

STATE OF FLORIDA

DIVISION OF ADMINISTRATIVE HEARINGS



February 1, 2013

THIRTY-NINTH ANNUAL REPORT

Table of Contents

INTRODUCTION	2
GENERAL.....	2
UTILIZATION RATES	3
UTILIZATION OF PERSONNEL.....	4
HEARING REQUESTS.....	5
INFORMATION TECHNOLOGY.....	6
OPERATING BUDGET.....	7
RECOMMENDATIONS CONCERNING THE A.P.A.	9
CONCLUSION.....	13
APPENDIX 1.....	15
APPENDIX 2.....	17
APPENDIX 3.....	23

DIVISION OF ADMINISTRATIVE HEARINGS
THIRTY-NINTH 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 November 13, 2012. Accordingly, the present report will focus primarily on the Adjudication of Disputes program. However, because

D I V I S I O N O F A D M I N I S T R A T I V E H E A R I N G S
T H I R T Y - N I N T H A N N U A L R E P O R T

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 94 percent of the Division's docket: the Department of Revenue, the Department of Management Services, the Department of Children and Families, the Agency for Health Care Administration, the Department of Education, the Department of Business and Professional Regulation, the Department of Financial Services, the Department of Environmental Protection, the Department of Health, the Department of Highway Safety and Motor Vehicles, the Department of Economic Opportunity, and the Agency for Persons with Disabilities. 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 2011-2012, state agencies and other governmental entities referred 5,428 requests for assignment of an administrative law judge compared to 6,476 requests filed the previous year. Although there was a moderate decrease in the number of cases filed, most of the decrease occurred in the latter half of the last fiscal year. The Division is currently experiencing an upward trend and anticipates the cases returning to a more normal volume by the end of the current fiscal year. This is explained in part by the implementation of a new system by the Department of Revenue, Child Support Enforcement, which is expected to generate more referrals beginning in March 2013. Once the new system is fully implemented by the Department of Revenue, the number of cases referred is expected to reach the high level of

**DIVISION OF ADMINISTRATIVE HEARINGS
THIRTY-NINTH ANNUAL REPORT**

previous years. Requests for assignment of Administrative Law Judges from the following seven agencies constitute 8 percent of our fiscal year caseload: the Department of Corrections (11 cases, a 450 percent increase over the 2 cases filed in FY 2010-2011), the Florida Housing Finance Corporation (13 cases, a 550 percent increase over the 2 cases filed in FY 2010-2011), the Florida Fish and Wildlife Conservation Commission (6 cases, an increase of 500 percent over the 1 case filed in FY 2010-2011), the Agency for Health Care Administration (340 cases, an increase of 27 percent over the 267 cases filed in FY 2010-2011), the Office of Financial Regulation (20 cases, an increase of 82 percent over the 11 cases filed in FY 2010-2011), the Office of Insurance Regulation (5 cases, an increase of 25 percent over the 4 cases filed in FY 2010-2011), and the Water Management Districts (25 cases, an increase of 32 percent over the 19 cases filed in FY 2010-2011).

UTILIZATION OF PERSONNEL

As of June 30, 2012, the Adjudication of Disputes program had 67 established positions consisting of the Director and Chief Judge, the Deputy Chief Judge, 32 Administrative Law Judges, seven Administrative Secretaries, seven Administrative Assistants, one Budget Officer, one Executive Assistant, two 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.

**DIVISION OF ADMINISTRATIVE HEARINGS
THIRTY-NINTH ANNUAL REPORT**

The Workers' Compensation Appeals program had 182 established positions consisting of 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, five Commission Deputy Clerks, four Administrative Assistants, 31 Administrative Secretaries, one Secretary Specialists, one Senior Management Analyst, two Accountants, one Court Reporter, one Distributed Computer Systems Administrator, one Distributed Computer Systems Analyst, one Distributed Computer Systems Specialist, and one Senior Attorney. The Legislature, in 2012 made additional personnel cuts to the Division. As of July 1, 2012, the Adjudication of Disputes program had been reduced to 65 established positions with the elimination of one judge and one support position. The Workers' Compensation Appeals Program was reduced to 177 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 2011-12, the Division processed 5,428 hearing requests compared to 6,476 cases filed the previous fiscal year. Of the total cases filed, 1,729 were Baker Act cases. The remaining 3,699 cases were primarily filed pursuant to sections 120.56, 120.569, and 120.57(1), Florida Statutes. Most notable were the referrals from the Florida Housing Finance Corporation, which increased its referrals by 550 percent with 13 cases filed this fiscal year compared to two cases previously reported. Other cases filed are itemized by agency in the attached Appendix 2.

In FY 2011-12, each Administrative Law Judge conducted an average of 143 hearings and wrote an average of 64 Recommended or Final Orders of varying length and complexity. In

D I V I S I O N O F A D M I N I S T R A T I V E H E A R I N G S
T H I R T Y - N I N T H A N N U A L R E P O R T

addition, each Judge closed an average of 57 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 2012, 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. In 2012, for the OJCC, 479,832 documents were electronically filed by practitioners. For the Adjudication of Disputes, 31,744 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. 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 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, Department of Children and Families, Department of Economic

D I V I S I O N O F A D M I N I S T R A T I V E H E A R I N G S
T H I R T Y - N I N T H A N N U A L R E P O R T

Opportunity, Department of Environmental Protection, Department of Education, Department of Business and Professional Regulation, Department of Highway Safety and Motor Vehicles, Department of Health, and the Office of the Governor. 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 2011-12, FY 2012-13, and FY 2013-14, 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 2012, the Division submitted its twenty-sixth "Hearing Hours Held" report (see Appendix 1). In FY 2011-12, 4,704 hearing hours were held. (Appendix 1 excludes Baker Act hearing hours, which totaled 245 in FY 2011-12.)

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

D I V I S I O N O F A D M I N I S T R A T I V E H E A R I N G S
T H I R T Y - N I N T H A N N U A L R E P O R T

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 \$141 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 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 \$1.17 million in the Division's FY 2013-14 Legislative Budget Request. In the coming year, the Director and other members of the Division's staff will continue their efforts to solicit new contractual business from local government entities to further offset the cost of supporting the Division that is borne by our state agencies.

The Workers' Compensation Appeals program is supported by cash transfers from the Workers' Compensation Administration Trust Fund that is administered by the Department of Financial Services. This trust fund is funded through a workers' compensation premium tax assessment which supports the entire workers' compensation program, not only the appeals program administered by the Division.

D I V I S I O N O F A D M I N I S T R A T I V E H E A R I N G S
T H I R T Y - N I N T H A N N U A L R E P O R T

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, 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, a bill has been filed in the House of Representatives which 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. Another bill has been filed which provides that a challenge to a consolidated environmental resource permit or an associated variance or a sovereign submerged lands authorization proposed or issued by DEP in connection with the state's deepwater ports listed in section 403.021(9) shall be conducted pursuant to the summary hearing provisions of section 120.574. 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 has been authorized to 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.

D I V I S I O N O F A D M I N I S T R A T I V E H E A R I N G S
T H I R T Y - N I N T H A N N U A L R E P O R T

The Division is expected to continue to perform Special Master duties under contract with the Florida Senate, and, when these matters are referred to the Division, the Administrative Law Judges assigned to hear legislative claim bills will continue 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 four 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 2013 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

D I V I S I O N O F A D M I N I S T R A T I V E H E A R I N G S
T H I R T Y - N I N T H A N N U A L R E P O R T

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, only three 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 video-teleconferencing technology has developed to the point where many attorneys prefer its

D I V I S I O N O F A D M I N I S T R A T I V E H E A R I N G S
T H I R T Y - N I N T H A N N U A L R E P O R T

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, 12 of the 19 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, Agency for Workforce Innovation, Department of Business and Professional Regulation, Department of Community Affairs, Department of Corrections, Department of Environmental Protection, Department of Financial Services, Department of Highway Safety and Motor Vehicles, Department of Management Services, Department of Revenue, and Department of Transportation). However, it is important to note that effective in October 2011, the Agency for Workforce Innovation and the Department of Community Affairs became part of a newly created agency, the Department of Economic

D I V I S I O N O F A D M I N I S T R A T I V E H E A R I N G S
T H I R T Y - N I N T H A N N U A L R E P O R T

Opportunity. Overall, of the agency final orders filed with the Division between July 1, 2011, and June 30, 2012, 63 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 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 (Department of Agriculture and Consumer Services, Department of Children and Families, Department of Economic Opportunity, Department of Environmental Protection, Department of Education, Department of Business and Professional Regulation, Department of Highway Safety and Motor Vehicles, Department of Health, and the Executive Office of the Governor) 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. 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

D I V I S I O N O F A D M I N I S T R A T I V E H E A R I N G S
T H I R T Y - N I N T H A N N U A L R E P O R T

the public for research, order preparation, and archiving. Further, the Division is mindful of the cost of proceeding to hearing and seeks to minimize any potential delays in moving cases through the system. This ensures that individuals, small businesses, and major corporations reduce the cost, time, and opportunity lost through judicial delay. By helping matters move through the Division in an expeditious matter, the cost of litigation is reduced and the time lost in the pursuit of a remedy is reduced. 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/ljs

HEARING HOURS HELD REPORT

FY 2011-2012

For the Period 07/01/11 through 6/30/2012

AGENCY	PREHEARING CONFERENCE	MOTION HEARING	FINAL HEARING	TOTAL HOURS	% OF TOTAL HOURS	PRORATED	
						AMOUNT OF FY 2013-14 LBR	
AGR	2.00	0.25	9.25	11.50	0.32918%		\$22,996
AHCA	4.75	18.25	206.75	229.75	6.57650%		\$459,420
APD	0.25	3.25	73.75	77.25	2.21125%		\$154,473
CIT	0.00	0.00	0.00	0.00	0.00000%		\$0
COR	1.75	2.75	36.25	40.75	1.16645%		\$81,486
DBPR	5.75	15.00	180.25	201.00	5.75354%		\$401,930
DCF	1.25	2.25	250.50	254.00	7.27065%		\$507,911
DEO	2.25	6.00	76.00	84.25	2.41162%		\$168,471
DEP	4.00	3.25	177.25	184.50	5.28124%		\$368,935
DFS	4.50	9.75	176.75	191.00	5.46730%		\$381,933
DLA	0.00	0.00	0.00	0.00	0.00000%		\$0
DLE	0.25	0.25	42.75	43.25	1.23801%		\$86,485
DMA	0.00	0.00	0.00	0.00	0.00000%		\$0
DMS	5.75	26.50	401.00	433.25	12.40160%		\$866,349
DOE	3.75	3.00	199.25	206.00	5.89667%		\$411,928
DOH	1.75	15.75	166.50	184.00	5.26692%		\$367,936
DOS	0.00	0.00	0.00	0.00	0.00000%		\$0
DOT	0.50	1.25	42.50	44.25	1.26664%		\$88,484
ELDER	0.00	0.00	0.00	0.00	0.00000%		\$0
ETH	0.25	1.25	25.00	26.50	0.75855%		\$52,991
FEC	0.75	1.50	0.00	2.25	0.06441%		\$4,499
FWCC	0.25	0.00	1.25	1.50	0.04294%		\$2,999
GOV	0.00	0.00	0.00	0.00	0.00000%		\$0
HSM	3.25	7.25	84.50	95.00	2.71934%		\$189,967
JUV	0.50	0.50	34.25	35.25	1.00902%		\$70,488
LOT	0.00	0.00	0.00	0.00	0.00000%		\$0
PSC	0.00	0.00	3.50	3.50	0.10019%		\$6,999
REV	0.75	2.50	1141.50	1144.75	32.76800%		\$2,289,100
VET	0.00	0.00	0.00	0.00	0.00000%		\$0
TOTAL:	44.25	120.50	3328.75	3493.50	100.00000%		\$6,985,780

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 2013-14 Legislative Budget Request totaling \$8,066,033 was adjusted to reflect estimated revenue of \$486,807 from contract entities, payment of \$627,273 from the Workers' Compensation Appeals Program for general management and administrative services costs, estimated revenue of \$59,006 from cases filed pursuant to Chapter 403, Florida Statutes, and the estimated nonoperating cost of \$92,833 for state agency video teleconferencing hearings.

6/30/2012

Appendix 1

HEARING HOURS HELD BY CONTRACT/EDUCATIONAL/OTHER AGENCIES

FY 2011-2012
For the Period 07/01/11 through 6/30/12

AGENCY	PREHEARING CONFERENCE	MOTION HEARING	FINAL HEARING	TOTAL HOURS	% OF HOURS ALL AGENCIES
CONTRACT	4.50	8.25	184.00	196.75	4.18261%
EPP	0.00	0.00	0.00	0.00	0.00000%
TL	0.00	0.00	0.00	0.00	0.00000%
MA	1.00	3.50	42.50	47.00	0.99915%
NICA	3.00	4.00	37.50	44.50	0.94600%
OTHER	0.00	0.00	15.00	15.00	0.31888%
SENATE CLAIM	1.25	0.00	18.50	19.75	0.41986%
SCHBDS	26.00	26.25	835.25	887.50	18.86692%
TOTAL:	35.75	42.00	1132.75	1210.50	25.73342%

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

EPP: Electrical Power Plant siting cases filed by DEP, pursuant to Ch. 403, Fla. Stat.

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

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 2011 - 2012

AGENCY	Jul-Dec	Jan-June	TOTAL
Department of Agriculture and Consumer Services			
Department of Agriculture and Consumer Services	13	7	20
Bureau of License and Bond	0	2	2
Office of Citrus License and Bond	1	3	4
Bureau of Entomology and Pest Control	1	1	2
Agency Total	15	13	28
Agency for Persons with Disabilities			
Agency for Persons with Disabilities	21	12	33
Agency Total	21	12	33
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	0	4	4
Exemption Ch. 435, position of special trust	47	30	77
Family Safety and Preservation Programs	35	23	58
Office of Licensure and Certification	0	1	1
Non-Baker Act Total	82	58	140
Contract Hearings			
Broward County	0	1	1
Claim Bill (Senate)	38	0	38
City of Clearwater	1	0	1
City of Gainesville	0	2	2
City of Tallahassee	1	0	1
Emerald Coast Utilities Authority	1	0	1
Monroe County	2	0	2
Pinellas County Sheriff's Civil Service Board	0	1	1
Pinellas County	2	4	6
Agency Total	45	8	53
Department of Citrus			
Department of Citrus	0	1	1
Agency Total	0	1	1
Commissions			
Florida Commission on Ethics	5	3	8
Florida Commission on Human Relations	83	55	138
FCHR, Fair Housing Act	14	20	34
Florida Elections Commission	2	3	5
Florida Parole Commission	1	1	2
Agency Total	105	82	187
Department of Corrections			
Department of Corrections	7	4	11
Agency Total	7	4	11
County School Boards			
Alachua County School Board	0	1	1
Bay County School Board	1	1	2
Brevard County School Board	5	3	8

Division of Administrative Hearings

ANALYSIS OF AGENCY REQUEST FOR
FISCAL YEAR 2011 - 2012

AGENCY	Jul-Dec	Jan-June	TOTAL
Broward County School Board	16	31	47
Charlotte County School Board	1	0	1
Collier County School Board	0	1	1
Miami-Dade County School Board	24	41	65
Duval County School Board	4	6	10
Escambia County School Board	1	0	1
Flagler County School Board	0	2	2
Gilchrist County School Board	1	0	1
Glades County School Board	1	0	1
Hillsborough County School Board	3	4	7
Indian River County School Board	1	1	2
Jackson County School Board	0	1	1
Lake County School Board	1	2	3
Lee County School Board	1	6	7
Leon County School Board	1	4	5
Levy County School Board	1	0	1
Manatee County School Board	4	7	11
Marion County School Board	1	0	1
Martin County School Board	0	1	1
Monroe County School Board	3	2	5
Orange County School Board	2	14	16
Osceola County School Board	3	3	6
Palm Beach County School Board	10	13	23
Section 504 cases	1	4	5
Pasco County School Board	1	1	2
Pinellas County School Board	6	5	11
Polk County School Board	0	4	4
Putnam County School Board	2	0	2
St Johns County School Board	1	1	2
St Lucie County School Board	4	6	10
Santa Rosa County School Board	1	0	1
Sarasota County School Board	0	2	2
Seminole County School Board	6	9	15
Taylor County School Board	0	1	1
Volusia County School Board	3	2	5
School for the Deaf and Blind	0	1	1
Agency Total	110	180	290
Department of Community Affairs			
Department of Community Affairs	4	0	4
Agency Total	4	0	4
Department of Economic Opportunity			
Department of Economic Opportunity	0	2	2
Agency Total	0	2	2
Department of Environmental Protection			
Department of Environmental Protection	30	22	52
Agency Total	30	22	52
Department of Financial Services			
Department of Financial Services	1	3	4
Division of Insurance Agents and Agencies Services	15	13	28
Bureau of Unclaimed Property	4	0	4
Division of State Fire Marshal	4	6	10

Division of Administrative Hearings
ANALYSIS OF AGENCY REQUEST FOR
FISCAL YEAR 2011 - 2012

AGENCY	Jul-Dec	Jan-June	TOTAL
Division of Funeral, Cemetery, and Consumer Service	9	8	17
Division of Workers' Compensation	37	35	72
Agency Total	70	65	135
Department of Health			
Department of Health	2	3	5
Board of Chiropractic	7	2	9
Board of Clinical Social Work, Marriage and Family	1	2	3
Division of Administration	1	0	1
Board of Dentistry	8	2	10
Drugs, Devices, and Cosmetics Program	1	0	1
Environmental Health	1	1	2
Bureau of Emergency Medical Services	0	1	1
Board of Hearing Aid Specialists	0	1	1
Board of Medicine	28	38	66
Board of Massage Therapy	2	1	3
Board of Nursing Home Administrators	1	1	2
Board of Nursing	12	6	18
Board of Osteopathic Medicine	0	3	3
Board of Pharmacy	5	4	9
Board of Podiatric Medicine	0	1	1
Board of Psychology	3	2	5
Board of Physical Therapy Practice	1	0	1
Agency Total	73	68	141
Department of Juvenile Justice			
Department of Juvenile Justice	3	2	5
Agency Total	3	2	5
Department of Law Enforcement			
Criminal Justice Standards and Training Commission	12	16	28
Agency Total	12	16	28
Department of Management Services			
Department of Management Services	3	0	3
Division of State Group Insurance	4	6	10
Division of Retirement	5	4	9
Agency Total	12	10	22
Department of Education			
Department of Education	3	3	6
Division of Blind Services	1	1	2
Confidential Vocational Rehabilitation Cases	9	10	19
Education Practices Commission	51	47	98
Independent, Postsecondary, Vocational, Technical	2	0	2
Vocational Rehabilitation Services	3	1	4
Agency Total	69	62	131
Department of Lottery			
Department of Lottery	1	0	1
Agency Total	1	0	1
Department of State			
Division of Elections	0	1	1

Division of Administrative Hearings

ANALYSIS OF AGENCY REQUEST FOR
FISCAL YEAR 2011 - 2012

AGENCY	Jul-Dec	Jan-June	TOTAL
Agency Total	0	1	1
Department of Transportation			
Department of Transportation	4	8	12
Agency Total	4	8	12
Department of Business and Professional Regulation			
Department of Business and Professional Regulation	2	0	2
Board of Accountancy	1	0	1
Board of Architecture	5	2	7
Board of Auctioneers	0	3	3
Building Code Administrators and Inspectors	0	1	1
Regulatory Council of Community Assoc. of Managers	2	5	7
Construction Industry Licensing Board	18	6	24
Board of Cosmetology	1	0	1
Division of Alcoholic Beverages and Tobacco	12	17	29
Division of Real Estate	3	8	11
Electrical Contractors	2	2	4
Board of Employee Leasing	0	1	1
Florida Real Estate Appraisal Board	1	1	2
Florida Real Estate Commission	6	9	15
Division of Hotels and Restaurants	56	50	106
Division of Land Sales, Condominiums, and Mobile H	0	1	1
Non-licensed Respondent	5	8	13
Board of Pilot Commissioners	0	2	2
Division of Pari-Mutuel Wagering	1	2	3
Board of Professional Engineers	6	7	13
State Boxing Commission	1	1	2
Board of Talent Agencies	0	1	1
Board of Veterinary Medicine	3	3	6
Agency Total	125	130	255
Florida Housing Finance Corporation			
Florida Housing Finance Corporation	2	11	13
Agency Total	2	11	13
Fish and Wildlife Conservation Commission			
Fish and Wildlife Conservation Commission	3	3	6
Agency Total	3	3	6
Agency for Health Care Administration			
Agency for Health Care Administration	28	16	44
Audit Quality Control Services	5	0	5
Office of Certificate of Need	7	7	14
Bureau of Health Facility Regulation	83	46	129
Medicaid Cost Reimbursement	8	4	12
Medicaid Program Integrity	46	62	108
Office of Licensure and Certification	10	18	28
Agency Total	187	153	340
Department of Highway Safety and Motor Vehicles			
Department of Highway Safety and Motor Vehicles	15	9	24
Section 320.642	15	12	27
Agency Total	30	21	51

Division of Administrative Hearings
ANALYSIS OF AGENCY REQUEST FOR
FISCAL YEAR 2011 - 2012

AGENCY	Jul-Dec	Jan-June	TOTAL
Medical Arbitration			
Medical Arbitration	6	8	14
Agency Total	6	8	14
No Agency			
Construction Mining	1	1	2
Agency Total	1	1	2
Florida Birth-Related Neurological Injury Compensation			
Florida Birth-Related Neurological Injury Compensa	22	17	39
Agency Total	22	17	39
Office of Financial Regulation			
Office of Financial Regulation	10	10	20
Agency Total	10	10	20
Office of Insurance Regulation			
Office of Insurance Regulation	1	4	5
Agency Total	1	4	5
Public Service Commission			
Public Service Commission	0	1	1
Agency Total	0	1	1
Department of Revenue			
Department of Revenue	25	23	48
Child Support Enforcement Program	1,259	334	1,593
Agency Total	1,284	357	1,641
Self-contained Agencies			
Pinellas County Construction Licensing Board	0	1	1
Agency Total	0	1	1
Universities and Colleges			
Universities and Colleges	1	0	1
Edison State College	0	1	1
Florida A & M University	3	1	4
Florida Community College at Jacksonville	0	1	1
Manatee Jr. College	1	0	1
Agency Total	5	3	8
Water Management Districts			
Water Management Districts	0	1	1
South Florida Water Management District	6	3	9
St. Johns River Water Management District	3	2	5
Suwannee River Water Management District	0	4	4
Southwest Florida Water Management District	1	5	6
Agency Total	10	15	25
NON BAKER ACT TOTAL	2,350	1,349	3,699

Division of Administrative Hearings
ANALYSIS OF AGENCY REQUEST FOR
FISCAL YEAR 2011 - 2012

AGENCY	Jul-Dec	Jan-June	TOTAL
Baker Acts			
Department of Veterans Affairs	2	3	5
Florida State Hospital	176	187	363
Geo Group, Inc.	3	3	6
Lake Correctional Institution	11	12	23
Northeast Florida State Hospital	404	400	804
Peace River Center	7	8	15
Shands at Vista	3	2	5
South Florida State Hospital	206	239	445
West Florida Community Care Center	23	40	63
Baker Act Total	835	894	1,729

SUMMARY

Division of Administrative Hearings
Actual, Estimated, and Requested Expenditures

Adjudication of Disputes

<u>Appropriation Category</u>	Actual Expenditures <u>FY 2011-12</u>	Estimated Expenditures <u>FY 2012-13</u>	Requested Expenditures <u>FY 2013-14</u>
Salaries and Benefits	\$6,689,559	\$6,618,941	\$6,663,641
Other Personal Services	\$2,962	\$18,082	\$18,082
Expenses	\$1,073,696	\$1,025,647	\$1,025,647
Operating Capital Outlay	\$64,257	\$65,000	\$65,000
Special Categories			
Contracted Services	\$176,059	\$186,495	\$186,495
Risk Mgmt. Ins.	\$67,092	\$53,748	\$53,748
Lease/Purch/Equip	\$0	\$31,500	\$31,500
TR/DMS/HR SVCS	<u>\$21,652</u>	<u>\$21,920</u>	<u>\$21,920</u>
Total Program Budget	<u>\$8,095,277</u>	<u>\$8,021,333</u>	<u>\$8,066,033</u>
Total Program Positions	67	65	65

Workers' Compensation Appeals

<u>Appropriation Category</u>	Actual Expenditures <u>FY 2011-12</u>	Estimated Expenditures <u>FY 2012-13</u>	Requested Expenditures <u>FY 2013-14</u>
Salaries and Benefits	\$12,646,481	\$12,198,630	\$12,319,125
Other Personal Services	\$16,277	\$17,836	\$17,836
Expenses	\$2,898,342	\$2,735,743	\$2,735,743
Operating Capital Outlay	\$26,507	\$25,916	\$25,916
Special Categories			
Contracted Services	\$924,098	\$983,324	\$1,023,324
Contracted Legal Svcs.	\$2,182	\$1,279	\$1,279
Risk Mgmt. Ins.	\$85,363	\$76,896	\$76,896
Lease/Purchase/Equip	\$0	\$123,000	\$83,000
TR/DMS/HR SVCS	<u>\$63,079</u>	<u>\$63,861</u>	<u>\$63,861</u>
Total Program Budget	<u>\$16,662,329</u>	<u>\$16,226,485</u>	<u>\$16,346,980</u>
Total Program Positions	182	177	177
TOTAL DIVISION BUDGET	<u>\$24,757,606</u>	<u>\$24,247,818</u>	<u>\$24,413,013</u>
TOTAL DIVISION POSITIONS	249	242	242