

The Florida Legislature



Sunset Review ***Agency Report to the Legislature*** **2008**

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Description of Florida Sunset Review Process

The 2006 Legislature enacted the Florida Government Accountability Act, which establishes a “sunset review” review process to be used by the Legislature in determining whether a public need exists for the continuation of a state agency, its advisory committees, or its programs.

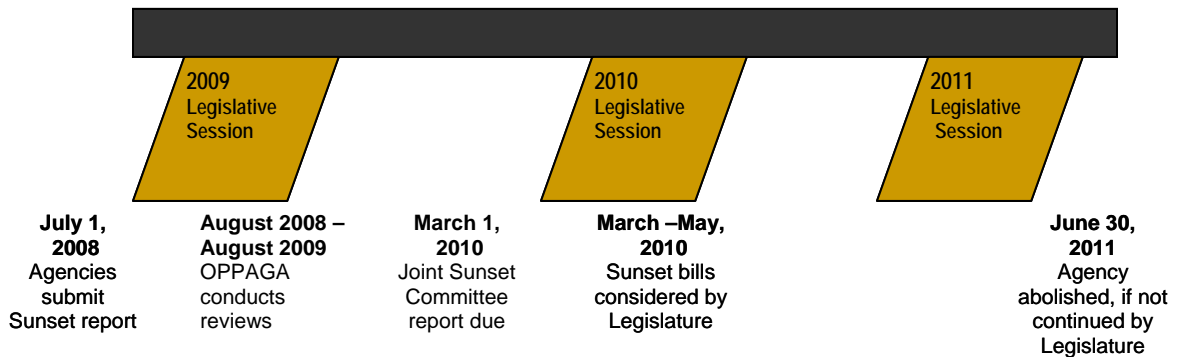
The act provides for the creation of a Joint Sunset Committee to oversee the sunset review process and make recommendations to abolish, continue, or reorganize an agency under review. The act also provides that the Senate and House may appoint Sunset Review Committees to conduct independent reviews for each house regarding the required agency sunsets.

The act requires reports and assistance from state agencies and the Office of Program Policy Analysis and Government Accountability (OPPAGA) and sets criteria to be used in the sunset review process.

The act specifies a schedule under which agencies are to be reviewed beginning July 1, 2008, and ending July 1, 2022. There are numerous major milestones for the sunset committees, agencies, and OPPAGA during each review period.



Statutory Timeframes for 2010 Sunset Reviews



Instructions for *Agency Report to the Legislature*

Purpose

The purpose of the *Agency Report to the Legislature* is to support the completion of agency Sunset Reviews, which are required by the Florida Government Accountability Act. The information request provides a standardized format for agencies to submit information required by s. 11.906, *F.S.*, and necessary for the Joint Sunset Committees' comprehensive and timely review of agencies.

Procedure

The *Agency Report to the Legislature* must be completed and submitted to the Legislature not later than July 1, 2008. Please also post a copy of the *Agency Report to the Legislature* on your agency's Internet website to enable access by the Speaker of the House of Representatives, the President of the Senate, the Executive Office of the Governor, and the Office of Program Policy Analysis and Government Accountability.

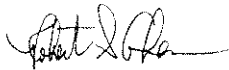

Each section of the *Agency Report to the Legislature* includes specific instructions on the data required and how it should be reported. Agencies should ensure that information provided in the response is consistent with their Legislative Budget Request and Long-Range Program Plan. When appropriate, tables and/or text boxes are provided to guide agency responses and ensure data is supplied in a standardized format. Agencies should add as much space as necessary to provide the data requested.

Per s. 11.906, *F.S.*, information and data reported by each agency shall be validated by its agency head and inspector general before submission to the Legislature; to certify that this validation has occurred, the agency head and inspector general must sign the Agency Validation Statement included on page v of the *Agency Report to the Legislature*.

Technical Assistance

Questions about the information request may be directed to the Joint Legislative Sunset Committee; agencies should contact Martha Wasp, Administrative Assistant, (850) 413-7478 or wasp.martha@leg.state.fl.us.

Agency Validation Statement

Agency Report to the Legislature	
Agency: Division of Administrative Hearings	Submission Date: October 6, 2008
Agency Contact (Name, Phone #, and e-mail address): Marilyn R. Lawrence, Budget Officer 850-488-9675, x 118 Marilyn_Lawrence@DOAH.state.fl.us	
Agency Validation Signatures	
In accordance with s. 11.906, F.S., the signatures below certify that the information and data provided in the attached has been validated for accuracy and reliability.	
Agency Head:  Printed Name: Robert S. Cohen	Date: September 8, 2008
Agency Inspector General:  Printed Name: L. Thomas Cox, Jr.	Date: September 25, 2008

Questions for Agency Report to the Sunset Advisory Committee

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I. Agency Programs

A. Agency Mission and Organization

1. Please briefly describe your agency's mission, goals, objectives, and programs. Please use components 2-4 from the Long-Range Program Plan (LRPP) when appropriate.

Agency Mission

To provide a uniform and impartial forum for the trial and resolution of disputes between private citizens and organizations and agencies of the state in an efficient and timely manner.

To maintain a statewide mediation and adjudication system for the efficient and timely resolution of disputed workers' compensation claims.

Goals

Improve the statewide adjudication and mediation processes.

Objectives

To increase the number of administrative law cases that can reasonably be closed within 120 days after filing to a rate greater than the baseline year rate and maintain that rate increase throughout the planning period.

To increase the number of petitions for benefits that can reasonably be closed within the statutory timeframe to a rate greater than the baseline year rate and increase that rate throughout the planning period.

Programs

Adjudication of Disputes

Workers' Compensation Appeals

2. Please provide the agency organizational structure information required in Schedule X (Organizational Structure) of the Legislative Budget Request (LBR). See Appendix One.
3. When did you last perform a comprehensive internal organizational structural review? A Zero-Based Budget Review of the Division of Administrative Hearings was submitted to the Legislative Budget Commission on August 15, 2001.

B. A list of all advisory committees, including those established in statute and those established by managerial initiative; their purpose, activities, composition, and related expenses; the extent to which their purposes have been achieved; and the rationale for continuing or eliminating each advisory committee. (s. 11.906(15), Florida Statutes)

1. Complete Exhibit 1 below for each of your agency's advisory committees as defined in s. 20.03(3), (7), (8), (9), (10), and (12), *Florida Statutes*, as well as those created through executive order that existed in Fiscal Year-07.

DIVISION OF ADMINISTRATIVE HEARINGS

Exhibit 1: Advisory Committees

Advisory Committee Name and Composition	Year Created	Date of Meetings During Fiscal Year 2006-07	Authorization (e.g., cite the specific statute, managerial initiative, executive order)	Purpose and Activities	Fiscal Year 2006-07 Revenues (by fund source)	Fiscal Year 2006-07 Expenses – Please include travel, staff and other expenses (by fund source)	Achievements Accomplished in Fiscal Year 2006-07	Consequences of Abolishment
None								

C. Agency Funding

1. Complete Exhibit 2 below by supplying Fund Source, Number of OPS, and Number of Vacancies for each Budget Entity.

DIVISION OF ADMINISTRATIVE HEARINGS
Exhibit 2: Revenue Sources and Amounts by Budget Entity

	Fiscal Year 2005-2006	Fiscal Year 2006-2007
Budget Entity Title	Adjudication of Disputes	Adjudication of Disputes
Budget Entity Number	729701	729701
Name of Fund (General Revenue or Trust Fund)	Administrative Trust Fund	Administrative Trust Fund
Total Amount	\$8,656,277	\$8,955,280
Fund Source (local, state, federal, professional operating fees, taxes and fines) <i>If a fund has multiple sources, please reflect the amount from each source.</i>	State agency transfers based on hearing hours held; reimbursements by non-state governmental entities and private parties; interest income on investments; application fees in electrical power plant, transmission line siting, and natural gas transmission pipeline siting cases; filing fees in construction materials mining cases and Florida Birth-Related Neurological Injury Compensation Association (NICA) cases.	State agency transfers based on hearing hours held; reimbursements by non-state governmental entities and private parties; interest income on investments; application fees in electrical power plant, transmission line siting, and natural gas transmission pipeline siting cases; filing fees in construction materials mining cases and Florida Birth-Related Neurological Injury Compensation Association (NICA) cases.
Number of FTE	71	70
Number of OPS	.5	.5
Number of Vacancies	3	2

DIVISION OF ADMINISTRATIVE HEARINGS
Exhibit 2: Revenue Sources and Amounts by Budget Entity

	Fiscal Year 2005-2006	Fiscal Year 2006-2007
Budget Entity Title	Workers' Compensation Appeals	Workers' Compensation Appeals
Budget Entity Number	729702	729702
Name of Fund (General Revenue or Trust Fund)	Administrative Trust Fund	Administrative Trust Fund
Total Amount	\$17,022,942	\$18,032,059
Fund Source (local, state, federal, professional operating fees, taxes and fines) <i>If a fund has multiple sources, please reflect the amount from each source.</i>	Transfers from the Workers' Compensation Administration Trust Fund administered by the Department of Financial Services.	Transfers from the Workers' Compensation Administration Trust Fund administered by the Department of Financial Services.
Number of FTE	194	199
Number of OPS	9	7
Number of Vacancies	6	4

D. The effect of federal intervention or loss of federal funds if the agency, program, or activity is abolished. (s. 11.906(14), Florida Statutes)

1. In the following table (Exhibit 3), please describe the type and amount of interaction your agency and its programs have with the federal government.

DIVISION OF ADMINISTRATIVE HEARINGS
Exhibit 3: Description of Agency and Federal Interaction

	Description of Federal Interaction
Division of Administrative Hearings	None

2. In the following table (Exhibit 4), please describe whether abolishing the agency, programs, or activities could result in federal intervention, loss of federal funds, or other consequences.

DIVISION OF ADMINISTRATIVE HEARINGS
Exhibit 4: Consequences of Abolishment

	Federal Interaction	Loss of Federal Funding	Other Consequences, including effects on local governments, the private sector, and/or citizens
Division of Administrative Hearings	None		

E. A statement of any statutory objectives intended for each program and activity, the problem or need that the program and activity were intended to address, and the extent to which these objectives have been achieved. (s. 11.906(6), Florida Statutes)

1. In the following table (Exhibit 5), please describe the statutory objectives for each program and activity under the agency’s budget entities (if statutory objectives are not applicable, please write “NA”), the problem or need the program and activity were intended to address, and the extent to which these objectives have or have not been achieved. Please complete a table for each budget entity.

**DIVISION OF ADMINISTRATIVE HEARINGS
Exhibit 5: Statutory Objective by Budget Entity**

Budget Entity and Related Programs and Activities	Adjudication of Disputes
Statutory Citations and Objectives	Chapter 120.65
Problem/Need Intended to Address	To improve the fairness of state agency administrative proceedings under Chapter 120, Florida Statutes. The purpose of the division is to provide a uniform, impartial, efficient, accessible, and affordable forum for resolving conflicts between private citizens or organizations and state agencies.
Evidence That Objectives Have Been Achieved <i>(If applicable, please cite corresponding performance measure from Section II)</i>	The primary outcome measure for the Adjudication of Disputes service relates to the timeliness of the adjudication process. In FY 2007-08, the Division closed 81% of its cases within 120 days after filing. The Division also scheduled for hearing 89% of its cases within 90 days after filing.
Explanation As to Why Objectives Have Not Been Achieved <i>(If applicable, please cite corresponding performance measure from Section II)</i>	Please see Exhibit III, Section II. B. 1. below, for explanation of standards not achieved.

DIVISION OF ADMINISTRATIVE HEARINGS
Exhibit 5: Statutory Objective by Budget Entity

Budget Entity and Related Programs and Activities	Workers' Compensation Appeals
Statutory Citations and Objectives	Chapters 440.25 and 440.45
Problem/Need Intended to Address	To resolve workers' compensation disputes by determining the obligations of employers and insurance companies to injured workers.
Evidence That Objectives Have Been Achieved <i>(If applicable, please cite corresponding performance measure from Section II)</i>	The primary outcome measure for the Workers' Compensation Appeals service also relates to the timeliness of the adjudication process. In FY 2007-08, the Office of the Judges of Compensation Claims closed 52% of petitions within the statutory timeframe of 210 days. Due to continued efforts in data maintenance, timely docketing of orders, and added database functionality, the Division estimates that it can significantly improve its performance by closing 67% of its petitions within the statutory timeframe in FY 2008-09 and FY 2009-10.
Explanation As to Why Objectives Have Not Been Achieved <i>(If applicable, please cite corresponding performance measure from Section II)</i>	Please see Exhibit III, Section II. B. 1. below, for explanation of standards not achieved.

F. An assessment of the extent to which the jurisdiction of the agency and its programs overlap or duplicate those of other agencies and the extent to which the programs can be consolidated with those of other agencies. (s. 11.906(7), Florida Statutes)

1. In the following table (Exhibit 6), please identify any major programs or activities, internal or external to your agency, which provide similar, overlapping, and/or duplicative services or functions or are provided at the same location. Please do not include programs that provide administrative services (e.g., human resources, information technology).

DIVISION OF ADMINISTRATIVE HEARINGS

Exhibit 6: Program and Activities Similarity, Overlap, and/or Duplication

Program or Activities	Nature and Extent of Similarity, Overlap, and/or Duplication	Extent to Which Program Can Be Consolidated With Those of Other Agencies
Commission on Human Relations (CHR)	At the conclusion of an investigation regarding alleged discrimination, the commission determines reasonable cause or no reasonable cause. These determinations are appealable to the Division of Administrative Hearings.	Per Report No. 04-37 of the Office of Program Policy Analysis and Government Accountability, it would not be desirable to merge the Commission on Human Relations into the Division of Administrative Hearings because its activities are materially different from those of DOAH. Because the CHR does not conduct hearings, its function is not compatible with that of DOAH.
Public Employees Relations Commission (PERC)	The Public Employees Relations Commission adjudicates labor and employment disputes among state and local government employees and employers and job applicants.	Per Report No. 04-37 of the Office of Program Policy Analysis and Government Accountability, it would be feasible to merge the Public Employees Relations Commission into the Division but it would not be desirable because although both agencies perform similar functions, they are not duplicative; it would require transferring some of the Commission's responsibilities to another entity; and merging the entities would increase state costs.

Unemployment Appeals Commission (UAC)	The commission resolves contested unemployment compensation claims. The commission functions as an appellate review of decisions made by appeals referees in the Agency for Workforce Innovation's Office of Appeals.	Per Report No. 04-37 of the Office of Program Policy Analysis and Government Accountability, it would not be desirable to merge the Unemployment Appeals Commission into the Division of Administrative Hearings because its activities are materially different from those of DOAH. Because the UAC does not conduct hearings, its function is not compatible with that of DOAH.
State Retirement Commission (SRC)	The commission adjudicates disputes regarding disability retirement and special risk benefits between members of any state supported retirement system and the Division of Retirement.	Per Report No. 04-37 of the Office of Program Policy Analysis and Government Accountability, it would be feasible to merge the Commission into the Division since the functions are similar (but not duplicative). However, it would not be desirable because the merger would result in decreased efficiency and increased state costs.

**G. Agency programs or functions that are performed without specific statutory authority.
(s. 11.906(16), Florida Statutes)**

1. In the following table (Exhibit 7), please identify any programs or activities administered by your agency that are not specifically authorized by statute. This could include programs or activities that are enacted by executive order, managerial initiative, or under the general statutory authority. Please describe the purpose and rationale for performing these programs or functions, what authority the program or function is performed, and the potential effect of their abolishment or transfer to another agency.

**DIVISION OF ADMINISTRATIVE HEARINGS
Exhibit 7: Programs or Activities Not Specifically Authorized by Statute**

Program or Function	Purpose of Program/Activities	Under What Authority is This Program or Function Performed? (Executive Order, Managerial Initiative, General Statutory Authority, etc.)	Rationale for Providing Program/Activities in Your Agency	Potential Effect of Abolishing or Transferring Program/Activities to Another Agency
None				

II. Agency Performance

A. The performance measures for each program and activity as provided in s. 216.011, Florida Statutes, and three (3) years of data for each measure that provides actual results for the immediately preceding two (2) years and projected results for the current fiscal year. (s. 11.906(1), Florida Statutes)

B. An explanation of factors that have contributed to any failure to achieve the approved standards. (s. 11.906(2), Florida Statutes)

1. Please provide performance information required in Exhibit II (Performance Measures and Standards) and Exhibit III (Performance Measure Assessment) of the Long-Range Program Plan (LRPP) for the immediately preceding two (2) fiscal years and projected results for the current fiscal year.

LRPP Exhibit II – Performance Measures and Standards

Department: DMS/Division of Administrative Hearings Department No.: 72970000

Program: Adjudication of Disputes	Code: 72970100
Service/Budget Entity: Adjudication of Disputes	Code: 72970100

NOTE: Approved primary service outcomes must be listed first.

Approved Performance Measures for FY 2007-08 (Words)	Approved Prior Year Standard FY 2006-07 (Numbers)	Prior Year Actual FY 2006-07 (Numbers)	Approved Standards for FY 2007-08 (Numbers)	Requested FY 2008-09 Standard (Numbers)
Percent of cases closed within 120 days after filing	76%	82%	76%	76%
Percent of cases scheduled for hearing within 90 days after filing	90%	91%	90%	90%
Number of cases closed	4,424	5,305	4,424	4,424
Percent of professional licensure cases closed within 120 days after filing	77%	76%	77%	77%
Percent of professional licensure cases scheduled for hearing within 90 days after filing	95%	96%	95%	95%

LRPP Exhibit II – Performance Measures and Standards

Department: DMS/Division of Administrative Hearings Department No.: 72970000

Program: Worker Comp/Judges	Code: 72970200
Service/Budget Entity: Worker Comp/Judges	Code: 72970200

NOTE: Approved primary service outcomes must be listed first.

Approved Performance Measures for FY 2007-08 (Words)	Approved Prior Year Standard FY 2006-07 (Numbers)	Prior Year Actual FY 2006-07 (Numbers)	Approved Standards for FY 2007-08 (Numbers)	Requested FY 2008-09 Standard (Numbers)
Percent of petitions closed within the statutory timeframe	67%	29%	67%	67%
Number of petitions closed	45,000	192,060	45,000	45,000
Average number of days from date petition filed to date petition closed	210	875	210	210
Percent of timely held mediations (130 days)	86%	80%	86%	86%
Number of mediations held	28,000	22,255	28,000	28,000
Percent of concluded mediations resulting in resolution (all issues except attorneys fees)	52%	49%	52%	52%

LRPP Exhibit II – Performance Measures and Standards

Department: DMS/Division of Administrative Hearings Department No.: 72970000

Program: Adjudication of Disputes	Code: 72970100
Service/Budget Entity: Adjudication of Disputes	Code: 72970100

NOTE: Approved primary service outcomes must be listed first.

Approved Performance Measures for FY 2008-09 (Words)	Approved Prior Year Standard FY 2007-08 (Numbers)	Prior Year Actual FY 2007-08 (Numbers)	Approved Standards for FY 2008-09 (Numbers)	Requested FY 2009-10 Standard (Numbers)
Percent of cases closed within 120 days after filing	76%	81%	76%	76%
Percent of cases scheduled for hearing within 90 days after filing	90%	89%	90%	90%
Number of cases closed	4,424	5,810	4,424	4,424
Percent of professional licensure cases closed within 120 days after filing	77%	76%	77%	77%
Percent of professional licensure cases scheduled for hearing within 90 days after filing	95%	87%	95%	95%

LRPP Exhibit II – Performance Measures and Standards

Department: DMS/Division of Administrative Hearings Department No.: 72970000

Program: Worker Comp/Judges	Code: 72970200
Service/Budget Entity: Worker Comp/Judges	Code: 72970200

NOTE: Approved primary service outcomes must be listed first.

Approved Performance Measures for FY 2008-09 (Words)	Approved Prior Year Standard FY 2007-08 (Numbers)	Prior Year Actual FY 2007-08 (Numbers)	Approved Standards for FY 2008-09 (Numbers)	Requested FY 2009-10 Standard (Numbers)
Percent of petitions closed within the statutory timeframe	67%	52%	67%	67%
Number of petitions closed	45,000	116,579	45,000	45,000
Average number of days from date petition filed to date petition closed	210	539	210	210
Percent of timely held mediations (130 days)	86%	88%	86%	86%
Number of mediations held	28,000	20,021	28,000	28,000
Percent of concluded mediations resulting in resolution (all issues except attorneys fees)	52%	50%	52%	52%

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: DMS/Division of Administrative Hearings
Program: Adjudication of Disputes
Service/Budget Entity: Adjudication of Disputes
Measure: Percent of Professional Licensure (PL) Cases Closed Within 120 Days After Filing

Action:

- | | |
|--------------------------------------------------------------------------------------|----------------------------------------------|
| <input checked="" type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <input type="checkbox"/> Revision of Measure |
| <input type="checkbox"/> Performance Assessment of <u>Output</u> Measure | <input type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards | |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
77%	76%	(1%)	(1%)

Factors Accounting for the Difference:

Internal Factors (check all that apply):

- | | |
|-----------------------------------------------------------------|--------------------------------------------|
| <input type="checkbox"/> Personnel Factors | <input type="checkbox"/> Staff Capacity |
| <input type="checkbox"/> Competing Priorities | <input type="checkbox"/> Level of Training |
| <input checked="" type="checkbox"/> Previous Estimate Incorrect | <input type="checkbox"/> Other (Identify) |

Explanation:

This small difference of (1%) is not significant enough to indicate factors which may be responsible for the Division not meeting its performance standard. It is important to note that the Division's FY 2006-07 performance level of 76% was a significant improvement over its FY 2005-06 achievement level of 69%.

External Factors (check all that apply):

- | | |
|------------------------------------------------------------------------------|----------------------------------------------------------------------------|
| <input type="checkbox"/> Resources Unavailable | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change | <input type="checkbox"/> Natural Disaster |
| <input type="checkbox"/> Target Population Change | <input checked="" type="checkbox"/> Other (Identify) - Due process rights. |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem | |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission | |

Explanation:

The ability to schedule hearings and close cases within a set period of time as established by the Legislature is dependent on: (1) a cooperative effort by the Division, the parties, and counsel for the parties, (2) the requirement of the Florida and United States Constitutions to ensure that parties are not denied their due process rights (which includes the ability to properly prepare for hearing and to present relevant evidence through exhibits and witnesses), and (3) Legislative time requirements in certain cases.

While a large majority of cases can be initially scheduled for hearing within 90 days of filing, the ability to actually hear a case as actually scheduled is often compromised, not by the lack of availability of Division personnel to conduct the hearing, but rather by the unavailability of a party, counsel for a party, or crucial witnesses; the inability of the parties, due to the complexity of a case, to complete “discovery” and otherwise prepare for the hearing; and Legislative time requirements in some limited cases.

Additionally, once a case actually goes to hearing, Chapter 120, Florida Statutes, provides that the parties may file proposed orders for consideration of the administrative law judge in preparing his or her order. Before this is done, due process requires that the parties be given time to have a transcript of the hearing prepared and filed, a process which can take anywhere from ten days to months, depending on the complexity of the case. The time parties need to prepare their proposed orders can also take from ten days (the minimum allowed by rule) to months, again depending on the complexity of the case.

Finally, in professional licensure cases, many of the licensees request a delay in scheduling their hearings (and thus closing their cases) until any criminal charges against them have been resolved in another forum.

All these factors impact the ability of the Division to quickly schedule hearings and close cases.

Management Efforts to Address Differences/Problems (check all that apply):

- | | |
|------------------------------------|-------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Training | <input type="checkbox"/> Technology |
| <input type="checkbox"/> Personnel | <input checked="" type="checkbox"/> Other (Identify): -
Implementation of internal policies. |

Recommendations:

The Division began operating under “Performance-Based Program Budgeting” principles on July 1, 2000, and instituted new policies that require more expeditious scheduling of hearings and closure of cases. The Division’s performance has significantly improved over the last seven fiscal years and efficiencies most likely have been maximized. This maximization of efficiencies, combined with a reduction in the number of Administrative Law Judge positions during the last few years, supports the Division’s request that this measure’s FY 2008-09 standard be maintained at 76%.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: DMS/Division of Administrative Hearings
Program: Workers' Compensation Appeals - Judges of Compensation Claims
Service/Budget Entity: Workers' Compensation Appeals - Judges of Compensation Claims
Measure: Percent of Petitions Closed Within the Statutory Timeframe

Action:

- | | |
|--------------------------------------------------------------------------------------|----------------------------------------------|
| <input checked="" type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <input type="checkbox"/> Revision of Measure |
| <input type="checkbox"/> Performance Assessment of <u>Output</u> Measure | <input type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards | |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
67%	29%	(38%)	(57%)

Factors Accounting for the Difference:

Internal Factors (check all that apply):

- | | |
|------------------------------------------------------|-------------------------------------------------------------------|
| <input type="checkbox"/> Personnel Factors | <input type="checkbox"/> Staff Capacity |
| <input type="checkbox"/> Competing Priorities | <input type="checkbox"/> Level of Training |
| <input type="checkbox"/> Previous Estimate Incorrect | <input checked="" type="checkbox"/> Other (Change in methodology) |

Explanation:

In October, 2001, almost 600,000 petitions for benefits were transferred from the Division of Workers' Compensation database to the Division of Administrative Hearing's (DOAH's) case management system (CMS.) For technical reasons, all of the petitions had to be transferred in "open" status, regardless of their filed date or actual status. Some of these petitions dated back to the 1950s. At that time, the Office of the Judges of Compensation Claims (OJCC) staff were focusing on the ever-increasing workload; in many district offices there was little effort to properly change the status of aging petitions to "closed." Prior to FY 2006-07, in order to more accurately reflect the OJCC's performance, very old petitions were excluded from the database queries so that evaluations of timeliness were not skewed by thousands of old petitions.

The OJCC has recently instituted electronic filing of documents and made other technological improvements to its database, such as automatically closing petitions when a settlement order is entered. Also, during the past year, staff has focused on closing old petitions which were left in open status. Therefore, to evaluate the OJCC's timeliness and how well it is maintaining its database, the OJCC is now including all petitions in its data queries. The data for FY 2006-07 is therefore skewed when compared to prior-year data; however, this is necessary to honestly evaluate the OJCC's progress in the areas of timeliness, accuracy and database maintenance.

In FY 2006-2007, the OJCCs received 82,610 petitions for benefits, and closed 192,060. Most of the oldest petitions were closed in Gainesville, Miami, Ft. Lauderdale and West Palm Beach. In these districts, less than 20% of the petitions were closed within 210 days. However, in Melbourne, Sarasota, Tallahassee, and Panama City, over 70% of the petitions were closed within 210 days.

The Division has made progress in improving its performance. During the first month of FY 2007-08, the Gainesville office closed 80% of its petitions within 210 days. Sarasota, Tallahassee and Melbourne closed over 90% of their petitions within 210 days, and the statewide percentage was 50%.

External Factors (check all that apply):

- | | |
|------------------------------------------------------------------------------|-------------------------------------------------|
| <input type="checkbox"/> Resources Unavailable | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change | <input type="checkbox"/> Natural Disaster |
| <input type="checkbox"/> Target Population Change | <input type="checkbox"/> Other (Identify) |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem | |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission | |

Explanation:

Management Efforts to Address Differences/Problems (check all that apply):

- | | |
|----------------------------------------------|-----------------------------------------------------------|
| <input checked="" type="checkbox"/> Training | <input type="checkbox"/> Technology |
| <input type="checkbox"/> Personnel | <input checked="" type="checkbox"/> Other - Data Analysis |

Recommendations:

To ensure the quality of the data in the case management system, the Judges of Compensation Claims will improve training provided to staff members responsible for the maintenance of the database and stress the importance of docketing orders and closing petitions in the system in a timely manner.

In the future it may be necessary to request an adjustment to the standard for this measure. However, because of the additional personnel and continuing database improvements, the Division requests that the FY 2008-09 standard be maintained at 67%.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: DMS/Division of Administrative Hearings

Program: Workers' Compensation Appeals - Judges of Compensation Claims

Service/Budget Entity: Workers' Compensation Appeals - Judges of Compensation Claims

Measure: Average Number of Days from Date Petition Filed to Date Petition Closed

Action:

- | | |
|--------------------------------------------------------------------------------------|----------------------------------------------|
| <input checked="" type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <input type="checkbox"/> Revision of Measure |
| <input type="checkbox"/> Performance Assessment of <u>Output</u> Measure | <input type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards | |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
210	875	665	317%

Factors Accounting for the Difference:

Internal Factors (check all that apply):

- | | |
|------------------------------------------------------|-------------------------------------------------------------------|
| <input type="checkbox"/> Personnel Factors | <input type="checkbox"/> Staff Capacity |
| <input type="checkbox"/> Competing Priorities | <input type="checkbox"/> Level of Training |
| <input type="checkbox"/> Previous Estimate Incorrect | <input checked="" type="checkbox"/> Other (Change in methodology) |

Explanation:

In October 2001, almost 600,000 petitions for benefits were transferred from the Division of Workers' Compensation database to the Division of Administrative Hearing's (DOAH's) case management system (CMS.) For technical reasons, all of the petitions had to be transferred in "open" status, regardless of their filed date or actual status. Some of these petitions dated back to the 1950s. At that time, the Office of the Judges of Compensation Claims (OJCC) staff were focusing on the ever-increasing workload; in many district offices there was little effort to properly change the status of aging petitions to "closed." Prior to FY 2006-07, in order to more accurately reflect the OJCC's performance, very old petitions were excluded from the database queries so that evaluations of timeliness were not skewed by thousands of old petitions.

The OJCC has recently instituted electronic filing of documents and made other technological improvements to its database, such as automatically closing petitions when a settlement order is entered. Also, during the past year, staff has focused on closing old petitions which were left in open status. Therefore, to evaluate the OJCC's timeliness and how well it is maintaining its database, the OJCC is now including all petitions in its data queries. The data for FY 2006-07 is therefore skewed when compared to prior-year data; however, this is necessary to honestly evaluate the OJCC's progress in the areas of timeliness, accuracy and database maintenance.

In FY 2006-2007, the OJCCs received 82,610 petitions for benefits, and closed 192,060. Seven of the oldest petitions closed were still assigned to a judge who retired from the OJCC in February, 2003; these seven petitions averaged 2,789 days old. Since most of the oldest petitions were closed in Gainesville, Miami, Ft. Lauderdale and West Palm Beach, the average petition closed in these districts was over 1,000 days old.

In the districts with better records of maintaining data, the average number of days to closure was less than 300, and in Melbourne and Sarasota, less than 200 days.

The Division has made progress in improving its performance. During the first month of FY 2007-08, older petitions were still being closed in Miami, West Palm Beach, Ft. Lauderdale and Ft. Myers. However, most of the Judges closed petitions which were an average of less than 300 days old, and the statewide average had improved to 539 days.

External Factors (check all that apply):

- | | |
|------------------------------------------------------------------------------|-------------------------------------------------|
| <input type="checkbox"/> Resources Unavailable | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change | <input type="checkbox"/> Natural Disaster |
| <input type="checkbox"/> Target Population Change | <input type="checkbox"/> Other (Identify) |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem | |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission | |

Explanation:

Management Efforts to Address Differences/Problems (check all that apply):

- | | |
|----------------------------------------------|-----------------------------------------------------------|
| <input checked="" type="checkbox"/> Training | <input type="checkbox"/> Technology |
| <input type="checkbox"/> Personnel | <input checked="" type="checkbox"/> Other - Data Analysis |

Recommendations:

To ensure the quality of the data in the case management system, the Judges of Compensation Claims will improve training provided to staff members responsible for the maintenance of the database and stress the importance of docketing orders and closing petitions in the system in a timely manner.

In the future it may be necessary to request an adjustment to the standard for this measure. However, because of the additional personnel and continuing database improvements, the Division requests that the FY 2008-09 standard be maintained at 210 days.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: DMS/Division of Administrative Hearings
Program: Workers' Compensation Appeals - Judges of Compensation Claims
Service/Budget Entity: Workers' Compensation Appeals - Judges of Compensation Claims
Measure: Percent of Timely Held Mediations (130 Days)

Action:

- | | |
|--------------------------------------------------------------------------------------|----------------------------------------------|
| <input checked="" type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <input type="checkbox"/> Revision of Measure |
| <input type="checkbox"/> Performance Assessment of <u>Output</u> Measure | <input type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards | |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
86%	80%	(6%)	(7%)

Factors Accounting for the Difference:

Internal Factors (check all that apply):

- | | |
|----------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Personnel Factors | <input type="checkbox"/> Staff Capacity |
| <input checked="" type="checkbox"/> Competing Priorities | <input checked="" type="checkbox"/> Level of Training |
| <input type="checkbox"/> Previous Estimate Incorrect | <input type="checkbox"/> Other (Identify) |

Explanation:

It is important to note that the Office of the Judges of Compensation Claims' (OJCC) FY 2006-07 performance level of 80% was an improvement over its FY 2005-06 achievement level of 71%. The OJCC has endeavored to create a transparent process that includes public access to all orders and much scheduling data via the Internet. This effort has required software enhancements to the OJCC case management system. Resources therefore have been devoted to district staff training on uploading and presenting orders and data rather than on effective mediation scheduling and input of valid database information.

External Factors (check all that apply):

- | | |
|------------------------------------------------------------------------------|----------------------------------------------------------------|
| <input type="checkbox"/> Resources Unavailable | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change | <input type="checkbox"/> Natural Disaster |
| <input type="checkbox"/> Target Population Change | <input checked="" type="checkbox"/> Other - Needs of litigants |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem | |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission | |

Explanation:

Needs of Litigants: Florida Statutes allow for parties to request continuances for mediations if the reason for the continuance was beyond the parties' control, and if both parties agree to the continuance. The Judges of Compensation Claims granted continuances when necessary; therefore, some mediations may actually take place beyond the 130-day timeframe.

Management Efforts to Address Differences/Problems (check all that apply):

- | | |
|----------------------------------------------|------------------------------------------------|
| <input checked="" type="checkbox"/> Training | <input checked="" type="checkbox"/> Technology |
| <input type="checkbox"/> Personnel | <input type="checkbox"/> Other |

Recommendations:

To ensure the quality of the data in the case management system, resources are now being devoted to providing in-depth, personal training to mediators and deputy clerks on mediation scheduling and entry of accurate data regarding petitions.

In order to more accurately report this data, the case management system is being improved so that mediators will be able to specify which petitions are being addressed at a mediation conference.

Because of training enhancements and continuing database improvements, the Division is requesting that the FY 2008-09 standard be maintained at 86%.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: DMS/Division of Administrative Hearings
Program: Workers' Compensation Appeals - Judges of Compensation Claims
Service/Budget Entity: Workers' Compensation Appeals - Judges of Compensation Claims
Measure: Number of Mediations Held

Action:

- | | |
|-------------------------------------------------------------------------------------|----------------------------------------------|
| <input type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <input type="checkbox"/> Revision of Measure |
| <input checked="" type="checkbox"/> Performance Assessment of <u>Output</u> Measure | <input type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards | |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
28,000	22,255	(5,745)	(21%)

Factors Accounting for the Difference:

Internal Factors (check all that apply):

- | | |
|-----------------------------------------------------------------|--------------------------------------------|
| <input type="checkbox"/> Personnel Factors | <input type="checkbox"/> Staff Capacity |
| <input type="checkbox"/> Competing Priorities | <input type="checkbox"/> Level of Training |
| <input checked="" type="checkbox"/> Previous Estimate Incorrect | <input type="checkbox"/> Other (Identify) |

Explanation:

The approved standard for FY 2006-07 was based on data from previous fiscal years, when the number of incoming petitions for benefits was much higher.

External Factors (check all that apply):

- | | |
|------------------------------------------------------------------------------|----------------------------------------------------------------|
| <input type="checkbox"/> Resources Unavailable | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change | <input type="checkbox"/> Natural Disaster |
| <input type="checkbox"/> Target Population Change | <input checked="" type="checkbox"/> Other – Decrease in Demand |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem | |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission | |

Explanation:

This decrease can be attributed to the 9% decrease in the number of petitions filed in FY 2006-07.

Management Efforts to Address Differences/Problems (check all that apply):

Training

Technology

Personnel

Other – Evaluate Standard

Recommendations:

The Office of the Judges of Compensation Claims requests that the FY 2008-09 standard be maintained at 28,000. The OJCC will continue to monitor the number of incoming petitions in 2007-08 and may submit a budget amendment to change this standard to an achievable level.

Office of Policy and Budget – July 2007

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: DMS/Division of Administrative Hearings
Program: Workers' Compensation Appeals - Judges of Compensation Claims
Service/Budget Entity: Workers' Compensation Appeals - Judges of Compensation Claims
Measure: Percent of Concluded Mediations Resulting in Resolution (All Issues Except Attorneys Fees)

Action:

- | | |
|--------------------------------------------------------------------------------------|----------------------------------------------|
| <input checked="" type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <input type="checkbox"/> Revision of Measure |
| <input type="checkbox"/> Performance Assessment of <u>Output</u> Measure | <input type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards | |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
52%	49%	(3%)	(6%)

Factors Accounting for the Difference:

Internal Factors (check all that apply):

- | | |
|-----------------------------------------------------------------|--------------------------------------------|
| <input type="checkbox"/> Personnel Factors | <input type="checkbox"/> Staff Capacity |
| <input type="checkbox"/> Competing Priorities | <input type="checkbox"/> Level of Training |
| <input checked="" type="checkbox"/> Previous Estimate Incorrect | <input type="checkbox"/> Other (Identify) |

Explanation:

This small decrease in performance (3%) has continued since FY 2003-04 but is not significant enough to indicate factors which may be responsible for the decline. There may be an increasing desire by parties to settle cases prior to the scheduling of mediation. Future data will be analyzed to determine if this decrease suggests a significant trend.

External Factors (check all that apply):

- | | |
|------------------------------------------------------------------------------|-------------------------------------------------|
| <input type="checkbox"/> Resources Unavailable | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change | <input type="checkbox"/> Natural Disaster |
| <input type="checkbox"/> Target Population Change | <input type="checkbox"/> Other (Identify) |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem | |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission | |

Explanation:

Management Efforts to Address Differences/Problems (check all that apply):

- | | |
|----------------------------------------------|-----------------------------------------------------------|
| <input checked="" type="checkbox"/> Training | <input type="checkbox"/> Technology |
| <input type="checkbox"/> Personnel | <input checked="" type="checkbox"/> Other - Data Analysis |

Recommendations:

The Office of the Judges of Compensation Claims (OJCC) will continue to provide training to new state mediators in the form of conferences, seminars and access to a library of audiotapes for Continuing Legal Education (CLE) credits.

The OJCC requests that the FY 2008-09 standard be maintained at 52%. Future data will be analyzed to determine if a trend towards settling cases prior to mediation is developing. If so, this would result in only the more difficult cases being scheduled for mediation and consequently a lower resolution rate for the state mediators. At that time it may be necessary to request an adjustment to the standard for this measure.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: DMS/Division of Administrative Hearings
Program: Adjudication of Disputes
Service/Budget Entity: Adjudication of Disputes
Measure: Percent of Cases Scheduled for Hearing Within 90 Days After Filing

Action:

- | | |
|--------------------------------------------------------------------------------------|----------------------------------------------|
| <input checked="" type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <input type="checkbox"/> Revision of Measure |
| <input type="checkbox"/> Performance Assessment of <u>Output</u> Measure | <input type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards | |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
90%	89%	(1%)	(1%)

Factors Accounting for the Difference:

Internal Factors (check all that apply):

- | | |
|------------------------------------------------------|----------------------------------------------------------------------------------------|
| <input type="checkbox"/> Personnel Factors | <input type="checkbox"/> Staff Capacity |
| <input type="checkbox"/> Competing Priorities | <input type="checkbox"/> Level of Training |
| <input type="checkbox"/> Previous Estimate Incorrect | <input checked="" type="checkbox"/> Other (Difference is statistically insignificant). |

Explanation:

This small difference of (1%) is statistically insignificant and does not indicate internal factors which may be responsible for the Division not meeting its performance standard.

External Factors (check all that apply):

- | | |
|------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Resources Unavailable | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change | <input type="checkbox"/> Natural Disaster |
| <input type="checkbox"/> Target Population Change | <input checked="" type="checkbox"/> Other (Identify) - Caseload increase and due process rights. |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem | |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission | |

Explanation:

The Division's caseload increased by 4% in FY 2007-08; this increase may have contributed to the lower performance level.

The ability to schedule hearings and close cases within a set period of time as established by the Legislature is dependent on: (1) a cooperative effort by the Division, the parties, and counsel for the parties, (2) the requirement of the Florida and United States Constitutions to ensure that parties are not denied their due process rights (which includes the ability to properly prepare for hearing and to present relevant evidence through exhibits and witnesses), and (3) Legislative time requirements in certain cases.

While a large majority of cases can be initially scheduled for hearing within 90 days of filing, the ability to actually hear a case as actually scheduled is often compromised, not by the lack of availability of Division personnel to conduct the hearing, but rather by the unavailability of a party, counsel for a party, or crucial witnesses; the inability of the parties, due to the complexity of a case, to complete “discovery” and otherwise prepare for the hearing; and Legislative time requirements in some limited cases.

Additionally, once a case actually goes to hearing, Chapter 120, Florida Statutes, provides that the parties may file proposed orders for consideration of the administrative law judge in preparing his or her order. Before this is done, due process requires that the parties be given time to have a transcript of the hearing prepared and filed, a process which can take anywhere from ten days to months, depending on the complexity of the case. The time parties need to prepare their proposed orders can also take from ten days (the minimum allowed by rule) to months, again depending on the complexity of the case.

All these factors impact the ability of the Division to quickly schedule hearings and close cases.

Management Efforts to Address Differences/Problems (check all that apply):

- | | |
|------------------------------------|----------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Training | <input type="checkbox"/> Technology |
| <input type="checkbox"/> Personnel | <input checked="" type="checkbox"/> Other (Identify): -
Implementation of internal
policies. |

Recommendations:

The Division began operating under “Performance-Based Program Budgeting” principles on July 1, 2000, and instituted new policies that require more expeditious scheduling of hearings and closure of cases. The Division’s performance has significantly improved over the last eight fiscal years and efficiencies most likely have been maximized. This maximization of efficiencies, combined with a constant staffing level of Administrative Law Judge positions during the last few years, supports the Division’s request that this measure’s FY 2009-10 standard be maintained at 90%.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: DMS/Division of Administrative Hearings
Program: Adjudication of Disputes
Service/Budget Entity: Adjudication of Disputes
Measure: Percent of Professional Licensure (PL) Cases Closed Within 120 Days After Filing

Action:

- | | |
|--------------------------------------------------------------------------------------|----------------------------------------------|
| <input checked="" type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <input type="checkbox"/> Revision of Measure |
| <input type="checkbox"/> Performance Assessment of <u>Output</u> Measure | <input type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards | |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
77%	76%	(1%)	(1%)

Factors Accounting for the Difference:

Internal Factors (check all that apply):

- | | |
|------------------------------------------------------|----------------------------------------------------------------------------------------|
| <input type="checkbox"/> Personnel Factors | <input type="checkbox"/> Staff Capacity |
| <input type="checkbox"/> Competing Priorities | <input type="checkbox"/> Level of Training |
| <input type="checkbox"/> Previous Estimate Incorrect | <input checked="" type="checkbox"/> Other (Difference is statistically insignificant). |

Explanation:

This small difference of (1%) is statistically insignificant and does not indicate internal factors which may be responsible for the Division not meeting its performance standard.

External Factors (check all that apply):

- | | |
|------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Resources Unavailable | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change | <input type="checkbox"/> Natural Disaster |
| <input type="checkbox"/> Target Population Change | <input checked="" type="checkbox"/> Other (Identify) - Caseload increase and due process rights. |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem | |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission | |

Explanation:

The Division's caseload increased by 4% in FY 2007-08; this increase may have contributed to the lower performance level.

The ability to schedule hearings and close cases within a set period of time as established by the Legislature is dependent on: (1) a cooperative effort by the Division, the parties, and counsel for the parties, (2) the requirement of the Florida and United States Constitutions to ensure that parties are

not denied their due process rights (which includes the ability to properly prepare for hearing and to present relevant evidence through exhibits and witnesses), and (3) Legislative time requirements in certain cases.

While a large majority of cases can be initially scheduled for hearing within 90 days of filing, the ability to actually hear a case as actually scheduled is often compromised, not by the lack of availability of Division personnel to conduct the hearing, but rather by the unavailability of a party, counsel for a party, or crucial witnesses; the inability of the parties, due to the complexity of a case, to complete “discovery” and otherwise prepare for the hearing; and Legislative time requirements in some limited cases.

Additionally, once a case actually goes to hearing, Chapter 120, Florida Statutes, provides that the parties may file proposed orders for consideration of the administrative law judge in preparing his or her order. Before this is done, due process requires that the parties be given time to have a transcript of the hearing prepared and filed, a process which can take anywhere from ten days to months, depending on the complexity of the case. The time parties need to prepare their proposed orders can also take from ten days (the minimum allowed by rule) to months, again depending on the complexity of the case.

Finally, in professional licensure cases, many of the licensees request a delay in scheduling their hearings (and thus closing their cases) until any criminal charges against them have been resolved in another forum.

All these factors impact the ability of the Division to quickly schedule hearings and close cases.

Management Efforts to Address Differences/Problems (check all that apply):

- | | |
|------------------------------------|----------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Training | <input type="checkbox"/> Technology |
| <input type="checkbox"/> Personnel | <input checked="" type="checkbox"/> Other (Identify): -
Implementation of internal
policies. |

Recommendations:

The Division began operating under “Performance-Based Program Budgeting” principles on July 1, 2000 and instituted new policies that require more expeditious scheduling of hearings and closure of cases. The Division’s performance has significantly improved over the last eight fiscal years and efficiencies most likely have been maximized. This maximization of efficiencies, combined with a constant staffing level of Administrative Law Judge positions during the last few years, supports the Division’s request that this measure’s FY 2009-10 standard be maintained at 77%.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: DMS/Division of Administrative Hearings
Program: Adjudication of Disputes
Service/Budget Entity: Adjudication of Disputes
Measure: Percent of Professional Licensure (PL) Cases Scheduled for Hearing Within 90 Days After Filing

Action:

- | | |
|--------------------------------------------------------------------------------------|----------------------------------------------|
| <input checked="" type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <input type="checkbox"/> Revision of Measure |
| <input type="checkbox"/> Performance Assessment of <u>Output</u> Measure | <input type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards | |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
95%	87%	(8%)	(8%)

Factors Accounting for the Difference:

Internal Factors (check all that apply):

- | | |
|------------------------------------------------------|---------------------------------------------------------------------------------|
| <input type="checkbox"/> Personnel Factors | <input type="checkbox"/> Staff Capacity |
| <input type="checkbox"/> Competing Priorities | <input type="checkbox"/> Level of Training |
| <input type="checkbox"/> Previous Estimate Incorrect | <input checked="" type="checkbox"/> Other (Timing of consolidated cases filed). |

Explanation:

A large number of related PL cases were filed at varying times at the end of the year and were eventually consolidated. Because of the volume of cases, the parties were unable to prepare for hearing in 90 days. The circumstances related to the filing and scheduling of these cases should not be repeated in future years, and the Division's performance should improve.

External Factors (check all that apply):

- | | |
|------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Resources Unavailable | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change | <input type="checkbox"/> Natural Disaster |
| <input type="checkbox"/> Target Population Change | <input checked="" type="checkbox"/> Other (Identify) - Caseload increase and due process rights. |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem | |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission | |

Explanation:

The Division's caseload increased by 4% in FY 2007-08; this increase may have contributed to the lower performance level.

The ability to schedule hearings and close cases within a set period of time as established by the Legislature is dependent on: (1) a cooperative effort by the Division, the parties, and counsel for the parties, (2) the requirement of the Florida and United States Constitutions to ensure that parties are

not denied their due process rights (which includes the ability to properly prepare for hearing and to present relevant evidence through exhibits and witnesses), and (3) Legislative time requirements in certain cases.

While a large majority of cases can be initially scheduled for hearing within 90 days of filing, the ability to actually hear a case as actually scheduled is often compromised, not by the lack of availability of Division personnel to conduct the hearing, but rather by the unavailability of a party, counsel for a party, or crucial witnesses; the inability of the parties, due to the complexity of a case, to complete “discovery” and otherwise prepare for the hearing; and Legislative time requirements in some limited cases.

Additionally, once a case actually goes to hearing, Chapter 120, Florida Statutes, provides that the parties may file proposed orders for consideration of the administrative law judge in preparing his or her order. Before this is done, due process requires that the parties be given time to have a transcript of the hearing prepared and filed, a process which can take anywhere from ten days to months, depending on the complexity of the case. The time parties need to prepare their proposed orders can also take from ten days (the minimum allowed by rule) to months, again depending on the complexity of the case.

Finally, in professional licensure cases, many of the licensees request a delay in scheduling their hearings (and thus closing their cases) until any criminal charges against them have been resolved in another forum.

All these factors impact the ability of the Division to quickly schedule hearings and close cases.

Management Efforts to Address Differences/Problems (check all that apply):

- | | |
|------------------------------------|----------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Training | <input type="checkbox"/> Technology |
| <input type="checkbox"/> Personnel | <input checked="" type="checkbox"/> Other (Identify): -
Implementation of internal
policies. |

Recommendations:

The Division began operating under “Performance-Based Program Budgeting” principles on July 1, 2000, and instituted new policies that require more expeditious scheduling of hearings and closure of cases. The Division’s performance has significantly improved over the last eight fiscal years and efficiencies most likely have been maximized. This maximization of efficiencies, combined with a constant staffing level of Administrative Law Judge positions during the last few years, supports the Division’s request that this measure’s FY 2009-10 standard be maintained at 95%.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: DMS/Division of Administrative Hearings
Program: Workers' Compensation Appeals - Judges of Compensation Claims
Service/Budget Entity: Workers' Compensation Appeals - Judges of Compensation Claims
Measure: Percent of Petitions Closed Within the Statutory Timeframe

Action:

- | | |
|--------------------------------------------------------------------------------------|----------------------------------------------|
| <input checked="" type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <input type="checkbox"/> Revision of Measure |
| <input type="checkbox"/> Performance Assessment of <u>Output</u> Measure | <input type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards | |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
67%	52%	(15%)	(22%)

Factors Accounting for the Difference:

Internal Factors (check all that apply):

- | | |
|------------------------------------------------------|------------------------------------------------------------------------|
| <input type="checkbox"/> Personnel Factors | <input type="checkbox"/> Staff Capacity |
| <input type="checkbox"/> Competing Priorities | <input type="checkbox"/> Level of Training |
| <input type="checkbox"/> Previous Estimate Incorrect | <input checked="" type="checkbox"/> Other (Continued Data Improvement) |

Explanation:

In October 2001, almost 600,000 petitions for benefits were transferred from the Division of Workers' Compensation database to the Division of Administrative Hearing's (DOAH's) case management system (CMS.) For technical reasons, all of the petitions had to be transferred in "open" status, regardless of their filed date or actual status. Some of these petitions dated back to the 1950s. The OJCC instituted electronic filing of documents and made other technological improvements to its database, and continues to close these petitions inadvertently left in "open" status. Therefore, the OJCC improved its performance from 29% in FY 2006-07 to 52% in FY 2007-08.

In FY 2007-2008, the OJCCs received 72,719 petitions for benefits, and closed 116,579. Most of the oldest petitions were closed in Miami. In that district, less than 30% of the petitions were closed within 210 days. However, in Melbourne, Sarasota, Tallahassee, and St. Petersburg, over 90% of the petitions were closed within 210 days.

The Division continues to improve its data and performance. During June, 2008, 65% of petitions were closed within 210 days of filing. During the first month of FY 2008-09, the Miami district's average had improved to 42%, and the statewide average had risen to 70%.

External Factors (check all that apply):

- | | |
|------------------------------------------------------------------------------|-------------------------------------------------|
| <input type="checkbox"/> Resources Unavailable | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change | <input type="checkbox"/> Natural Disaster |
| <input type="checkbox"/> Target Population Change | <input type="checkbox"/> Other (Identify) |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem | |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission | |

Explanation:

Management Efforts to Address Differences/Problems (check all that apply):

- | | |
|----------------------------------------------|-----------------------------------------------------------|
| <input checked="" type="checkbox"/> Training | <input type="checkbox"/> Technology |
| <input type="checkbox"/> Personnel | <input checked="" type="checkbox"/> Other - Data Analysis |

Recommendations:

To ensure the quality of the data in the case management system, the Judges of Compensation Claims will improve training provided to staff members responsible for the maintenance of the database and stress the importance of docketing orders and closing petitions in the system in a timely manner.

In the future it may be necessary to request an adjustment to the standard for this measure. However, because of the additional personnel and continuing database improvements, the Division requests that the FY 2009-10 standard be maintained at 67%.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: DMS/Division of Administrative Hearings

Program: Workers' Compensation Appeals - Judges of Compensation Claims

Service/Budget Entity: Workers' Compensation Appeals - Judges of Compensation Claims

Measure: Average Number of Days from Date Petition Filed to Date Petition Closed

Action:

- | | |
|--------------------------------------------------------------------------------------|----------------------------------------------|
| <input checked="" type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <input type="checkbox"/> Revision of Measure |
| <input type="checkbox"/> Performance Assessment of <u>Output</u> Measure | <input type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards | |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
210	539	329	157%

Factors Accounting for the Difference:

Internal Factors (check all that apply):

- | | |
|------------------------------------------------------|------------------------------------------------------------------------|
| <input type="checkbox"/> Personnel Factors | <input type="checkbox"/> Staff Capacity |
| <input type="checkbox"/> Competing Priorities | <input type="checkbox"/> Level of Training |
| <input type="checkbox"/> Previous Estimate Incorrect | <input checked="" type="checkbox"/> Other (Continued Data Improvement) |

Explanation:

In October 2001, almost 600,000 petitions for benefits were transferred from the Division of Workers' Compensation database to the Division of Administrative Hearing's (DOAH's) case management system (CMS.) For technical reasons, all of the petitions had to be transferred in "open" status, regardless of their filed date or actual status. Some of these petitions dated back to the 1950s. The OJCC instituted electronic filing of documents and made other technological improvements to its database, and continues to close these petitions inadvertently left in "open" status. Therefore, the OJCC improved its performance from 875 days in FY 2006-07 to 539 days in FY 2007-08.

In FY 2007-2008, the OJCCs received 72,719 petitions for benefits, and closed 116,579. The oldest petitions closed were still assigned to a judge who retired from the OJCC in December, 2003; these petitions averaged 4,305 days old. Since most of the oldest petitions were closed in Miami, Ft. Lauderdale and Ft. Myers, the average petition closed in these districts was over 1,000 days old.

In the Melbourne, St. Petersburg, Tallahassee, Sarasota, Tampa and Orlando districts, the average number of days to closure was less than 200 days.

The Division continues to improve its data and performance. During June, 2008, most of the Judges closed petitions which were an average of less than 300 days old, and the statewide average had improved to 342 days. By July, 2008, the statewide average had improved to 305 days.

External Factors (check all that apply):

- | | |
|------------------------------------------------------------------------------|-------------------------------------------------|
| <input type="checkbox"/> Resources Unavailable | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change | <input type="checkbox"/> Natural Disaster |
| <input type="checkbox"/> Target Population Change | <input type="checkbox"/> Other (Identify) |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem | |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission | |

Explanation:

Management Efforts to Address Differences/Problems (check all that apply):

- | | |
|----------------------------------------------|-----------------------------------------------------------|
| <input checked="" type="checkbox"/> Training | <input type="checkbox"/> Technology |
| <input type="checkbox"/> Personnel | <input checked="" type="checkbox"/> Other - Data Analysis |

Recommendations:

To ensure the quality of the data in the case management system, the Judges of Compensation Claims will improve training provided to staff members responsible for the maintenance of the database and stress the importance of docketing orders and closing petitions in the system in a timely manner.

In the future it may be necessary to request an adjustment to the standard for this measure. However, because of the additional personnel and continuing database improvements, the Division requests that the FY 2009-10 standard be maintained at 210 days.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: DMS/Division of Administrative Hearings
Program: Workers' Compensation Appeals - Judges of Compensation Claims
Service/Budget Entity: Workers' Compensation Appeals - Judges of Compensation Claims
Measure: Number of Mediations Held

Action:

- | | |
|-------------------------------------------------------------------------------------|----------------------------------------------|
| <input type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <input type="checkbox"/> Revision of Measure |
| <input checked="" type="checkbox"/> Performance Assessment of <u>Output</u> Measure | <input type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards | |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
28,000	20,021	(7,979)	(28%)

Factors Accounting for the Difference:

Internal Factors (check all that apply):

- | | |
|-----------------------------------------------------------------|--------------------------------------------|
| <input type="checkbox"/> Personnel Factors | <input type="checkbox"/> Staff Capacity |
| <input type="checkbox"/> Competing Priorities | <input type="checkbox"/> Level of Training |
| <input checked="" type="checkbox"/> Previous Estimate Incorrect | <input type="checkbox"/> Other (Identify) |

Explanation:

The approved standard for FY 2007-08 was based on data from previous fiscal years, when the number of incoming petitions for benefits was much higher.

External Factors (check all that apply):

- | | |
|------------------------------------------------------------------------------|----------------------------------------------------------------|
| <input type="checkbox"/> Resources Unavailable | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change | <input type="checkbox"/> Natural Disaster |
| <input type="checkbox"/> Target Population Change | <input checked="" type="checkbox"/> Other – Decrease in Demand |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem | |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission | |

Explanation:

This decrease can be attributed to the 12% decrease in the number of petitions filed in FY 2007-08.

Management Efforts to Address Differences/Problems (check all that apply):

Training

Technology

Personnel

Other – Evaluate Standard

Recommendations:

The Office of the Judges of Compensation Claims requests that the FY 2009-10 standard be maintained at 28,000. The OJCC will continue to monitor the number of incoming petitions in 2008-09 and may submit a budget amendment to change this standard to an achievable level.

Office of Policy and Budget – July 2008

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: DMS/Division of Administrative Hearings
Program: Workers' Compensation Appeals - Judges of Compensation Claims
Service/Budget Entity: Workers' Compensation Appeals - Judges of Compensation Claims
Measure: Percent of Concluded Mediations Resulting in Resolution (All Issues Except Attorneys Fees)

Action:

- | | |
|--------------------------------------------------------------------------------------|----------------------------------------------|
| <input checked="" type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <input type="checkbox"/> Revision of Measure |
| <input type="checkbox"/> Performance Assessment of <u>Output</u> Measure | <input type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards | |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
52%	50%	(2%)	(4%)

Factors Accounting for the Difference:

Internal Factors (check all that apply):

- | | |
|-----------------------------------------------------------------|--------------------------------------------|
| <input type="checkbox"/> Personnel Factors | <input type="checkbox"/> Staff Capacity |
| <input type="checkbox"/> Competing Priorities | <input type="checkbox"/> Level of Training |
| <input checked="" type="checkbox"/> Previous Estimate Incorrect | <input type="checkbox"/> Other (Identify) |

Explanation:

This small decrease in performance (2%) has continued since FY 2003-04 but is not significant enough to indicate factors which may be responsible for the decline. There may be an increasing desire by parties to settle cases prior to the scheduling of mediation. Future data will be analyzed to determine if this decrease suggests a significant trend.

External Factors (check all that apply):

- | | |
|------------------------------------------------------------------------------|-------------------------------------------------|
| <input type="checkbox"/> Resources Unavailable | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change | <input type="checkbox"/> Natural Disaster |
| <input type="checkbox"/> Target Population Change | <input type="checkbox"/> Other (Identify) |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem | |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission | |

Explanation:

Management Efforts to Address Differences/Problems (check all that apply):

- | | |
|----------------------------------------------|-----------------------------------------------------------|
| <input checked="" type="checkbox"/> Training | <input type="checkbox"/> Technology |
| <input type="checkbox"/> Personnel | <input checked="" type="checkbox"/> Other - Data Analysis |

Recommendations:

The Office of the Judges of Compensation Claims (OJCC) will continue to provide training to new state mediators in the form of conferences, seminars and access to a library of audiotapes for Continuing Legal Education (CLE) credits.

The OJCC requests that the FY 2009-10 standard be maintained at 52%. Future data will be analyzed to determine if a trend towards settling cases prior to mediation is developing. If so, this would result in only the more difficult cases being scheduled for mediation and consequently a lower resolution rate for the state mediators. At that time it may be necessary to request an adjustment to the standard for this measure.

C. The process by which an agency actively measures quality and efficiency of services it provides to the public. (s. 11.906(10), Florida Statutes)

1. Please define your customer. The customers of the Division of Administrative Hearings include the parties to the cases filed. For the Adjudication of Disputes program, customers include state agencies, private citizens and organizations, and local government entities such as cities, counties, school districts and water management districts. For the Workers' Compensation Appeals program, customers include injured workers, employers and insurance carriers.
2. Please explain how you define customer satisfaction. Customer satisfaction is defined as mediating and adjudicating disputes in an impartial and timely manner.
3. Please describe the process by which your agency actively measures quality and efficiency of services to the public. Please see Exhibit II documents in Section II. B. 1. above.
4. In the following table (Exhibit 8), please provide information on any other measures of agency performance, for example, internal measures, information tracked in strategic plans, or reported to the federal government, for each budget entities' related programs that measure quality and efficiency of services.

DIVISION OF ADMINISTRATIVE HEARINGS
Exhibit 8: Other Measures of Agency Performance

Budget Entity and Program	Measure	Source of Measure	Fiscal Year 2006-07 Performance
None			

D. The promptness and effectiveness with which the agency disposes of complaints concerning persons affected by the agency. (s. 11.906(3), Florida Statutes)

1. Please describe the processes your agency uses to resolve complaints concerning persons affected by the agency, including tracking complaints for promptness, responding to complaints, and referring complaints to the appropriate agency unit or other agency.

Within the Adjudication of Disputes program, all complaints are forwarded to the Director and Chief Judge for response. He seeks advice from those on staff who are most knowledgeable about the particular issue complained of (e.g., a technology issue may be addressed by our CIO), and responds in writing to the complainant. For those complaints that address disappointment in a particular ruling from a judge, the Chief Judge explains that he cannot act as an appellate court. If the complainant is dissatisfied with the result in a matter, the case may be appealed to the next level of review which is generally the agency that referred the case to the Division of Administrative Hearings or a district court of appeal.

In the Worker's Compensation Appeals program, all complaints are forwarded to the Deputy Chief Judge of Compensation Claims, after review by the Chief Judge, for initial handling. Pursuant to Section 440.45(2)(e), Florida Statutes, the Director may initiate or conduct investigations based upon complaints raised against a judge of compensation claims or the Office of Judges of Compensation Claims. All complaints are reviewed, researched when necessary, and responded to in writing by the Deputy Chief Judge or the Chief Judge. As in the Adjudication of Disputes program, when the complaint is about disagreement with a decision made by the judge, the complainant is advised of his or her appellate rights and reminded that the Deputy Chief Judge and Chief Judge cannot overturn a decision by one of the judges of compensation claims. If the allegations against a judge are substantiated, the Chief Judge may recommend that the Governor discipline the judge through fine, reprimand, or suspension without pay. The judge subject to a complaint has the right to refute the charges lodged against him or her prior to the final report being submitted to the Governor.

E. An assessment of the extent to which the agency has corrected deficiencies and implemented recommendations contained in reports of the Auditor General, the Office of Program Policy Analysis and Government Accountability, legislative interim studies, and federal audit entities. (s. 11.906(9), Florida Statutes)

1. Please include audit information required in Schedule IX (Major Audit Findings and Recommendations) of the Legislative Budget Request (LBR) to provide information on the action taken by your agency to address each recommendation included in reports issued by the Auditor General, the Office of Program Policy Analysis and Government Accountability, legislative committees, and federal audit entities in the past three fiscal years. For each report, if corrective actions were not taken, please explain why not.

Please see Appendix Two.

III. Compliance

A. The extent to which the agency has encouraged participation by the public in making its rules and decisions as opposed to participation solely by those it regulates and the extent to which public participation has resulted in rules compatible with the objectives of the agency. (s. 11.906(4), Florida Statutes)

1. Please describe below how your agency obtains input from the public regarding potential rules or other issues affecting the agency. Also, please describe how this input is incorporated into rule-making and other agency decisions.

The Division works closely with the Administration Commission, Joint Administrative Procedures Committee ("JAPC") and the Florida Bar Administrative Law and Worker's Compensation Sections (the "Sections") in the area of rulemaking. The Commission contacts the Division of Administrative Hearings when it has issues regarding rulemaking procedures as well as substantive rule questions. The JAPC, as a courtesy always refers rulemaking and statutory amendments to the Division of Administrative Hearings for review and consent prior to providing them to the legislature. The Sections bring changes to the Model Rules of Procedure for both administrative law and worker's compensation matters to the Division of Administrative Hearings for comment and suggestions.

Whenever the Division of Administrative Hearings seeks to make rule amendments, the above organizations are informed as well as other stakeholders who might be subject to the proposed rules. In the case of worker's compensation, the Division appointed a rules committee in 2005 to revise the rules and make recommendations concerning ways to streamline the process through rulemaking. This committee was comprised of claimant and employer/carrier attorneys, insurance agency representatives, and others representing the major stakeholders in the worker's compensation industry. This all-inclusive process has served the agency well.

B. The extent to which the agency complies with public records and public meetings requirements under Chapters 119 and 286, Florida Statutes, and s. 24, Article 1 of the State Constitution. (s. 11.906(11), Florida Statutes)

1. Please describe your agency's process for complying with public records and meeting requirements. For example, please describe your policy for handling public records requests, process for advertising public meetings, and any other mechanisms, such as training programs, in place to ensure compliance with public record and public meeting requirements.

The Division is committed to compliance with the letter and spirit of the public records law. To this end, we educate our employees (including the judges) at least annually in the importance of providing the public with all documents that are not withheld from the public due to statutory confidentiality (e.g., medical records, identities of minors, and certain protected personnel pursuant to section 119.071, F.S.). The procedure for the Division's compliance with the public records law and meeting requirements is as follows: All public records requests are received by the Clerk's Office and forwarded to the Clerk of the Division for review and processing in a timely manner. The Division has had only 24 written requests from June 2007 through August 2008. Due to technological advancements, most non-confidential records are available through the agency website and are provided at no cost to the public. The Division's employees assist the public when requested in accessing documents through the website.

C. The extent to which the agency has complied with applicable requirements of state law and applicable rules regarding purchasing goals and programs for small and minority-owned businesses. (s. 11.906(5), Florida Statutes)

1. Please provide the dates that your agency's most recent minority business enterprise utilization plan was submitted to and approved by the Department of Management Services' Office of Supplier Diversity. Also, please describe the extent to which the goals outlined in the plan have been achieved.

The Division of Administrative Hearings' purchasing section works diligently with the Department of Management Services' (DMS) Office of Supplier Diversity to prepare a Minority Business Plan on an annual basis. The most recent plan was submitted to DMS on September 27, 2007 with the next plan due on September 19, 2008. The plan consists of making every effort to provide maximum opportunity for participation of certified minority business enterprises. To facilitate this effort the Division of Administrative Hearings utilizes the Department of Management Services' vendor bid system as well as attends the Florida MatchMaker Conferences to identify minority businesses for future utilization.

IV. Alternative Program Delivery Options

A. An assessment of less restrictive or alternative methods of providing services for which the agency is responsible which would reduce costs or improve performance while adequately protecting the public. (s. 11.906(8), Florida Statutes)

B. The extent to which alternative program delivery options, such as privatization, outsourcing, or insourcing, have been considered to reduce costs or improve services to state residents. (s. 11.906(12), Florida Statutes)

1. In the following table (Exhibit 9), please list any alternative methods of providing services, or any alternative program delivery options that are currently planned, are currently under consideration, or have recently had been considered and rejected. When applicable, please include information from Schedule XII: Outsourcing or Privatization of a Function Business Case in the Legislative Budget Request (LBR).

DIVISION OF ADMINISTRATIVE HEARINGS
Exhibit 9: Alternative Program Delivery Options

Major Program Affected	Description of alternative methods of providing services	Benefits (e.g. cost savings, improved service)	Adverse Effects (e.g., increased costs, fewer service recipients)	Implemented, Currently Planned, Under Consideration, or Rejected?	If Rejected, Explain Why
None					

2. What provisions has the agency made to allow agency customers and the public to electronically access agency data, information, and services?

The Division of Administrative Hearings has established websites for both programs which allow public access to non-confidential case-related information (such as judges' orders, pleadings filed by parties to cases, case calendars, etc.) and provide instructional information to persons who wish to represent themselves before the Division.

The Division of Administrative Hearings has developed web-based applications for both programs which allow registered users to access all information on cases that they are a party to, including confidential case profile information and

documents. Registered users may also request the issuance of subpoenas or, for the workers' compensation program, may open a new case by submitting required documentation online. Registered Florida agencies may submit the necessary documentation to open a new case before the Division and may monitor their own agency's caseload. Registered workers' compensation carriers may log in to submit statutorily-required statistical information.

3. Please describe the policies and procedures that the agency uses to ensure the security of data submitted and/or retrieved by agency customers and the public.

As stated above, only registered users who successfully log in to the Division's websites may access complete case information (and then only on cases that they are party to). Public access to information is provided by the Division's websites for general research purposes, but all confidential data is "hidden" to the public. Documents which contain confidential case information are not viewable by the general public.

4. When developing, competitively procuring, maintaining, or using electronic information or information technology, how does the agency ensure that state employees with disabilities have comparable access to and are provided with the same information and data as state employees who do not have disabilities?

The Division provides all necessary accommodations for employees with disabilities.

C. Recommendations to the committee for statutory, budgetary, or regulatory changes that would improve the quality and efficiency of services delivered to the public, reduce costs, or reduce duplication. (s. 11.906(13), Florida Statutes)

1. In the following table (Exhibit 10), please list any recommendations from your agency for statutory changes that would improve the quality and efficiency of services, reduce costs, or reduce duplication. For each recommendation, please indicate what statutes would need to be changed, an approximate timeline for implementation of the proposed changes, the estimated benefits to be achieved through the changes, and any possible adverse consequences of the proposed changes, and how improvements would be achieved.

DIVISION OF ADMINISTRATIVE HEARINGS

Exhibit 10: Statutory Changes

Recommended Statutory Change	Statute That Would Need to Be Changed	Timeline for Implementation	Benefits (e.g., cost savings, improved service)	Adverse Effects (e.g., increased costs, fewer service recipients)	How Improvements Would Be Achieved
Allow Administrative Law Judges to order parties to mediation in certain cases.	Section 120.573, F.S.	2009 Legislative Session	This would encourage parties to settle matters short of hearing and save the time and expense of proceeding to hearing.	No adverse effects expected.	Bring the parties to the table to settle all or some of the issues at stake.
Allow Administrative Law Judges to issue summary final orders in professional licensure matters involving fines only (not reprimands, suspensions or revocations).	Section 120.574, F.S. , and some professional licensing board practice acts to delegate the duties to DOAH.	2009 Legislative Session	Would save agencies the time and expense of scheduling these cases at board meetings. Would allow professional licensing boards to have more time to spend on more serious matters.	Would remove the autonomy of boards to hear these particular cases.	Move the matters through the system faster and speed up collection of fines.

Make electronic filing and service in workers' compensation cases mandatory.	Section 440.192, F.S.	2009 Legislative Session	Will save the agency and all parties the cost of paper, copying, postage and delivery.	Those without computer access will have to be provided for.	Electronically filed documents would be immediately available to the parties and the general public on the Division of Administrative Hearings' website.
------------------------------------------------------------------------------	-----------------------	--------------------------	----------------------------------------------------------------------------------------	-------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------

2. In the following table (Exhibit 11), please list any recommendations from your agency for budgetary changes that would improve the quality and efficiency of services, reduce costs, or reduce duplication. For each recommendation, please describe the changes proposed, the timeline for implementation, and the advantages and disadvantages of the changes. Do not list proposed budgetary increases unless they are anticipated to result in measurable long-term cost savings.

DIVISION OF ADMINISTRATIVE HEARINGS

Exhibit 11: Budgetary Changes

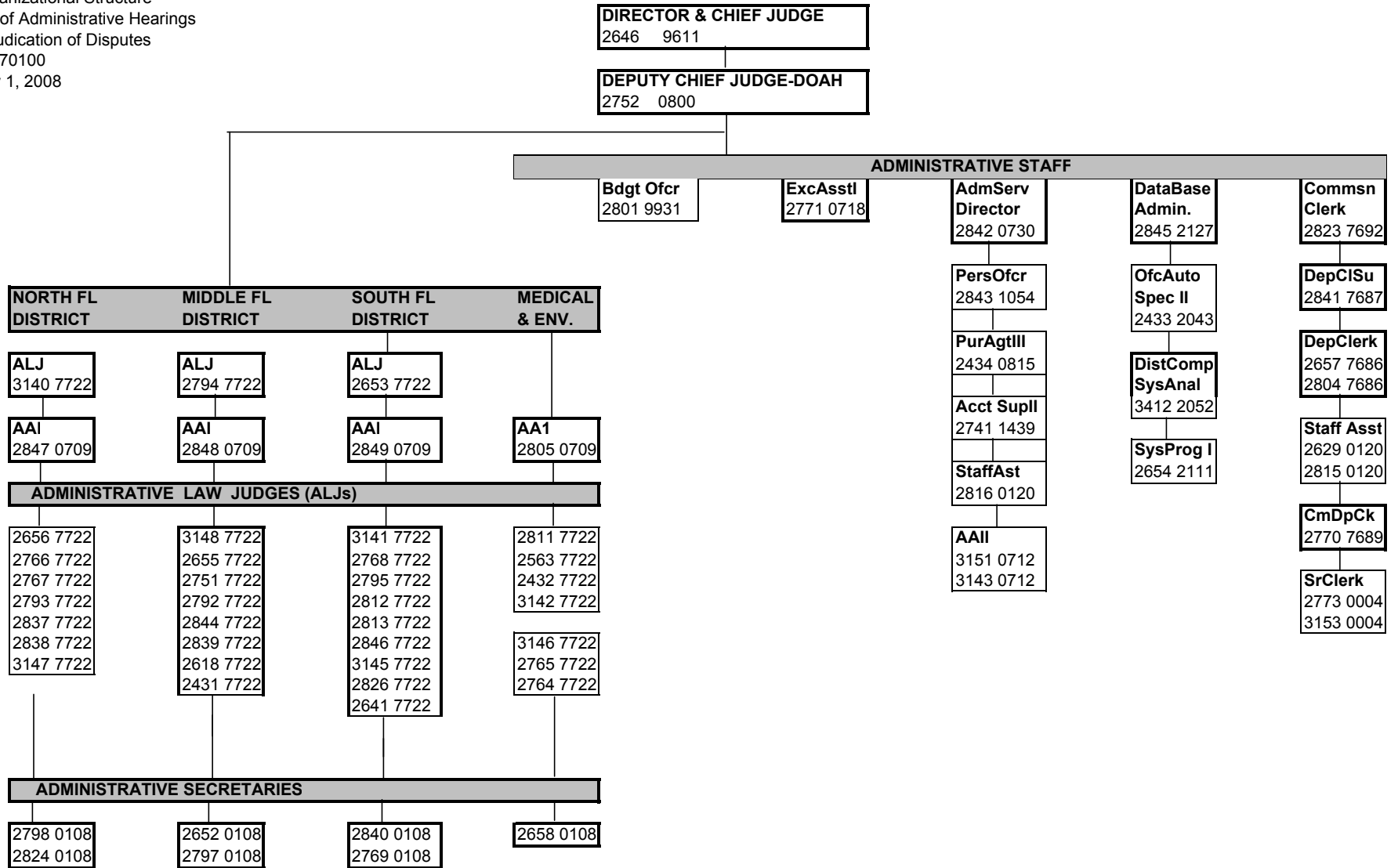
Recommended Budgetary Change	Timeline for Implementation	Benefits (e.g., cost savings, improved service)	Adverse Effects (e.g., increased costs, fewer service recipients)	Funding Source (If increase, what is the source?)	How Improvements Would Be Achieved
Efficiency cuts have been appropriated the past few years. Therefore, the Division does not recommend further budget reductions.					

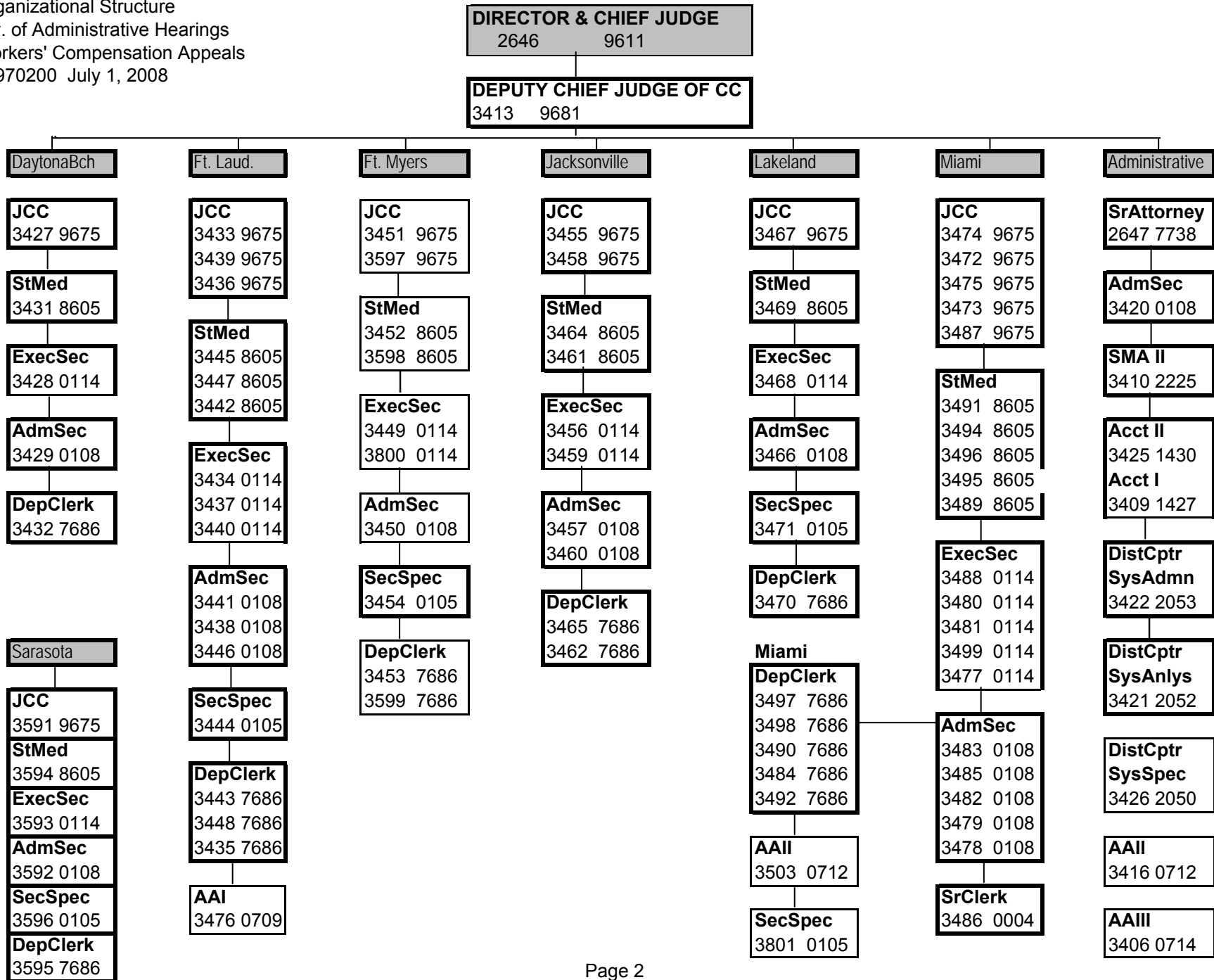
3. In the following table (Exhibit 12), please list any recommendations from your agency for regulatory changes that would improve the quality and efficiency of services, reduce costs, or reduce duplication. For each recommendation, please describe the changes proposed, the timeline for implementation, and the advantages and disadvantages of the changes.

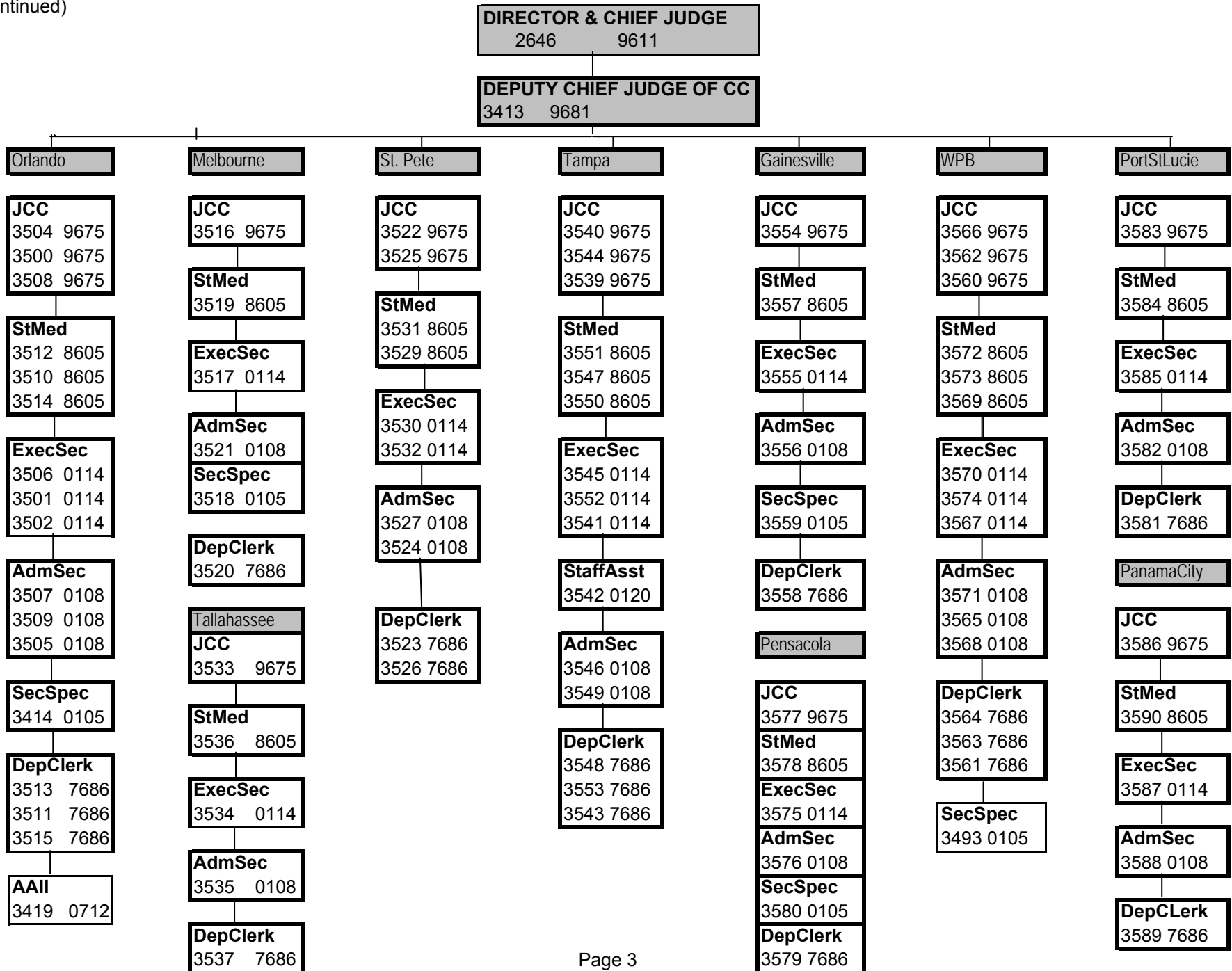
DIVISION OF ADMINISTRATIVE HEARINGS

Exhibit 12: Regulatory Changes

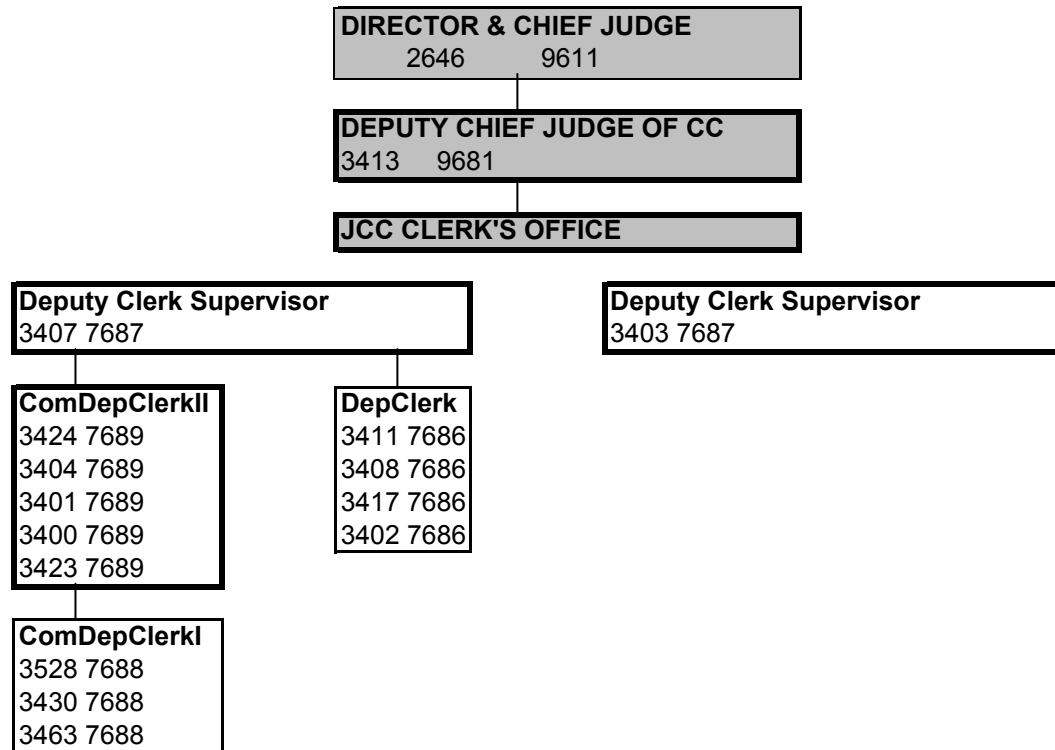
Recommended Regulatory Change	Timeline for Implementation	Benefits (e.g., cost savings, improved service)	Adverse Effects (e.g., increased costs, fewer service recipients)	Funding Source (If increase, what is the source?)	How Improvements Would Be Achieved
Rule amendments might be necessary to implement the statutory changes referenced in Section IV. C. 1. above.					







Workers' Compensation Appeals
(continued)



SCHEDULE IX: MAJOR AUDIT FINDINGS AND RECOMMENDATIONS

Budget Period: 2008-2009

Department: DMS/Division of Administrative Hearings

Chief Internal Auditor: Carr Riggs & Ingram , LLC

Budget Entity: Adjudication of Disputes

Phone Number: 850-488-9675, X118

(1) REPORT NUMBER	(2) PERIOD ENDING	(3) UNIT/AREA	(4) SUMMARY OF FINDINGS AND RECOMMENDATIONS	(5) SUMMARY OF CORRECTIVE ACTION TAKEN	(6) ISSUE CODE
#6-6-07	6/30/2005	Statewide Financial Statements	<p>Carr Riggs & Ingram, LLC (CRI) reviewed the Division's records to determine whether the tasks listed on the Statewide Financial Statements Checklist were completed for the year ended June 30, 2005. CRI issued an "Independent Accountants' Report on Applying Agreed-Upon Procedures" stating that all tasks listed on the Checklist were completed, and that the required information was submitted to the Statewide Financial Reporting Section in a timely manner, with three exceptions:</p> <p>1) CRI was unable to verify the run date of the depreciation report on capital assets;</p> <p>2) CRI was unable to verify the submission date of the form on compensated absences; and</p> <p>3) CRI was unable to verify the submission date of five miscellaneous forms, and the completion date of three of these forms. One form was completed and submitted one day late.</p>	<p>1) New control procedures have been implemented to verify the date that the depreciation report is run.</p> <p>2) New control procedures have been implemented to verify completion and submission dates of forms.</p> <p>3) New control procedures have been implemented to: (a) verify completion and submission dates of forms, and (b) insure the timely completion and submission of all forms.</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p>

SCHEDULE IX: MAJOR AUDIT FINDINGS AND RECOMMENDATIONS

Budget Period: 2008-2009

Department: DMS/Division of Administrative Hearings

Chief Internal Auditor: Carr Riggs & Ingram , LLC

Budget Entity: Workers' Compensation Appeals

Phone Number: 850-488-9675, X118

(1) REPORT NUMBER	(2) PERIOD ENDING	(3) UNIT/AREA	(4) SUMMARY OF FINDINGS AND RECOMMENDATIONS	(5) SUMMARY OF CORRECTIVE ACTION TAKEN	(6) ISSUE CODE
#6-6-07	6/30/2005	Statewide Financial Statements	<p>Carr Riggs & Ingram, LLC (CRI) reviewed the Division's records to determine whether the tasks listed on the Statewide Financial Statements Checklist were completed for the year ended June 30, 2005. CRI issued an "Independent Accountants' Report on Applying Agreed-Upon Procedures" stating that all tasks listed on the Checklist were completed, and that the required information was submitted to the Statewide Financial Reporting Section in a timely manner, with three exceptions:</p> <p>1) CRI was unable to verify the run date of the depreciation report on capital assets;</p> <p>2) CRI was unable to verify the submission date of the form on compensated absences; and</p> <p>3) CRI was unable to verify the submission date of five miscellaneous forms, and the completion date of three of these forms. One form was completed and submitted one day late.</p>	<p>1) New control procedures have been implemented to verify the date that the depreciation report is run.</p> <p>2) New control procedures have been implemented to verify completion and submission dates of forms.</p> <p>3) New control procedures have been implemented to: (a) verify completion and submission dates of forms, and (b) insure the timely completion and submission of all forms.</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p>

SCHEDULE IX: MAJOR AUDIT FINDINGS AND RECOMMENDATIONS

Budget Period: 2007-2008

Department: DMS/Division of Administrative Hearings

Chief Internal Auditor: Carr Riggs & Ingram LLC

Budget Entity: Adjudication of Disputes

Phone Number: 850-488-9675, X118

(1)	(2)	(3)	(4)	(5)	(6)
REPORT NUMBER	PERIOD ENDING	UNIT/AREA	SUMMARY OF FINDINGS AND RECOMMENDATIONS	SUMMARY OF CORRECTIVE ACTION TAKEN	ISSUE CODE
N/A	N/A	N/A	No audit reports on the Division's programs, activities or services were issued in FY 2005-06 by the Office of the Auditor General (OAG), the Office of Program Policy Analysis and Government Accountability (OPPAGA), or Carr Riggs & Ingram LLC.	N/A	N/A

SCHEDULE IX: MAJOR AUDIT FINDINGS AND RECOMMENDATIONS

Budget Period: 2007-2008

Department: DMS/Division of Administrative Hearings

Chief Internal Auditor: Carr Riggs & Ingram LLC

Budget Entity: Workers' Compensation Appeals

Phone Number: 850-488-9675, X118

(1)	(2)	(3)	(4)	(5)	(6)
REPORT NUMBER	PERIOD ENDING	UNIT/AREA	SUMMARY OF FINDINGS AND RECOMMENDATIONS	SUMMARY OF CORRECTIVE ACTION TAKEN	ISSUE CODE
N/A	N/A	N/A	No audit reports on the Division's programs, activities or services were issued in FY 2005-06 by the Office of the Auditor General (OAG), the Office of Program Policy Analysis and Government Accountability (OPPAGA), or Carr Riggs & Ingram LLC.	N/A	N/A

SCHEDULE IX: MAJOR AUDIT FINDINGS AND RECOMMENDATIONS

Budget Period: 2006-2007

Department: DMS/Division of Administrative Hearings

Chief Internal Auditor: Carr Riggs & Ingram LLC

Budget Entity: Adjudication of Disputes

Phone Number: 850-488-9675, X118

(1)	(2)	(3)	(4)	(5)	(6)
REPORT NUMBER	PERIOD ENDING	UNIT/AREA	SUMMARY OF FINDINGS AND RECOMMENDATIONS	SUMMARY OF CORRECTIVE ACTION TAKEN	ISSUE CODE
Auditor General Report #2005-043	March 2004	Health Care Practitioner Disciplinary Process	<p>The Division of Administrative Hearings (DOAH) had not documented the criteria used to evaluate and select Administrative Law Judges (ALJs) assigned to Department of Health (DOH) cases.</p> <p>As of March 2004, none of the assigned ALJs had attained certification in health care law.</p>	<p>The Division utilized the documented criteria set forth in Chapter 120.651, Florida Statutes, to select the ALJs designated to preside over DOH cases. Each of the judges provided sufficient documentation to demonstrate his or her experience in the handling of health care matters either in private law practice or as long-term judges with DOAH.</p> <p>One of the requirements for certification is to practice health care law at least 40 percent of the time. Based on the number of designated judges (which is kept at a high level to meet statutory timeframes and performance standards set by the Legislature) and the number of health care related cases presented to DOAH, which has declined over the period in question, it does not appear that any of the designated judges would be able to qualify for certification.</p>	<p>N/A</p> <p>N/A</p>
Internal Audit Report #11/2/04	June 2004	Accounting Procedures	<p>The report noted minor deficiencies related to stamping invoices, notifying customers of overdue accounts, refunding an overpayment, and verifying deposits.</p>	<p>The Division revised its policies and procedures to eliminate the deficiencies.</p>	N/A

SCHEDULE IX: MAJOR AUDIT FINDINGS AND RECOMMENDATIONS

Budget Period: 2006-2007

Department: DMS/Division of Administrative Hearings

Chief Internal Auditor: Carr Riggs & Ingram LLC

Budget Entity: Workers' Compensation Appeals

Phone Number: 850-488-9675, X118

(1)	(2)	(3)	(4)	(5)	(6)
REPORT NUMBER	PERIOD ENDING	UNIT/AREA	SUMMARY OF FINDINGS AND RECOMMENDATIONS	SUMMARY OF CORRECTIVE ACTION TAKEN	ISSUE CODE
Internal Audit Report #11/2/04	June 2004	Accounting Procedures	The report noted minor deficiencies related to stamping invoices, notifying customers of overdue accounts, and verifying deposits.	The Division revised its policies and procedures to eliminate the deficiencies.	N/A