|  |  |  |
| --- | --- | --- |
| **Independent Entities in Department of Management Services** | | |
| Several independent entities are administratively housed at the Department of Management Services (DMS). However, the department does not exercise control, supervision, or direction over the entities’ day-to-day operations. | | |
| **Division of Administrative Hearings** | | |
|  | *Continue* | The purpose of the [Division of Administrative Hearings](http://www.doah.state.fl.us/internet/default.cfm) (DOAH) is to improve the fairness of state agency administrative proceedings by providing a uniform, impartial, efficient, accessible, and affordable forum for resolving conflicts between private citizens and state agencies and organizations; it also is charged with resolving workers’ compensation disputes. DOAH conducts administrative hearings, which are similar to court proceedings, except that juries are not used.  DOAH is headed by a [division director](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=Ch0120/SEC65.HTM&Title=-%3e2008-%3eCh0120-%3eSection%2065) who serves as the chief administrative law judge, appointed by the [Administration Commission](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=Ch0014/SEC202.HTM&Title=-%3e2008-%3eCh0014-%3eSection%20202) (Governor and Cabinet) and confirmed by the Florida Senate. DOAH is administratively housed in the Department of Management Services, but is not subject to the control, supervision, or direction of the department. DOAH’s headquarters are in Tallahassee.  DOAH has two units, the Adjudication of Disputes Program and the Workers’ Compensation Appeals Program.   * The **Adjudication of Disputes Program** employs administrative law judges, including the chief judge and a deputy chief judge, who travel throughout the state conducting administrative hearings. Administrative law judges conduct hearings as authorized by Ch. [120](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=Ch0120/titl0120.htm), F.S. Most cases are brought for one of two reasons:  to challenge an agency rule as an invalid delegation of legislative authority; or to resolve disputes between an agency and a person whose substantial interests will be affected by an agency decision (other than a rule). Division cases involve a very broad range of issues including taxation, elections, air pollution, child support, and business regulation.   In Fiscal Year 2007-08, DOAH reports that the Adjudication of Disputes Program closed 5,810 cases with 81% being closed within 120 days of filing.  The Legislature appropriated 68 FTE and $8.5 million for the adjudication of disputes in Fiscal Year 2009-10.  The primary source of funding comes from fee assessments to state agencies and other entities as specified in budgetary proviso, but the Division of Administrative Hearings also receives payments for contractual services provided to cities and counties.  Some state entities must pay [filing fees](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=Ch0766/SEC305.HTM&Title=-%3e2008-%3eCh0766-%3eSection%20305) or [other fees](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=Ch0403/SEC518.HTM&Title=-%3e2008-%3eCh0403-%3eSection%20518) to utilize DOAH’s hearing services.   * The **Workers’ Compensation Appeals Program** employs a [deputy chief judge](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=Ch0440/SEC45.HTM&Title=-%3e2008-%3eCh0440-%3eSection%2045) who heads the [Office of the Judges of Compensation Claims](http://www.jcc.state.fl.us/jcc/) and reports to the division director. The 33 judges of compensation claims are located in [17 regional offices](http://www.jcc.state.fl.us/JCC/Districts/districtsInfo.asp).  Judges of compensation claims hear disputes brought under the provisions of the state’s workers’ compensation law, Ch. 440, F.S.   The Workers’ Compensation Appeals Program closed 116,579 petitions. On average, 539 days passed between the date a petition was filed and the date a disposition order was issued, and 52% of closures were timely (within 210 days of filing). Moreover, 88% of mediations were timely, and 50% of concluded mediations resolved all issues (except attorney’s fees).  The Legislature appropriated 198 FTE and $18 million for the Workers’ Compensation Appeals Program in Fiscal Year 2009-10.  These funds are derived from [assessments](http://www.fldfs.com/WC/pdf/DFS-01-2008.pdf) paid by insurance carriers writing workers’ compensation insurance and self-insurers, into the [Workers’ Compensation Administration Trust Fund](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=Ch0440/SEC50.HTM&Title=-%3e2008-%3eCh0440-%3eSection%2050). The assessment may not exceed 2.75% of net premiums collected.  The assessment rate for calendar year 2009 is 0.80%. |
|  | *Modify* |
|  | *Abolish* |
| **Southwood Shared Resource Center** | | |
|  | *Continue* | The Southwood Shared Resource Center (SSRC) was established by the 2008 Legislature effective July 1, 2008, and is designated as a state primary data center. The SSRC was created as a separate entity and identified as the first primary data center for the state, pursuant to Ch. 2008-116, L.O.F. It is located within the Department of Management Services for administrative purposes only. T  The SSRC is a shared use, state-of-the-art primary data center facility owned and operated by the State of Florida with oversight from the SSRC Board of Trustees. Members of the Board of Trustees are appointed by agency heads or CEO’s of the customer entities using the facility. The number of seats each entity has on the board is determined by the total amount of revenue each agency generates. The SSRC is staffed 7 X 24 X 365 and currently supports over 50 agencies, boards, commissions and municipalities with various data processing and technology services, providing clients with the latest in security, redundancy and connectivity.  The Legislature appropriated $16.6 million and 70 FTE to the center for Fiscal Year 2009-10. |
|  | *Modify* |
|  | *Abolish* |
| **Florida Commission on Human Relations** | | |
|  | *Continue* | Florida Commission on Human Relations (FCHR) investigates allegations regarding discrimination based on sex, age, race, national origin, religion, disability, color, familial status or marital status in the areas of employment, housing, public accommodations and certain private club memberships. The commission also investigates complaints of state employee whistle-blower retaliation. In addition, the commission provides training and technical assistance to businesses, individuals, and community groups regarding the laws and best practices in the areas of housing and employment discrimination, provides training on hate crimes and human trafficking, and facilitates community forums to promote open dialogue and foster tolerant communities. The commission provides these services by carrying out responsibilities under the following acts.   * [**Florida Civil Rights Act**](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=Ch0760/titl0760.htm) cases include violation of any Florida statute that makes it unlawful to discriminate because of race, color, religion, gender, national origin, age, disability, familial status, or marital status in the areas of employment, housing, or certain public accommodations. * [**Fair Housing Act**](http://www.hud.gov/offices/fheo/FHLaws/index.cfm) cases concern discrimination in the sale of rental or housing, brokerage services, financing of housing or residential real estate transactions, and land use decisions and permitting for development. * [**Whistle-Blower Act**](http://fchr.state.fl.us/fchr/complaints__1/florida_s_whistle_blower_s_act) cases pertain to retaliation against any employee who reports violations of the law on the part of a state agency or discloses information alleging improper use of governmental office, gross waste of funds or other abuse or neglect of duty on the part of an agency, public officer, or employee.   Section [760.11(4)](http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=760.11&URL=CH0760/Sec11.HTM), Florida Statutes, provides that when the commission determines reasonable cause that a discriminatory practice has occurred in violation of the Florida Civil Rights Act of 1992, the aggrieved person may either bring civil action against the person named in the complaint in a court of competent jurisdiction or may request an administrative hearing with the Division of Administrative Hearings (DOAH). Upon receipt of recommended orders from DOAH administrative law judges, the commission has 90 days to issue a final order by adopting, rejecting or modifying the recommended order.  The commission is comprised of [12 members](http://fchr.state.fl.us/fchr/about_us/commissioners__1) appointed by the Governor for four-year terms and subject to confirmation by the Florida Senate.  Members of the commission broadly represent various racial, religious, ethnic, social, economic, political, and professional groups within the state, with at least one member age 60 or older.  In Fiscal Year 2007-08, 79% of the civil cases were resolved within 180 days of filing.  For Fiscal Year 2009-10, the Legislature appropriated the commission ff.5 FTE and $4.3 million, of which $3.2 million was from general revenue and $1.1 million from trust funds.  The Legislature also appropriated 55.5 FTE for Fiscal Year 2009-10 for the commission to carry out its statutory responsibilities. |
|  | *Modify* |
|  | *Abolish* |
| **Public Employees Relations Commission** | | |
|  | *Continue* | The Public Employees Relations Commission (PERC) is a quasi-judicial body created in s. 487.201, F.S. Hearing officers hold evidentiary hearings and issue recommendations to the commission, which issues a final order based on its review of the record to determine whether evidence supports the hearing officer’s findings and if the law was applied correctly. Commission decisions can be appealed directly to the District Courts of Appeal.  PERC adjudicates employment and labor disputes between public employees (and job applicants) and government units including the state, counties, school boards, municipalities, and special taxing districts.   * **Employment cases** - The commission monitors Florida’s career service system by providing a forum for those state employees with civil service privileges to appeal disciplinary actions such as discharge, demotion, and suspension. The commission also has jurisdiction over appeals related to veteran’s preference, drug-free workplace, age discrimination, and whistle blower cases. * **Labor cases** - The commission holds hearings and resolves disputes regarding alleged unfair labor practices and the composition of bargaining units. This includes monitoring disputes that have the potential to result in strikes, and working to prevent strikes and future labor disputes. It also registers labor unions, ensures that that public sector unions and officers provide required financial disclosure, and conducts elections for state and local government employees voting to establish or maintain union representation.  The commission’s impasse and mediation coordinator oversees federally provided mediators and privately employed arbitrators who resolve impasses in labor negotiations.   In Fiscal Year 2008-09, the commission had 1,173 filings. Ninety-nine percent of the commission’s employment and labor dispositions were closed within the statutory timeframe; 96% of its decisions were affirmed on appeal, dismissed or withdrawn.  For Fiscal Year 2009-10, the Legislature appropriated the commission $3.2 million and 29 FTE. More than half of the appropriation ($1.8 million) is derived from the Public Employees Relations Commission Trust Fund, which is funded by a distribution from the Local Government Half-cent Sales Tax. |
|  | *Modify* |
|  | *Abolish* |
| **Governor’s Commission on Disabilities** | | |
|  | *Continue* | The Governor’s Commission on Disabilities is established pursuant to Executive Order, most recently by Executive Order Number 08-193, which gives it the mission to advance public policy for Floridians with disabilities and to provide a forum for advocates representing Floridians with disabilities to develop and voice unified concerns and recommendations. The Commission must yearly provide the Governor with a written report that addresses: recommendations for administrative and legislative change in the areas of employment, transportation, education, and independent living; recommendations for administrative and legislative change in the areas of developmental disabilities, healthcare, civil rights, and any other area the Commission, in consultation with the Governor, determines to be of imperative interest to the disabilities community; accomplishments in obtaining legislative and administrative change; and progress related to collaborative efforts with other agencies.  The Commission consists of 21 members appointed by the Governor. The Legislature appropriated 771,241 and 7 FTE to the commission for Fiscal Year 2009-10. |
|  | *Modify* |
|  | *Abolish* |