Compensation Appeals Program for general management and administrative services costs, estimated revenue of \$165,000 from cases filed pursuant to Chapter 403, Florida Statutes, and the estimated nonoperating cost of \$76,930 for state agency video teleconferencing hearings.

6/30/2009

HEARING HOURS HELD BY CONTRACT/EDUCATIONAL/OTHER AGENCIES

Appendix 1

FY 2008-2009

For the Period 07/01/08 through 6/30/09

| AGENCY | PREHEARING CONFERENCE | MOTION HEARING | FINAL HEARING | TOTAL HOURS | % OF HOURS ALL AGENCIES |
|--------------|--------------------------|-------------------|------------------|----------------|----------------------------------|
| CONTRACT | 3.50 | 4.25 | 283.50 | 291.25 | 5.19857% |
| EPP | 0.00 | 0.00 | 40.00 | 40.00 | 0.71397% |
| TL | 0.25 | 0.00 | 15.00 | 15.25 | 0.27220% |
| NICA | 4.00 | 3.50 | 24.75 | 32.25 | 0.57564% |
| OTHER | 1.00 | 1.25 | 1.00 | 3.25 | 0.05801% |
| SENATE CLAIM | 6.25 | 0.00 | 39.00 | 45.25 | 0.80768% |
| SCHBDS | 49.25 | 39.00 | 777.00 | 865.25 | 15.44400% |
| TOTAL: | 64.25 | 48.00 | 1180.25 | 1292.50 | 23.07006% |

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 and 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 Subsection 120.65(11), F.S.

**ANALYSIS OF AGENCY REQUEST FOR
FISCAL YEAR 2008 - 2009**

| AGENCY | Jul-Dec | Jan-June | TOTAL |
|--|------------|------------|------------|
| Authorities | | | |
| South Florida Regional Transportation Authority | 0 | 1 | 1 |
| Agency Total | 0 | 1 | 1 |
| Department of Agriculture and Consumer Services | | | |
| Department of Agriculture and Consumer Services | 0 | 1 | 1 |
| Bureau of License and Bond | 7 | 6 | 13 |
| Office of Citrus License and Bond | 6 | 2 | 8 |
| Division of Food and Safety | 1 | 0 | 1 |
| Division of Standards | 1 | 1 | 2 |
| Bureau of Entomology and Pest Control | 2 | 1 | 3 |
| Division of Licensing | 2 | 0 | 2 |
| Agency Total | 19 | 11 | 30 |
| Agency for Persons with Disabilities | | | |
| Agency for Persons with Disabilities | 8 | 12 | 20 |
| Medicaid Waiver Benefits (Attorney General referra | 140 | 289 | 429 |
| Medicaid Waiver Benefits (DCFS referral) | 7 | 8 | 15 |
| Medicaid Waiver Benefits (APD referral) | 16 | 21 | 37 |
| Agency Total | 171 | 330 | 501 |
| Agency for Workforce Innovation | | | |
| Agency for Workforce Innovation | 1 | 0 | 1 |
| Agency Total | 1 | 0 | 1 |
| Department of Children and Family Services | | | |
| Department of Children and Family Services | 5 | 4 | 9 |
| Adult Services Program | 2 | 0 | 2 |
| Exemption Ch. 435, position of special trust | 13 | 11 | 24 |
| Family Safety and Preservation Programs | 14 | 25 | 39 |
| Office of Human Resources Management | 3 | 0 | 3 |
| Office of Licensure and Certification | 1 | 0 | 1 |
| Non-Baker Act Total | 38 | 40 | 78 |
| Contract Hearings | | | |
| Alachua County | 0 | 1 | 1 |
| Claim Bill (Senate) | 25 | 4 | 29 |
| City of Cape Coral | 0 | 1 | 1 |
| City of Clearwater | 1 | 0 | 1 |
| City of Gainesville | 0 | 3 | 3 |
| City of Tallahassee | 1 | 1 | 2 |
| City of Tarpon Springs | 0 | 1 | 1 |
| Emerald Coast Utilities Authority | 0 | 1 | 1 |
| Fishhawk Community Development District | 1 | 0 | 1 |
| Hillsborough County | 0 | 1 | 1 |
| Pinellas County Sheriff's Civil Service Board | 2 | 0 | 2 |
| Pinellas County | 0 | 2 | 2 |
| Polk Co Supervisor of Elections | 0 | 1 | 1 |
| Agency Total | 30 | 16 | 46 |
| Commissions | | | |
| Florida Commission on Ethics | 2 | 3 | 5 |
| Florida Commission on Human Relations | 98 | 96 | 194 |
| FCHR, Fair Housing Act | 23 | 23 | 46 |

Division of Administrative Hearings
ANALYSIS OF AGENCY REQUEST FOR
FISCAL YEAR 2008 - 2009

| AGENCY | Jul-Dec | Jan-June | TOTAL |
|--|------------|------------|------------|
| Florida Elections Commission | 15 | 13 | 28 |
| Hillsborough County Public Transportation Commissi | 1 | 1 | 2 |
| Agency Total | 139 | 136 | 275 |
| Department of Corrections | | | |
| Department of Corrections | 0 | 3 | 3 |
| Agency Total | 0 | 3 | 3 |
| County School Boards | | | |
| County School Boards | 0 | 1 | 1 |
| Alachua County School Board | 1 | 0 | 1 |
| Bay County School Board | 2 | 0 | 2 |
| Brevard County School Board | 4 | 1 | 5 |
| Broward County School Board | 7 | 30 | 37 |
| Clay County School Board | 1 | 0 | 1 |
| Collier County School Board | 2 | 2 | 4 |
| Miami-Dade County School Board | 28 | 41 | 69 |
| Duval County School Board | 0 | 1 | 1 |
| Escambia County School Board | 3 | 0 | 3 |
| Flagler County School Board | 0 | 1 | 1 |
| Glades County School Board | 1 | 0 | 1 |
| Hardee County School Board | 1 | 0 | 1 |
| Highlands County School Board | 0 | 2 | 2 |
| Hillsborough County School Board | 3 | 2 | 5 |
| Lake County School Board | 2 | 0 | 2 |
| Lee County School Board | 2 | 4 | 6 |
| Leon County School Board | 0 | 1 | 1 |
| Manatee County School Board | 1 | 0 | 1 |
| Marion County School Board | 0 | 1 | 1 |
| Martin County School Board | 0 | 1 | 1 |
| Orange County School Board | 4 | 1 | 5 |
| Palm Beach County School Board | 2 | 5 | 7 |
| Section 504 cases | 0 | 1 | 1 |
| Pasco County School Board | 1 | 0 | 1 |
| St Johns County School Board | 1 | 3 | 4 |
| St Lucie County School Board | 2 | 1 | 3 |
| Sarasota County School Board | 2 | 0 | 2 |
| Seminole County School Board | 2 | 5 | 7 |
| Volusia County School Board | 1 | 0 | 1 |
| Teacher Termination or Suspension | 34 | 57 | 91 |
| Agency Total | 107 | 161 | 268 |
| Department of Community Affairs | | | |
| Department of Community Affairs | 35 | 40 | 75 |
| Florida Building Commission | 2 | 1 | 3 |
| Florida Housing Finance Corporation | 9 | 1 | 10 |
| Small Scale Comprehensive Plan Amendment | 1 | 3 | 4 |
| Agency Total | 47 | 45 | 92 |
| Department of Environmental Protection | | | |
| Department of Environmental Protection | 54 | 63 | 117 |
| Agency Total | 54 | 63 | 117 |
| Department of Financial Services | | | |
| Department of Financial Services | 2 | 1 | 3 |

**ANALYSIS OF AGENCY REQUEST FOR
FISCAL YEAR 2008 - 2009**

| AGENCY | Jul-Dec | Jan-June | TOTAL |
|--|------------|------------|------------|
| Division of Insurance Agents and Agencies Services | 30 | 41 | 71 |
| Division of State Fire Marshal | 3 | 2 | 5 |
| Division of Funeral, Cemetery, and Consumer Servic | 3 | 5 | 8 |
| Financial Services Commission | 1 | 0 | 1 |
| Neurological Injury | 20 | 13 | 33 |
| Division of Workers` Compensation | 41 | 64 | 105 |
| Agency Total | 100 | 126 | 226 |
| Department of Health | | | |
| Department of Health | 0 | 4 | 4 |
| Board of Acupuncture | 0 | 1 | 1 |
| Bureau of Testing Services | 0 | 1 | 1 |
| Board of Chiropractic | 2 | 3 | 5 |
| Board of Clinical Social Work, Marriage and Family | 3 | 2 | 5 |
| Board of Dentistry | 3 | 7 | 10 |
| Drugs, Devices, and Cosmetics Program | 9 | 8 | 17 |
| Environmental Health | 4 | 12 | 16 |
| Board of Hearing Aid Specialists | 2 | 0 | 2 |
| Board of Medicine | 23 | 13 | 36 |
| Board of Massage Therapy | 0 | 1 | 1 |
| Board of Nursing | 5 | 16 | 21 |
| Board of Opticianry | 1 | 0 | 1 |
| Board of Optometry | 1 | 2 | 3 |
| Board of Osteopathic Medicine | 1 | 0 | 1 |
| Board of Pharmacy | 5 | 0 | 5 |
| Board of Podiatric Medicine | 4 | 0 | 4 |
| Board of Psychology | 0 | 2 | 2 |
| Board of Physical Therapy Practice | 0 | 1 | 1 |
| Agency Total | 63 | 73 | 136 |
| Department of Juvenile Justice | | | |
| Department of Juvenile Justice | 6 | 9 | 15 |
| Agency Total | 6 | 9 | 15 |
| Department of Law Enforcement | | | |
| Criminal Justice Standards and Training Commission | 17 | 15 | 32 |
| Agency Total | 17 | 15 | 32 |
| Department of Military Affairs | | | |
| Department of Military Affairs | 1 | 0 | 1 |
| Agency Total | 1 | 0 | 1 |
| Department of Management Services | | | |
| Department of Management Services | 1 | 0 | 1 |
| Division of State Group Insurance | 5 | 4 | 9 |
| Division of Retirement | 14 | 17 | 31 |
| Agency Total | 20 | 21 | 41 |
| Department of Education | | | |
| Department of Education | 4 | 5 | 9 |
| Division of Blind Services | 2 | 2 | 4 |
| Confidential Vocational Rehabilitation Cases | 2 | 1 | 3 |
| Education Practices Commission | 51 | 86 | 137 |
| Vocational Rehabilitation Services | 30 | 23 | 53 |

Division of Administrative Hearings
ANALYSIS OF AGENCY REQUEST FOR
FISCAL YEAR 2008 - 2009

| AGENCY | Jul-Dec | Jan-June | TOTAL |
|---|------------|------------|------------|
| Agency Total | 89 | 117 | 206 |
| Department of State | | | |
| Division of Historical Resources | 1 | 0 | 1 |
| Division of Elections | 1 | 0 | 1 |
| Agency Total | 2 | 0 | 2 |
| Department of Transportation | | | |
| Department of Transportation | 13 | 10 | 23 |
| Agency Total | 13 | 10 | 23 |
| Department of Business and Professional Regulation | | | |
| Board of Architecture | 2 | 3 | 5 |
| Barber`s Board | 2 | 1 | 3 |
| Building Code Administrators and Inspectors | 0 | 3 | 3 |
| Regulatory Council of Community Assoc. of Managers | 2 | 6 | 8 |
| Construction Industry Licensing Board | 40 | 32 | 72 |
| Board of Cosmetology | 5 | 1 | 6 |
| Division of Alcoholic Beverages and Tobacco | 45 | 34 | 79 |
| Division of Real Estate | 18 | 53 | 71 |
| Florida Real Estate Commission | 1 | 3 | 4 |
| Division of Hotels and Restaurants | 19 | 13 | 32 |
| Division of Land Sales, Condominiums, and Mobile H | 0 | 1 | 1 |
| Non-licensed Respondent | 13 | 13 | 26 |
| Division of Pari-Mutuel Wagering | 5 | 8 | 13 |
| Board of Professional Engineers | 14 | 4 | 18 |
| State Boxing Commission | 0 | 1 | 1 |
| Board of Veterinary Medicine | 3 | 0 | 3 |
| Agency Total | 169 | 176 | 345 |
| Florida Housing Finance Corporation | | | |
| Florida Housing Finance Corporation | 3 | 10 | 13 |
| Agency Total | 3 | 10 | 13 |
| Office of the Governor | | | |
| Florida Land and Water Adjudicatory Commission | 0 | 1 | 1 |
| Florida Land and Water Adjudicatory Commission, Co | 0 | 1 | 1 |
| Agency Total | 0 | 2 | 2 |
| Agency for Health Care Administration | | | |
| Agency for Health Care Administration | 3 | 12 | 15 |
| Audit Quality Control Services | 11 | 1 | 12 |
| Office of Certificate of Need | 17 | 20 | 37 |
| Bureau of Health Facility Regulation | 1 | 1 | 2 |
| Medicaid Cost Reimbursement | 12 | 1 | 13 |
| Medicaid Program Integrity | 40 | 30 | 70 |
| Office of Licensure and Certification | 87 | 97 | 184 |
| Agency Total | 171 | 162 | 333 |
| Department of Highway Safety and Motor Vehicles | | | |
| Department of Highway Safety and Motor Vehicles | 10 | 19 | 29 |
| Section 320.642 | 112 | 55 | 167 |
| Agency Total | 122 | 74 | 196 |

Division of Administrative Hearings
ANALYSIS OF AGENCY REQUEST FOR
FISCAL YEAR 2008 - 2009

| AGENCY | Jul-Dec | Jan-June | TOTAL |
|---|--------------|--------------|--------------|
| Medical Arbitration | | | |
| Medical Arbitration | 7 | 9 | 16 |
| Agency Total | 7 | 9 | 16 |
| Office of Financial Regulation | | | |
| Office of Financial Regulation | 9 | 11 | 20 |
| Agency Total | 9 | 11 | 20 |
| Office of Insurance Regulation | | | |
| Office of Insurance Regulation | 15 | 10 | 25 |
| Insurance rate filings | 1 | 0 | 1 |
| Agency Total | 16 | 10 | 26 |
| Original Sentencing Court | | | |
| Victims of Wrongful Incarceration Act | 0 | 1 | 1 |
| Agency Total | 0 | 1 | 1 |
| Department of Revenue | | | |
| Department of Revenue | 23 | 28 | 51 |
| Child Support Enforcement (payment, lien, levy) | 17 | 1 | 18 |
| Child Support Enforcement Program | 1,050 | 919 | 1,969 |
| Agency Total | 1,090 | 948 | 2,038 |
| State Board of Administration | | | |
| State Board of Administration | 1 | 3 | 4 |
| Agency Total | 1 | 3 | 4 |
| Self-contained Agencies | | | |
| Pinellas County Construction Licensing Board | 2 | 0 | 2 |
| Agency Total | 2 | 0 | 2 |
| Universities and Colleges | | | |
| Florida A & M University | 4 | 3 | 7 |
| Florida Keys Community College | 1 | 0 | 1 |
| North Florida Community College | 0 | 1 | 1 |
| Seminole Community College | 1 | 0 | 1 |
| University of Florida | 1 | 0 | 1 |
| University of North Florida | 0 | 1 | 1 |
| Agency Total | 7 | 5 | 12 |
| Water Management Districts | | | |
| Northwest Florida Water Management District | 1 | 1 | 2 |
| South Florida Water Management District | 8 | 2 | 10 |
| St. Johns River Water Management District | 8 | 3 | 11 |
| Suwannee River Water Management District | 1 | 2 | 3 |
| Southwest Florida Water Management District | 2 | 3 | 5 |
| Agency Total | 20 | 11 | 31 |
| NON BAKER ACT TOTAL | 2,534 | 2,599 | 5,133 |

Division of Administrative Hearings
ANALYSIS OF AGENCY REQUEST FOR
FISCAL YEAR 2008 - 2009

| AGENCY | Jul-Dec | Jan-June | TOTAL |
|--|------------|------------|--------------|
| Baker Acts | | | |
| Department of Veterans Affairs | 2 | 0 | 2 |
| Florida State Hospital | 153 | 93 | 246 |
| Geo Group, Inc. | 1 | 0 | 1 |
| Halifax Community Health System | 0 | 1 | 1 |
| Lake Correctional Institution | 22 | 18 | 40 |
| Lakeside Behavioral Healthcare | 0 | 2 | 2 |
| Manatee Glens | 0 | 1 | 1 |
| Meridian Behavioral Healthcare, Inc. | 1 | 3 | 4 |
| Northeast Florida State Hospital | 413 | 346 | 759 |
| Northside Mental Health Center | 2 | 1 | 3 |
| Peace River Center | 18 | 5 | 23 |
| Personal Enrichment Mental Health Services | 1 | 0 | 1 |
| Shands at the University of Florida | 0 | 1 | 1 |
| Shands at Vista | 2 | 0 | 2 |
| South Florida State Hospital | 254 | 247 | 501 |
| West Florida Community Care Center | 17 | 21 | 38 |
| Baker Act Total | 886 | 739 | 1,625 |

SUMMARY
 Division of Administrative Hearings
 Actual, Estimated and Requested Expenditures

Adjudication of Disputes

| <u>Appropriation Category</u> | Actual Expenditures <u>FY 2008-09</u> | Estimated Expenditures <u>FY 2009-10</u> | Requested Expenditures <u>FY 2010-11</u> |
|-------------------------------|---|--|--|
| Salaries and Benefits | \$7,081,345 | \$7,063,114 | \$7,091,639 |
| Other Personal Services | 3,980 | 30,091 | 30,091 |
| Expenses | 1,200,648 | 1,119,104 | 1,119,104 |
| Operating Capital Outlay | 62,675 | 65,000 | 65,000 |
| Special Categories | | | |
| Contracted Services | 181,242 | 191,723 | 191,723 |
| Risk Mgmt. Ins. | 51,305 | 54,540 | 54,540 |
| TR/DMS/HR SVCS | <u>27,556</u> | <u>27,482</u> | <u>27,482</u> |
| Total Program Budget | <u>\$8,608,751</u> | <u>\$8,551,054</u> | <u>\$8,579,579</u> |
| Total Program Positions | 68 | 68 | 68 |

Workers' Compensation Appeals

| <u>Appropriation Category</u> | Actual Expenditures <u>FY 2008-09</u> | Estimated Expenditures <u>FY 2009-10</u> | Requested Expenditures <u>FY 2010-11</u> |
|-------------------------------|---|--|--|
| Salaries and Benefits | \$13,633,694 | \$13,461,960 | \$13,704,711 |
| Other Personal Services | 30,680 | 33,725 | 33,725 |
| Expenses | 3,188,357 | 3,250,679 | 3,094,998 |
| Operating Capital Outlay | 82,104 | 28,796 | 28,796 |
| Special Categories | | | |
| Contracted Services | 1,091,535 | 1,136,549 | 1,136,549 |
| Contracted Legal Svcs. | 32 | 2,500 | 2,500 |
| Risk Mgmt. Ins. | 66,758 | 104,785 | 104,785 |
| TR/DMS/HR SVCS | <u>80,282</u> | <u>80,066</u> | <u>80,066</u> |
| Total Program Budget | <u>\$18,173,442</u> | <u>\$18,099,060</u> | <u>\$18,186,130</u> |
| Total Program Positions | 198 | 198 | 198 |

| | | | |
|---------------------------------|----------------------------|----------------------------|----------------------------|
| TOTAL DIVISION BUDGET | <u>\$26,782,193</u> | <u>\$26,650,114</u> | <u>\$26,765,709</u> |
| TOTAL DIVISION POSITIONS | 266 | 266 | 266 |