

STATE OF FLORIDA

DIVISION OF ADMINISTRATIVE HEARINGS



February 1, 2012

THIRTY-EIGHTH ANNUAL REPORT

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DIVISION OF ADMINISTRATIVE HEARINGS
THIRTY-EIGHTH ANNUAL REPORT

INTRODUCTION

This report is submitted to the Joint Administrative Procedures Committee and to the Administration Commission in compliance with the requirements of section 120.65(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 440, Florida Statutes. Section 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 October 13, 2011. Accordingly, the present report will focus primarily on the Adjudication of Disputes program. However, because

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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 97 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 Economic Opportunity (combining the utilization of the former Agency for Workforce Innovation and Department of Community Affairs), the Department of Business and Professional Regulation, the Department of Health, the Department of Children and Families, the Department of Education, the Department of Financial Services, the Agency for Persons with Disabilities, and the Department of Law Enforcement. Additionally, entities such as water management districts, cities, counties, school districts, and other educational entities, are significant users of the Division's services and are reported separately since they are covered by contractual agreements.

During FY 2010-2011, state agencies and other governmental entities referred 6,476 requests for assignment of an administrative law judge compared to 11,318 requests filed the previous year. Although there is a decrease in cases referred, this is attributed to the large volume of cases referred to the Division in FY 2009-2010 from the Agency for Persons with Disabilities. Law enacted by the 2010 Legislature granted jurisdiction to the Department of Children and Families to hear these matters. Requests for assignment of Administrative Law Judges from the following six agencies constitute nine percent of our fiscal year caseload: the

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Department of Community Affairs (59 cases, a 20 percent increase over the 49 cases filed in FY 2009-2010), the Department of Health (167 cases, a 29 percent increase over the 129 cases filed in FY 2009-2010), the Department of Elder Affairs (12 cases, an increase of 140 percent over the 5 cases filed in FY 2009-2010), the Department of Transportation (16 cases, an increase of 33 percent over the 12 cases filed in FY 2009-2010), the Office of the Governor (9 cases, an increase of 50 percent over the 6 cases filed in FY 2009-2010), and the County School Boards (302 cases, an increase of 16 percent over the 260 cases filed in FY 2009-2010).

UTILIZATION OF PERSONNEL

As of June 30, 2011, 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

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Administrative Assistants, one Staff Assistant, 31 Administrative Secretaries, ten Secretary Specialists, 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. The Legislature, in 2011 made personnel cuts to the Division. As of July 1, 2011, the Adjudication of Disputes program had been reduced to 67 established positions with the elimination of one judge. The Workers' Compensation Appeals Program was reduced to 182 established positions. In an extremely high-volume area of the law and in recognition of the economic downturn, the program constantly seeks ways to combine staff positions and responsibilities in the interest of cost savings.

HEARING REQUESTS

During FY 2010-11, the Division processed 6,476 hearing requests compared to 11,318 cases filed the previous fiscal year. Of the total cases filed, 1,770 were Baker Act cases. The remaining 4,706 cases were primarily filed pursuant to sections 120.56, 120.569, and 120.57(1), Florida Statutes. Most notable were the referrals from the Department of Elder Affairs, which increased its referrals by 140 percent with 12 cases filed this fiscal year compared to five cases previously reported. Other cases filed are itemized by agency in the attached Appendix 2.

In FY 2010-11, each Administrative Law Judge conducted an average of 160 hearings and wrote an average of 76 Recommended or Final Orders of varying length and complexity. In addition, each Judge closed an average of 167 cases, which were settled or otherwise dismissed without a final hearing. It is important to note that approximately 4,000 of the cases referred

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from the Agency for Persons with Disabilities were either dismissed for mootness or dismissed and transferred to the Department of Children and Families, which was granted jurisdiction to hear these matters by a change in the law enacted by the 2010 Legislature. 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 2011, the Division continued its implementation of the electronic-filing applications. Effective July 1, 2011, under chapter 2011-208, section 7, Laws of Florida, electronic filing became mandatory for all parties, except those representing themselves in administrative law or workers' compensation cases. For the OJCC, 463,208 documents were electronically filed by practitioners. For the Adjudication of Disputes, 32,701 documents were electronically filed. 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 voluntary electronic filing by self-represented litigants. All pleadings received by the Division in paper form from attorneys required to file electronically have generated a reminder of the fact that

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electronic filing became mandatory July 1. Compliance by attorneys who receive such a notice one time has been better than 90 percent making the reminder a fair way to implement the new filing requirement. Overall compliance with mandatory electronic filing has been excellent since most attorneys had taken advantage of the ability to file online prior to being required. 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.

Under new provisions of section 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 Families, Department of Environmental Protection, Department of Education, Department of Business and Professional Regulation, and Department of Highway Safety and Motor Vehicles. We expect additional agencies will enroll in this no cost program in the coming year.

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 2010-11, FY 2011-12, and FY 2012-13, 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

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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 September 2011, the Division submitted its twenty-fifth "Hearing Hours Held" report (see Appendix 1). In FY 2010-11, 5,182 hearing hours were held. (Appendix 1 excludes Baker Act hearing hours, which totaled 222 in FY 2010-11.)

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 first executed a contract with the Florida Legislature in late 2006 which has subsequently been renewed each year, and the Division's judges hear all Florida Senate claim bills that require a hearing before a Special Master. Contract organizations reimburse the Division for the costs of its services at a rate that is based on a total-cost-recovery methodology. The current contract rate is \$146 an hour, a most reasonable rate for adjudicatory services by experienced lawyer-judges.

The Division has continued to implement the Office of Program Policy Analysis and Government Accountability's (OPPAGA'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

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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 2012-13 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 section 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 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,

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section 120.65 was amended to require the Division's report to include information regarding each agency's compliance with the filing requirement in section 120.57(1)(m), 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 imposition of a 3.5 percent penalty on those required to file electronically who fail to do so. Another extends the time for filing a notice of intent to protest the terms, specifications, or conditions in procurement cases from 72 hours to seven days. Yet another would require the payment of a \$200 filing fee by persons claiming employment discrimination through the Florida Commission on Human Relations. The intent behind this legislation is to dissuade persons from filing frivolous actions which increase the cost of litigation on businesses since many petitions are filed merely because there is no cost associated with initiating suit. It is expected the passage of this bill would result in a decrease of as many as 25 percent of the discrimination cases that are filed with the Division. Other bills have been filed which would require agencies to use their rulemaking authority or see it removed after the passage of time. The Division is following all of these pieces of legislation and will implement any changes to the law mandated by the Florida Legislature. 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.

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 continue

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to be called upon to support their decisions before the appropriate Senate committees and, when requested, on the Senate floor. Many high profile claim bills have been heard by the Division's judges serving as Special Masters and positive feedback has been given to the Division by Senate leadership. The Division has taken on these new matters without the addition of new judges or support staff. In fact, as previously mentioned, the Division has lost two administrative law judge positions in the past three years, but has not experienced any reduction in the timeliness of hearings conducted and orders issued. With additional budget cuts expected to occur in the 2012 Legislative Session, however, a loss of additional judges could result in slightly longer times to the hearing and ultimate resolution of matters brought before the Division.

As noted above, the Division has experienced immense growth in the use of filing of pleadings, orders, and other documents by electronic means since mandatory electronic filing has become the law. Under this system, registered users of the electronic filing program 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. Since the system is now mandatory, not only has the Division saved costs, but the users of the system will realize great savings in time, effort, and the cost of materials and staff. Moreover, electronic filing has allowed all filed pleadings to be made available immediately on the Division's website for use by the public, thereby adding to the transparency of the work performed by the Division. Realizing that not everyone has access to a computer, the legislation carved out an exception to the requirement of electronic filing for those

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unable to gain reasonable access to a computer for filing documents. Many self-represented litigants have chosen to use the electronic filing system, even though not required to by law.

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 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. As the Division has absorbed annual budget cuts, this capability has resulted in significant savings in costs and time, since the judges assigned to cases outside of Tallahassee are able to conduct many hearings via video, allowing them to maximize their office time to more timely issue the highly detailed orders that are required in administrative hearings. The

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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 perhaps even a witness to appear in Orlando, rather than having everyone travel to one location. The Workers' Compensation Appeals program has further utilized video teleconferencing to allow judges in districts that have experienced a downturn in the number of cases filed to alleviate some of the backlog in those districts still experiencing high volume. The use of video teleconferencing saves the cost of these judges traveling across the state and still provides a high-quality means of hearing the cases in a timely fashion.

In addition to the use of video teleconferencing for hearings, video teleconferencing has become an invaluable training tool, allowing us to connect multiple cities to our trainers in Tallahassee, rather than sending people on the road to perform in-service training.

Pursuant to the requirement contained in section 120.65(10)(d), Florida Statutes, many agencies have improved the timeliness of filing their final orders with the Division. In this past fiscal year, 11 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 Care Administration, Agency for Persons with Disabilities, Department of Agriculture and Consumer Services, Department of Elder Affairs, Department of Environmental Protection, Department of Financial Services, Department of Health, Department of Juvenile Justice, Office of the Governor, Department of Revenue, and Department of Transportation). Overall, of the agency final orders filed with the Division between July 1, 2010, and June 30, 2011, 66 percent were

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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 section 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. Nine agencies, Agency for Persons with Disabilities, Department of Agriculture and Consumer Services, Department of Business and Professional Regulation, Department of Children and Families, Department of Community Affairs, Department of Economic Opportunity, Department of Education, Department of Environmental Protection, and Department of Highway Safety and Motor Vehicles 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 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

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all matters before it, as well as to improve access to the public for research, order preparation, and 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 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/lds

HEARING HOURS HELD REPORT
FY 2010-2011
For the Period 07/01/10 through 6/30/2011

AGENCY	PREHEARING CONFERENCE	MOTION HEARING	FINAL HEARING	TOTAL HOURS	% OF TOTAL HOURS	PRORATED AMOUNT OF FY 2012-13 LBR
AHCA	5.00	21.00	303.00	329.00	7.62943%	\$537,837
AGR	0.25	0.25	8.00	8.50	0.19711%	\$13,895
APD	1.75	5.00	56.50	63.25	1.46675%	\$103,399
DBPR	2.75	15.00	243.75	261.50	6.06412%	\$427,490
DCF	4.00	7.25	191.00	202.25	4.69013%	\$330,631
DEO	1.00	5.00	258.25	264.25	6.12789%	\$431,986
CIT	0.00	0.00	0.00	0.00	0.00000%	\$0
COR	0.00	0.00	1.00	1.00	0.02319%	\$1,635
DOE	0.50	6.25	173.25	180.00	4.17416%	\$294,257
ELDER	0.00	0.50	9.25	9.75	0.22610%	\$15,939
DEP	8.00	11.00	350.25	369.25	8.56282%	\$603,636
ETH	0.00	1.00	32.50	33.50	0.77686%	\$54,765
FEC	0.00	0.25	5.25	5.50	0.12754%	\$8,991
FWCC	0.00	0.00	0.00	0.00	0.00000%	\$0
GOV	0.00	0.00	24.50	24.50	0.56815%	\$40,052
DMA	0.00	0.00	0.00	0.00	0.00000%	\$0
DOH	4.00	10.75	242.75	257.50	5.97136%	\$420,951
HSM	1.50	5.00	5.50	12.00	0.27828%	\$19,617
DFS	3.50	8.50	89.25	101.25	2.34796%	\$165,520
JUV	0.00	0.50	14.75	15.25	0.35364%	\$24,930
DLE	0.25	0.75	47.00	48.00	1.11311%	\$78,469
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	12.00	19.50	548.75	580.25	13.45585%	\$948,569
PSC	0.00	0.00	0.00	0.00	0.00000%	\$0
REV	1.25	5.25	1520.25	1526.75	35.40495%	\$2,495,873
DOS	0.25	0.00	0.00	0.25	0.00580%	\$409
DOT	0.00	0.25	18.50	18.75	0.43481%	\$30,652
VET	0.00	0.00	0.00	0.00	0.00000%	\$0
TOTAL:	46.00	123.00	4143.25	4312.25	100.00000%	\$7,049,503

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 2012-13 Legislative Budget Request totaling \$8,187,627 was adjusted to reflect estimated revenue of \$577,943 from contract entities, payment of \$595,378 from the Workers' Compensation Appeals Program for general management and administrative services costs, estimated revenue of \$68,828 from cases filed pursuant to Chapter 403, Florida Statutes, and the estimated nonoperating cost of \$104,025 for state agency video teleconferencing hearings.

6/30/2011

Appendix 1

HEARING HOURS HELD BY CONTRACT/EDUCATIONAL/OTHER AGENCIES
 FY 2010-2011
 For the Period 07/01/10 through 6/30/11

AGENCY	PREHEARING CONFERENCE	MOTION HEARING	FINAL HEARING	TOTAL HOURS	% OF HOURS ALL AGENCIES
CONTRACT	4.50	8.00	150.00	162.50	3.13601%
EPP	0.00	0.00	30.00	30.00	0.57895%
TL	0.00	0.00	0.00	0.00	0.00000%
MA	1.25	0.50	19.50	21.25	0.41009%
NICA	11.00	10.00	16.25	37.25	0.71887%
OTHER	0.00	0.00	0.00	0.00	0.00000%
SENATE CLAIM	1.75	0.00	48.25	50.00	0.96492%
SCHBDS	35.00	30.00	503.50	568.50	10.97120%
TOTAL:	53.50	48.50	767.50	869.50	16.78005%

CONTRACT: Water Management Districts, Regional Planning Councils, Cities, Counties, etc., as specified in § 120.65(11), Fla. Stat.

EPP: Cases filed by DEP, pursuant to Ch. 403, Fla. Stat.

TL: Transmission line siting cases filed by DEP, pursuant to Ch. 403, Fla. Stat.

MA: Medical Arbitration

NICA: Florida Birth-Related Neurological Injury Compensation Association

OTHER: Noncontract entities such as Victims of Wrongful Incarceration Compensation Act

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

SCHBDS: School boards and other educational entities specified in § 120.65(11), Fla. Stat.

Division of Administrative Hearings
ANALYSIS OF AGENCY REQUEST FOR
FISCAL YEAR 2010 - 2011

AGENCY	Jul-Dec	Jan-June	TOTAL
Department of Agriculture and Consumer Services			
Department of Agriculture and Consumer Services	0	10	10
Bureau of License and Bond	8	3	11
Office of Citrus License and Bond	1	0	1
Division of Consumer Services	1	1	2
Division of Food and Safety	2	0	2
Bureau of Entomology and Pest Control	1	0	1
Division of Licensing	1	0	1
Agency Total	14	14	28
Agency for Persons with Disabilities			
Agency for Persons with Disabilities	14	33	47
Cost Plan Review	1	0	1
Tier Waiver System	2	0	2
Agency Total	17	33	50
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	2	2	4
Exemption Ch. 435, position of special trust	33	29	62
Family Safety and Preservation Programs	43	45	88
Office of Licensure and Certification	1	4	5
Non-Baker Act Total	79	80	159
Contract Hearings			
Claim Bill (Senate)	31	9	40
City of Clearwater	0	1	1
Code Enforcement	0	1	1
City of Tallahassee	2	0	2
Emerald Coast Utilities Authority	4	1	5
Monroe County	0	1	1
Northwest Florida State College	0	1	1
Pinellas County	3	3	6
Tampa Bay Regional Planning Council	0	1	1
Tampa Bay Water, a Regional Water Supply Authority	0	1	1
Agency Total	40	19	59
Commissions			
Florida Commission on Ethics	6	3	9
Florida Commission on Human Relations	94	49	143
FCHR, Fair Housing Act	23	16	39
Florida Elections Commission	7	6	13
Hillsborough County Public Transportation Commissi	1	0	1
Agency Total	131	74	205
Department of Corrections			
Department of Corrections	1	1	2
Agency Total	1	1	2
County School Boards			
Bay County School Board	0	1	1

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ANALYSIS OF AGENCY REQUEST FOR
FISCAL YEAR 2010 - 2011

AGENCY	Jul-Dec	Jan-June	TOTAL
Brevard County School Board	2	3	5
Broward County School Board	21	30	51
Columbia County School Board	0	1	1
Miami-Dade County School Board	26	37	63
Duval County School Board	1	8	9
Escambia County School Board	3	2	5
Flagler County School Board	3	0	3
Gulf County School Board	1	0	1
Hamilton County School Board	1	0	1
Hardee County School Board	0	1	1
Hernando County School Board	0	1	1
Hillsborough County School Board	4	5	9
Jackson County School Board	1	0	1
Jefferson County School Board	0	1	1
Lake County School Board	2	5	7
Lee County School Board	6	9	15
Leon County School Board	0	1	1
Manatee County School Board	6	1	7
Marion County School Board	2	0	2
Monroe County School Board	0	2	2
Okaloosa County School Board	1	0	1
Orange County School Board	11	12	23
Osceola County School Board	0	3	3
Palm Beach County School Board	8	13	21
Section 504 cases	1	2	3
Pasco County School Board	2	3	5
Pinellas County School Board	4	4	8
Polk County School Board	1	3	4
St Johns County School Board	3	6	9
St Lucie County School Board	3	2	5
Sarasota County School Board	3	3	6
Seminole County School Board	6	11	17
Volusia County School Board	3	2	5
Walton County School Board	0	1	1
School for the Deaf and Blind	2	0	2
Teacher Termination or Suspension (Obsolete as of 0	1	1	2
Agency Total	128	174	302
Department of Community Affairs			
Department of Community Affairs	41	10	51
Division of Community Planning	4	2	6
Small Scale Comprehensive Plan Amendment	2	0	2
Agency Total	47	12	59
Department of Elder Affairs			
Department of Elder Affairs	0	12	12
Agency Total	0	12	12
Department of Environmental Protection			
Department of Environmental Protection	36	25	61
Agency Total	36	25	61
Department of Financial Services			
Department of Financial Services	0	1	1
Division of Insurance Agents and Agencies Services	16	31	47

Division of Administrative Hearings

ANALYSIS OF AGENCY REQUEST FOR
FISCAL YEAR 2010 - 2011

AGENCY	Jul-Dec	Jan-June	TOTAL
Bureau of Unclaimed Property	2	1	3
Division of State Fire Marshal	3	1	4
Division of Funeral, Cemetery, and Consumer Servic	9	8	17
Financial Services Commission	1	0	1
Neurological Injury	18	22	40
Division of Workers` Compensation	65	56	121
Agency Total	114	120	234
Department of Health			
Department of Health	6	21	27
Bureau of Testing Services	1	1	2
Board of Chiropractic	1	4	5
Clinical Laboratory Personnel	0	1	1
Board of Clinical Social Work, Marriage and Family	2	1	3
Board of Dentistry	3	11	14
Drugs, Devices, and Cosmetics Program	3	17	20
Environmental Health	7	7	14
Bureau of Emergency Medical Services	0	1	1
Board of Medicine	20	26	46
Board of Massage Therapy	3	3	6
Council of Licensed Midwifery	1	0	1
Board of Nursing	6	2	8
Board of Orthotists and Prosthetists	1	1	2
Board of Pharmacy	11	1	12
Board of Psychology	0	1	1
Board of Physical Therapy Practice	1	3	4
Agency Total	66	101	167
Department of Juvenile Justice			
Department of Juvenile Justice	3	9	12
Agency Total	3	9	12
Department of Law Enforcement			
Criminal Justice Standards and Training Commission	28	24	52
Agency Total	28	24	52
Department of Management Services			
Division of State Group Insurance	2	7	9
Division of Retirement	7	5	12
Agency Total	9	12	21
Department of Education			
Department of Education	0	2	2
Confidential Vocational Rehabilitation Cases	2	10	12
Education Practices Commission	43	61	104
Vocational Rehabilitation Services	10	5	15
Agency Total	55	78	133
Department of State			
Division of Historical Resources	1	0	1
Agency Total	1	0	1
Department of Transportation			
Department of Transportation	10	6	16

Division of Administrative Hearings
ANALYSIS OF AGENCY REQUEST FOR
FISCAL YEAR 2010 - 2011

AGENCY	Jul-Dec	Jan-June	TOTAL
Agency Total	10	6	16
Department of Business and Professional Regulation			
Department of Business and Professional Regulation	0	1	1
Board of Architecture	6	2	8
Board of Auctioneers	0	2	2
Barber`s Board	1	0	1
Building Code Administrators and Inspectors	4	2	6
Regulatory Council of Community Assoc. of Managers	9	7	16
Construction Industry Licensing Board	28	27	55
Division of Alcoholic Beverages and Tobacco	16	18	34
Division of Real Estate	28	20	48
Electrical Contractors	5	1	6
Florida Real Estate Appraisal Board	2	0	2
Florida Real Estate Commission	3	1	4
Division of Hotels and Restaurants	63	58	121
Division of Land Sales, Condominiums, and Mobile H	4	2	6
Non-licensed Respondent	19	10	29
Division of Pari-Mutuel Wagering	2	8	10
Board of Professional Engineers	2	5	7
Board of Talent Agencies	0	1	1
Board of Veterinary Medicine	5	5	10
Agency Total	197	170	367
Florida Housing Finance Corporation			
Florida Housing Finance Corporation	2	0	2
Agency Total	2	0	2
Fish and Wildlife Conservation Commission			
Fish and Wildlife Conservation Commission	0	1	1
Agency Total	0	1	1
Office of the Governor			
Florida Land and Water Adjudicatory Commission	5	1	6
Florida Land and Water Adjudicatory Commission, Co	2	1	3
Agency Total	7	2	9
Agency for Health Care Administration			
Agency for Health Care Administration	1	18	19
Audit Quality Control Services	0	3	3
Office of Certificate of Need	17	7	24
Bureau of Health Facility Regulation	4	44	48
Medicaid Cost Reimbursement	2	2	4
Medicaid Program Integrity	25	36	61
Office of Licensure and Certification	70	38	108
Agency Total	119	148	267
Department of Highway Safety and Motor Vehicles			
Department of Highway Safety and Motor Vehicles	14	9	23
Section 320.642	18	14	32
Agency Total	32	23	55
Medical Arbitration			
Medical Arbitration	6	5	11

Division of Administrative Hearings
ANALYSIS OF AGENCY REQUEST FOR
FISCAL YEAR 2010 - 2011

AGENCY	Jul-Dec	Jan-June	TOTAL
Agency Total	6	5	11
Office of Financial Regulation			
Office of Financial Regulation	7	4	11
Agency Total	7	4	11
Office of Insurance Regulation			
Office of Insurance Regulation	2	2	4
Agency Total	2	2	4
Original Sentencing Court			
Victims of Wrongful Incarceration Act	0	1	1
Agency Total	0	1	1
Department of Revenue			
Department of Revenue	21	35	56
Child Support Enforcement Program	1,141	1,181	2,322
Agency Total	1,162	1,216	2,378
State Board of Administration			
State Board of Administration	1	2	3
Agency Total	1	2	3
Universities and Colleges			
Florida A & M University	2	0	2
Florida Gulf Coast University	0	1	1
University of Central Florida	0	1	1
Agency Total	2	2	4
Water Management Districts			
Northwest Florida Water Management District	1	0	1
South Florida Water Management District	5	0	5
St. Johns River Water Management District	4	1	5
Suwannee River Water Management District	2	0	2
Southwest Florida Water Management District	5	1	6
Agency Total	17	2	19
NON BAKER ACT TOTAL	2,334	2,372	4,706
Baker Acts			
Department of Veterans Affairs	7	2	9
Florida State Hospital	184	166	350
Geo Group, Inc.	2	2	4
Lake Correctional Institution	9	15	24
Meridian Behavioral Healthcare, Inc.	1	0	1
Northeast Florida State Hospital	366	391	757
Northside Mental Health Center	0	1	1
Peace River Center	5	8	13
Personal Enrichment Mental Health Services	1	1	2
Shands at the University of Florida	0	1	1
Shands at Vista	1	2	3
South Florida State Hospital	282	259	541
West Florida Community Care Center	35	29	64
Baker Act Total	893	877	1,770

SUMMARY
 Division of Administrative Hearings
 Actual, Estimated and Requested Expenditures

Adjudication of Disputes

	Actual Expenditures <u>FY 2010-11</u>	Estimated Expenditures <u>FY 2011-12</u>	Requested Expenditures <u>FY 2012-13</u>
<u>Appropriation Category</u>			
Salaries and Benefits	\$6,885,982	\$6,733,106	\$6,714,830
Other Personal Services	8,182	20,091	20,091
Expenses	1,135,881	1,092,936	1,058,610
Operating Capital Outlay	64,981	65,000	63,929
Special Categories			
Contracted Services	188,660	188,914	187,898
Risk Mgmt. Ins.	38,962	67,092	67,092
Lease/Purch/Equip	0	0	31,500
TR/DMS/HR SVCS	24,235	21,652	21,652
Data Processing Svcs	0	0	<u>22,025</u>
Total Program Budget	<u>\$8,346,883</u>	<u>\$8,188,791</u>	<u>\$8,187,627</u>
Total Program Positions	68	67	67

Workers' Compensation Appeals

	Actual Expenditures <u>FY 2010-11</u>	Estimated Expenditures <u>FY 2011-12</u>	Requested Expenditures <u>FY 2012-13</u>
<u>Appropriation Category</u>			
Salaries and Benefits	\$13,732,211	\$12,681,350	\$12,681,350
Other Personal Services	29,284	17,836	17,836
Expenses	3,027,177	2,879,733	2,748,792
Operating Capital Outlay	72,205	25,916	24,844
Special Categories			
Contracted Services	1,023,646	994,049	993,033
Contracted Legal Svcs.	0	1,279	1,279
Risk Mgmt. Ins.	80,743	85,363	85,363
Lease/Purchase/Equip	0	0	123,000
TR/DMS/HR SVCS	70,605	63,079	63,079
Data Processing Svcs	0	0	<u>9,525</u>
Total Program Budget	<u>\$18,035,871</u>	<u>\$16,748,605</u>	<u>\$16,748,101</u>
Total Program Positions	198	182	182

TOTAL DIVISION BUDGET	<u>\$26,382,754</u>	<u>\$24,937,396</u>	<u>\$24,935,728</u>
TOTAL DIVISION POSITIONS	266	249	249