

STATE OF FLORIDA

**DIVISION OF
ADMINISTRATIVE HEARINGS**



February 1, 2011

THIRTY-SEVENTH ANNUAL REPORT

Division of Administrative Hearings
Thirty-Seventh Annual Report

TABLE OF CONTENTS

	<u>Page Number</u>
INTRODUCTION	2
GENERAL	2
UTILIZATION RATES3
UTILIZATION OF PERSONNEL	5
HEARING REQUESTS	6
INFORMATION TECHNOLOGY	7
OPERATING BUDGET	9
RECOMMENDATIONS CONCERNING THE A.P.A.	11
CONCLUSION18
APPENDICES20

**Division of Administrative Hearings
Thirty-Seventh 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

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

Chapter 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 30, 2010. 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 1 breaks out by agency the utilization rates of Division resources and demonstrates, in descending order, that 12 agencies utilized 96 percent of the Division's docket: the Department of Revenue, the Department of Management Services, the Department of Financial Services, the Agency for Health Care Administration, the Department of Community Affairs, the Department of Business and Professional Regulation, the Department of Children and Family Services, the Department of Education, the Department of Health, the Department of Environmental Protection, the Agency for Persons with Disabilities, and the Department of Transportation. 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-Seventh Annual Report

are reported separately since they are covered by contractual agreements.

During FY 2009-2010, state agency and other governmental entity referrals increased by 67 percent with 11,318 requests for assignment of Administrative Law Judges, compared to 6,758 requests filed the previous fiscal year. This large increase is due primarily to the referral of the Agency for Persons with Disabilities of approximately 4,000 cases to the Division just prior to the close of the fiscal year. Requests for assignment of Administrative Law Judges from the following six agencies constitute 69 percent of our fiscal year caseload: the Agency for Persons with Disabilities (4,414 cases, a 781 percent increase over the 501 cases filed in FY 2008-2009), the Department of Children and Family Services (164 cases, a 110 percent increase over the 78 cases filed in FY 2008-2009), the Department of Financial Services (265 cases, a 17 percent increase over the 226 cases filed in FY 2008-2009), the Department of Law Enforcement (58 cases, an 81 percent increase over the 32 cases filed in FY 2008-2009), the Department of Business and Professional Regulation (436 cases, a 26 percent increase over the 345 cases filed in FY 2008-2009), and the Department of Revenue (2,507 cases, a 23 percent increase over the 2,038 cases filed in FY 2008-2009).

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

UTILIZATION OF PERSONNEL

As of June 30, 2010, 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, 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, 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.

The Workers' Compensation Appeals program had 198 established positions comprising one Deputy Chief Judge of Compensation Claims, 32 Judges of Compensation Claims, 32 State Mediators, 32 Executive Secretaries, 35 Deputy Clerks (32 in field offices and three in central Clerk's Office), one Deputy Clerk Supervisor, eight Commission Deputy Clerks, five Administrative Assistants, one Staff Assistant, 31 Administrative Secretaries, ten Secretary Specialists,

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

one Senior Clerk, one Senior Management Analyst, two Accountants, one Court Reporter, one Clerk, one Distributed Computer Systems Administrator, one Distributed 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 2009-10, the Division processed 11,318 hearing requests compared to 6,758 cases filed the previous fiscal year. Of the total cases filed, 1,873 were Baker Act cases. The remaining 9,445 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 Agency for Persons with Disabilities, which increased its referrals by 781 percent with 4,414 cases filed this year, and the Department of Children and Family Services, which increased its referrals by 110 percent with 164 cases filed this fiscal year, as compared to 78 cases previously reported. It is important to note that approximately 4,000 of the cases referred from the Agency for Persons with Disabilities were either dismissed for mootness or dismissed and transferred to the Department of Children and Family Services, which was granted jurisdiction to hear these matters by a change in the law enacted by the 2010

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

Legislature. Other cases filed are itemized by agency in the attached Appendix 2.

In FY 2009-10, each Administrative Law Judge conducted an average of 170 hearings and wrote an average of 79 Recommended or Final Orders of varying length and complexity. In addition, each Judge closed an average of 70 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 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 2010, the Division continued its implementation of the electronic-filing applications. For the OJCC, a total of 463,187 documents was electronically filed by practitioners. For the Adjudication of Disputes, 21,068 documents were electronically filed. The growth in the use of electronic

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

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, as well as electronic filing by self-represented litigants. 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 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, the following agencies have taken advantage of this provision: Department of Agriculture and Consumer Services, Agency for Persons with Disabilities, Department of Children and Family Services, Department of Environmental Protection, Department of Education,

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

Department of Business and Professional Regulation, and
Department of Highway Safety and Motor Vehicles.

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 2009-10, FY 2010-11, and FY 2011-12, 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 2010, the Division submitted its twenty-fourth "Hearing Hours Held" report (see Appendix 1). In FY 2009-10, 5,314 hearing hours were held. (Appendix 1 excludes Baker Act hearing hours, which totaled 235 in FY 2009-10.)

Division of Administrative Hearings
Thirty-Seventh Annual Report

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 out before the budget is prorated. Hence, state agency transfers have been reduced by about \$1.2 million in the Division's FY 2011-12 Legislative Budget Request. In the coming

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

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 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

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

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. One area of proposed legislation concerns the filing by agencies of emergency orders for suspension of licenses under Section 120.60, Florida Statutes. The proposed language would ensure that the affected licensee is made aware of his or her rights to an administrative hearing on the suspension before the Division. This language will most likely be part of any administrative procedures bill that comes before the Legislature. In the past year, the Division had new types of cases added to those within its jurisdiction. The Division has now heard cases concerning individuals who were wrongfully incarcerated, and will hear matters related to the "Call Before You Dig" program, which protects the public from accidents occurring when a contractor digs and creates a dangerous condition by severing a gas or utility line during excavation.

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

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 and, when requested, on the Senate floor. 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 has not experienced any reduction in the timeliness of hearings conducted and orders issued. With significant budget cuts potentially occurring in the 2011 Legislative Session, however, a loss of judges could result in longer times to the hearing and ultimate resolution of matters brought before the Division.

Last year, legislation passed both the House and Senate, to make the electronic filing provisions contained both in Chapter 120 and Chapter 440, Florida Statutes, mandatory. Unfortunately, Governor Crist vetoed the legislation because of provisions contained in it related not to electronic filing, but to oversight of the Department of Management Services. As noted above, the Division has experienced immense growth in the 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

Division of Administrative Hearings
Thirty-Seventh Annual Report

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 costs, 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. We hope to be successful in efforts to make electronic filing mandatory in 2011.

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 agencies, namely, those responsible for the prosecution of licensure disciplinary matters, such as the Department of

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

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.

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 capability resulted in significant savings in costs and time, since the judges assigned to cases outside of Tallahassee were able to conduct many hearings via video, allowing them to maximize their office time to issue more timely the highly detailed orders that are required in administrative hearings. The video teleconferencing technology has developed to the point where many attorneys prefer its use to the live hearing since multiple sites may be linked for a single hearing,

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

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 to travel to one of the other sites.

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. Most recently, we successfully used the video teleconferencing system for workshops related to the updating and amendment of our workers' compensation rules. Attorneys in Jacksonville, Orlando, Tampa, Ft. Lauderdale, and Miami all were able to participate in rules workshops on the same day without leaving their hometowns, a considerable savings in time and resources. The result was significantly increased participation by the local attorneys and employer/carriers in the rulemaking process. As a result, the amended workers' compensation rules were implemented in early November 2010.

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, 12 of the 17 reported agencies employing the services of the Division have completely or substantially complied with the 15-day filing requirement (Agency for Health

Division of Administrative Hearings
Thirty-Seventh Annual Report

Care Administration, Agency for Persons with Disabilities, Department of Agriculture and Consumer Services, 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, Department of Management Services, Office of the Governor, and Department of Transportation). Overall, of the agency final orders filed with the Division between July 1, 2009, and June 30, 2010, 78 percent were filed within 15 days of entry by the agency. The Division once again intends to remind the agencies of the statutory requirement to timely file their final orders; filing these final orders electronically makes the task a simple one for the agencies.

Finally, in 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. Seven agencies, Agency for Persons with Disabilities, Department of Agriculture and Consumer Services, Department of Business and Professional Regulation, Department of Community Affairs, Department of Education, Department of Environmental Protection, and Department of Highway Safety and Motor Vehicles have already

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

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.

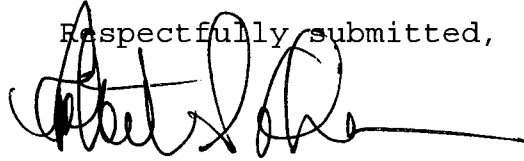
CONCLUSION

The Division continues to supply high-quality adjudication of disputes pursuant to Chapter 120, the Administrative Procedure Act, despite another annual increase in its caseload. Therefore, 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. Thus, through the elimination of programs that are not cost-effective; the elimination of personnel no longer needed in the face of improved technology; through promoting alternative dispute resolution short of hearing; the encouragement toward agencies to take advantage of the summary hearing process; and the increase in the number of non-state agencies contracting for the Division's services, the

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

Division contributes to the goal of efficient government. To conclude, our number one concern is to ensure that all who appear before the Division are afforded due process in a fair and impartial setting, before a judge who treats them with respect and has a thorough understanding of the law to be applied in the matter at hand. We shall accomplish this without sacrificing quality and fairness in the Adjudication of Disputes program, and shall accomplish our goals without requesting additional funding from the Legislature.

Respectfully submitted,



ROBERT S. COHEN
Director and Chief Judge

RSC/ljs

HEARING HOURS HELD REPORT
FY 2009-2010
For the Period 07/01/09 through 6/30/2010

AGENCY	PREHEARING CONFERENCE	MOTION HEARING	FINAL HEARING	TOTAL HOURS	% OF TOTAL HOURS	PRORATED AMOUNT OF FY 2011-12 LBR
AHCA	8.25	19.00	263.75	291.00	7.30055%	\$545,346
AGR	0.00	0.75	34.75	35.50	0.89062%	\$66,528
APD	1.75	5.00	111.50	118.25	2.96663%	\$221,605
AWI	0.00	0.00	0.00	0.00	0.00000%	\$0
DBPR	5.50	8.75	189.25	203.50	5.10537%	\$381,367
DCF	3.25	4.00	175.50	182.75	4.58480%	\$342,481
CIT	0.00	0.00	0.00	0.00	0.00000%	\$0
DCA	3.25	8.25	277.75	289.25	7.25665%	\$542,066
COR	0.00	1.00	3.00	4.00	0.10035%	\$7,496
DOE	1.75	4.25	172.25	178.25	4.47190%	\$334,048
ELDER	0.00	0.25	0.00	0.25	0.00627%	\$469
DEP	6.00	13.50	111.50	131.00	3.28650%	\$245,499
ETH	0.00	0.00	10.50	10.50	0.26342%	\$19,677
FEC	0.50	0.00	5.50	6.00	0.15053%	\$11,244
FWCC	0.00	0.00	0.00	0.00	0.00000%	\$0
GOV	0.25	0.50	29.75	30.50	0.76518%	\$57,158
DMA	0.00	0.00	0.00	0.00	0.00000%	\$0
DOH	1.75	10.75	130.00	142.50	3.57501%	\$267,051
HSM	2.50	2.25	12.75	17.50	0.43904%	\$32,796
DFS	10.00	29.75	259.25	299.00	7.50125%	\$560,338
JUV	0.25	0.00	11.50	11.75	0.29478%	\$22,020
DLE	0.00	1.75	28.50	30.25	0.75891%	\$56,690
DLA	0.00	0.00	0.00	0.00	0.00000%	\$0
LOT	0.50	3.50	0.00	4.00	0.10035%	\$7,496
DMS	4.00	29.75	454.25	488.00	12.24285%	\$914,532
PSC	0.00	0.00	0.00	0.00	0.00000%	\$0
REV	2.50	4.25	1463.50	1470.25	36.88535%	\$2,755,308
DOS	0.00	0.00	0.00	0.00	0.00000%	\$0
DOT	1.75	6.25	34.00	42.00	1.05369%	\$78,710
VET	0.00	0.00	0.00	0.00	0.00000%	\$0
TOTAL:	53.75	153.50	3778.75	3986.00	100.00000%	\$7,469,925

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 2011-12 Legislative Budget Request totaling \$8,632,999 was adjusted to reflect estimated revenue of \$579,733 from contract entities, payment of \$600,769 from the Workers' Compensation Appeals Program for general management and administrative services costs, estimated revenue of \$72,583 from cases filed pursuant to Chapter 403, Florida Statutes, and the estimated nonoperating cost of \$90,011 for state agency video teleconferencing hearings.

6/30/2010

Appendix 1

HEARING HOURS HELD BY CONTRACT/EDUCATIONAL/OTHER AGENCIES
 FY 2009-2010
 For the Period 07/01/09 through 6/30/10

AGENCY	PREHEARING CONFERENCE	MOTION HEARING	FINAL HEARING	TOTAL HOURS	% OF HOURS ALL AGENCIES
CONTRACT	5.50	10.00	176.75	192.25	3.61780%
EPP	0.00	0.00	0.00	0.00	0.00000%
TL	0.00	0.00	0.00	0.00	0.00000%
NICA	5.00	4.75	6.50	16.25	0.30580%
OTHER	1.50	2.25	22.75	26.50	0.49868%
SENATE CLAIM	2.75	0.00	17.25	20.00	0.37636%
SCHBDS	42.00	31.75	999.25	1073.00	20.19195%
TOTAL:	56.75	48.75	1222.50	1328.00	24.99059%

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.

Division of Administrative Hearings
ANALYSIS OF AGENCY REQUEST FOR
FISCAL YEAR 2009 - 2010

AGENCY	Jul-Dec	Jan-June	TOTAL
Department of Agriculture and Consumer Services			
Department of Agriculture and Consumer Services	1	0	1
Bureau of License and Bond	8	6	14
Office of Citrus License and Bond	5	0	5
Division of Consumer Services	1	7	8
Bureau of Entomology and Pest Control	1	0	1
Division of Licensing	0	3	3
Agency Total	16	16	32
Agency for Persons with Disabilities			
Agency for Persons with Disabilities	25	36	61
Cost Plan Review	0	3,670	3,670
Medicaid Waiver Benefits (Attorney General referra	114	48	162
Medicaid Waiver Benefits (DCFS referral)	1	11	12
Medicaid Waiver Benefits (APD referral)	26	7	33
Tier Waiver System	0	476	476
Agency Total	166	4,248	4,414
Agency for Workforce Innovation			
Agency for Workforce Innovation	0	1	1
Agency Total	0	1	1
Department of Children and Family Services			
Department of Children and Family Services	2	1	3
Adult Services Program	0	1	1
Developmental Services	1	0	1
Exemption Ch. 435, position of special trust	30	49	79
Family Safety and Preservation Programs	46	34	80
Non-Baker Act Total	79	85	164
Contract Hearings			
Contract Hearings	0	1	1
Claim Bill (Senate)	31	0	31
City of Clearwater	1	0	1
City of Gainesville	6	5	11
City of Jacksonville	1	0	1
Code Enforcement	1	0	1
Emerald Coast Utilities Authority	2	0	2
Board of Trustees of the Fort Pierce Police Pensio	2	0	2
Hillsborough County	1	0	1
Leon County	0	1	1
Pinellas County	2	1	3
Polk Co Supervisor of Elections	2	0	2
Tampa Bay Water, a Regional Water Supply Authority	0	1	1
Agency Total	49	9	58
Commissions			
Commission for the Transportation Disadvantaged	0	2	2
Florida Commission on Ethics	6	6	12
Florida Commission on Human Relations	68	73	141
FCHR, Fair Housing Act	38	20	58
Florida Elections Commission	6	3	9
Florida Parole Commission	2	0	2
Agency Total	120	104	224

Division of Administrative Hearings
ANALYSIS OF AGENCY REQUEST FOR
FISCAL YEAR 2009 - 2010

AGENCY	Jul-Dec	Jan-June	TOTAL
Department of Corrections			
Department of Corrections	2	2	4
Agency Total	2	2	4
County School Boards			
Alachua County School Board	0	1	1
Bay County School Board	0	1	1
Brevard County School Board	1	1	2
Broward County School Board	10	17	27
Citrus County School Board	2	0	2
Miami-Dade County School Board	21	27	48
DeSoto County School Board	0	1	1
Duval County School Board	3	1	4
Hernando County School Board	0	1	1
Hillsborough County School Board	6	3	9
Lee County School Board	2	1	3
Leon County School Board	1	1	2
Manatee County School Board	0	2	2
Marion County School Board	1	2	3
Martin County School Board	0	1	1
Nassau County School Board	2	0	2
Orange County School Board	3	6	9
Palm Beach County School Board	5	6	11
Section 504 cases	1	0	1
Pasco County School Board	2	2	4
Pinellas County School Board	4	2	6
Polk County School Board	0	1	1
St Johns County School Board	1	1	2
St Lucie County School Board	0	2	2
Seminole County School Board	4	6	10
Teacher Termination or Suspension	49	56	105
Agency Total	118	142	260
Department of Community Affairs			
Department of Community Affairs	17	26	43
Small Scale Comprehensive Plan Amendment	4	2	6
Agency Total	21	28	49
Department of Elder Affairs			
Department of Elder Affairs	5	0	5
Agency Total	5	0	5
Department of Environmental Protection			
Department of Environmental Protection	47	45	92
Agency Total	47	45	92
Department of Financial Services			
Department of Financial Services	6	1	7
Division of Insurance Agents and Agencies Services	18	32	50
Bureau of Unclaimed Property	0	2	2
Division of State Fire Marshal	7	2	9
Division of Funeral, Cemetery, and Consumer Services	3	3	6
Neurological Injury	31	20	51
Division of Workers' Compensation	70	70	140

Division of Administrative Hearings
ANALYSIS OF AGENCY REQUEST FOR
FISCAL YEAR 2009 - 2010

AGENCY	Jul-Dec	Jan-June	TOTAL
Agency Total	135	130	265
Department of Health			
Department of Health	1	4	5
Board of Acupuncture	0	1	1
Board of Chiropractic	1	1	2
Clinical Laboratory Personnel	0	1	1
Board of Dentistry	1	6	7
Drugs, Devices, and Cosmetics Program	3	2	5
Environmental Health	11	5	16
Bureau of Emergency Medical Services	0	1	1
Board of Hearing Aid Specialists	2	0	2
Board of Medicine	31	17	48
Board of Massage Therapy	2	1	3
Board of Nursing	10	10	20
Board of Orthotists and Prosthetists	0	1	1
Board of Opticianry	0	1	1
Board of Optometry	4	1	5
Board of Osteopathic Medicine	3	1	4
Board of Pharmacy	1	2	3
Board of Podiatric Medicine	0	1	1
Board of Respiratory Therapy	0	3	3
Agency Total	70	59	129
Department of Juvenile Justice			
Department of Juvenile Justice	7	13	20
Agency Total	7	13	20
Department of Legal Affairs			
Department of Legal Affairs	1	0	1
Agency Total	1	0	1
Department of Law Enforcement			
Criminal Justice Standards and Training Commission	31	26	57
Medical Examiners Commission	0	1	1
Agency Total	31	27	58
Department of Management Services			
Department of Management Services	0	1	1
Division of State Group Insurance	9	5	14
Division of Retirement	6	7	13
Agency Total	15	13	28
Department of Education			
Department of Education	1	5	6
Division of Blind Services	3	0	3
Commission for Independent Education	1	2	3
Confidential Vocational Rehabilitation Cases	0	2	2
Education Practices Commission	43	44	87
Vocational Rehabilitation Services	22	15	37
Agency Total	70	68	138
Department of Lottery			
Department of Lottery	1	0	1

Division of Administrative Hearings
ANALYSIS OF AGENCY REQUEST FOR
FISCAL YEAR 2009 - 2010

AGENCY	Jul-Dec	Jan-June	TOTAL
Agency Total	1	0	1
Department of State			
Department of State	1	0	1
Agency Total	1	0	1
Department of Transportation			
Department of Transportation	6	6	12
Agency Total	6	6	12
Department of Business and Professional Regulation			
Board of Architecture	5	4	9
Board of Auctioneers	0	1	1
Barber`s Board	0	1	1
Building Code Administrators and Inspectors	0	3	3
Bureau of Elevator Safety	0	1	1
Regulatory Council of Community Assoc. of Managers	0	11	11
Construction Industry Licensing Board	30	34	64
Board of Cosmetology	0	2	2
Division of Alcoholic Beverages and Tobacco	24	23	47
Division of Real Estate	39	48	87
Electrical Contractors	3	4	7
Florida Real Estate Commission	7	4	11
Division of Hotels and Restaurants	39	98	137
Board of Professional Surveyors and Mappers	2	0	2
Division of Land Sales, Condominiums, and Mobile H	4	0	4
Non-licensed Respondent	9	9	18
Board of Pilot Commissioners	1	1	2
Division of Pari-Mutuel Wagering	4	5	9
Board of Professional Engineers	3	9	12
Board of Talent Agencies	0	1	1
Board of Veterinary Medicine	2	5	7
Agency Total	172	264	436
Florida Housing Finance Corporation			
Florida Housing Finance Corporation	7	7	14
Agency Total	7	7	14
Fish and Wildlife Conservation Commission			
Fish and Wildlife Conservation Commission	0	1	1
Agency Total	0	1	1
Office of the Governor			
Office of the Governor	0	2	2
Florida Land and Water Adjudicatory Commission	0	3	3
Florida Land and Water Adjudicatory Commission, Co	0	1	1
Agency Total	0	6	6
Agency for Health Care Administration			
Agency for Health Care Administration	3	2	5
Audit Quality Control Services	27	0	27
Office of Certificate of Need	12	15	27
Bureau of Health Facility Regulation	6	8	14
Medicaid Cost Reimbursement	6	14	20
Medicaid Program Integrity	38	40	78

Division of Administrative Hearings
ANALYSIS OF AGENCY REQUEST FOR
FISCAL YEAR 2009 - 2010

AGENCY	Jul-Dec	Jan-June	TOTAL
Office of Licensure and Certification	89	107	196
Agency Total	181	186	367
Department of Highway Safety and Motor Vehicles			
Department of Highway Safety and Motor Vehicles	14	24	38
Section 320.642	33	13	46
Agency Total	47	37	84
Medical Arbitration			
Medical Arbitration	5	5	10
Agency Total	5	5	10
Office of Financial Regulation			
Office of Financial Regulation	13	6	19
Agency Total	13	6	19
Office of Insurance Regulation			
Office of Insurance Regulation	3	2	5
Agency Total	3	2	5
Original Sentencing Court			
Victims of Wrongful Incarceration Act	2	0	2
Agency Total	2	0	2
Department of Revenue			
Department of Revenue	32	19	51
Child Support Enforcement (payment, lien, levy)	1	0	1
Child Support Enforcement Program	1,198	1,257	2,455
Agency Total	1,231	1,276	2,507
Self-contained Agencies			
Self-contained Agencies	0	1	1
Pinellas County Construction Licensing Board	0	5	5
Agency Total	0	6	6
Universities and Colleges			
Florida A & M University	1	2	3
Agency Total	1	2	3
Water Management Districts			
Northwest Florida Water Management District	0	4	4
Peace River Manasota Regional Water Supply Authori	0	1	1
South Florida Water Management District	7	8	15
St. Johns River Water Management District	2	4	6
Suwannee River Water Management District	1	0	1
Southwest Florida Water Management District	2	0	2
Agency Total	12	17	29
NON BAKER ACT TOTAL	2,634	6,811	9,445

Division of Administrative Hearings
ANALYSIS OF AGENCY REQUEST FOR
FISCAL YEAR 2009 - 2010

AGENCY	Jul-Dec	Jan-June	TOTAL
Baker Acts			
Department of Veterans Affairs	4	0	4
Florida State Hospital	201	200	401
Geo Group, Inc.	4	1	5
Lake Correctional Institution	13	16	29
Lakeside Behavioral Healthcare	1	0	1
Northeast Florida State Hospital	420	427	847
Peace River Center	6	7	13
Personal Enrichment Mental Health Services	0	1	1
Shands at the University of Florida	0	1	1
Shands at Vista	0	1	1
South Florida State Hospital	255	259	514
West Florida Community Care Center	28	28	56
Baker Act Total	932	941	1,873

SUMMARY
 Division of Administrative Hearings
 Actual, Estimated and Requested Expenditures

Adjudication of Disputes

<u>Appropriation Category</u>	Actual Expenditures <u>FY 2009-10</u>	Estimated Expenditures <u>FY 2010-11</u>	Requested Expenditures <u>FY 2011-12</u>
Salaries and Benefits	\$7,037,428	\$7,153,807	\$7,165,001
Other Personal Services	1,830	30,091	30,091
Expenses	1,179,493	1,114,740	1,114,740
Operating Capital Outlay	64,826	65,000	65,000
Special Categories			
Contracted Services	166,363	191,723	191,723
Risk Mgmt. Ins.	57,040	38,962	38,962
TR/DMS/HR SVCS	27,190	27,482	27,482
Total Program Budget	<u>\$8,534,170</u>	<u>\$8,621,805</u>	<u>\$8,632,999</u>
Total Program Positions	68	68	68

Workers' Compensation Appeals

<u>Appropriation Category</u>	Actual Expenditures <u>FY 2009-10</u>	Estimated Expenditures <u>FY 2010-11</u>	Requested Expenditures <u>FY 2011-12</u>
Salaries and Benefits	\$13,803,216	\$13,702,630	\$13,896,533
Other Personal Services	22,452	33,725	33,725
Expenses	3,038,858	3,116,799	2,961,118
Operating Capital Outlay	28,631	25,916	25,916
Special Categories			
Contracted Services	997,905	1,114,049	1,114,049
Contracted Legal Svcs.	40	1,279	1,279
Risk Mgmt. Ins.	109,588	80,743	80,743
Tenant Broker Comm.	81,766	0	0
TR/DMS/HR SVCS	79,216	80,066	80,066
Total Program Budget	<u>\$18,161,672</u>	<u>\$18,155,207</u>	<u>\$18,193,429</u>
Total Program Positions	198	198	198

TOTAL DIVISION BUDGET	<u>\$26,695,842</u>	<u>\$26,777,012</u>	<u>\$26,826,428</u>
TOTAL DIVISION POSITIONS	266	266	266