

oppaga report



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Merging DMS Quasi-Judicial Entities Would Not Result in Savings or Increased Efficiencies

at a glance

There are no compelling reasons for merging the Commission on Human Relations, Division of Administrative Hearings, Public Employees Relations Commission, State Retirement Commission, and Unemployment Appeals Commission.

There is no duplication among these entities, a merger would not result in increased efficiencies that could not be gained without a merger, and there would be no cost savings to the state.

- The Commission on Human Relations and the Unemployment Appeals Commission should not be considered for merger with the other entities because they do not have similar functions.
- Merging the State Retirement Commission with the Division of Administrative Hearings is feasible, but would result in increased state costs.
- Merging the Public Employees Relations Commission with the Division of Administrative Hearings is feasible, but the disadvantages outweigh the advantages.

Scope

Pursuant to a legislative request, this report examines whether the state would benefit from merging quasi-judicial entities housed within the Department of Management Services.

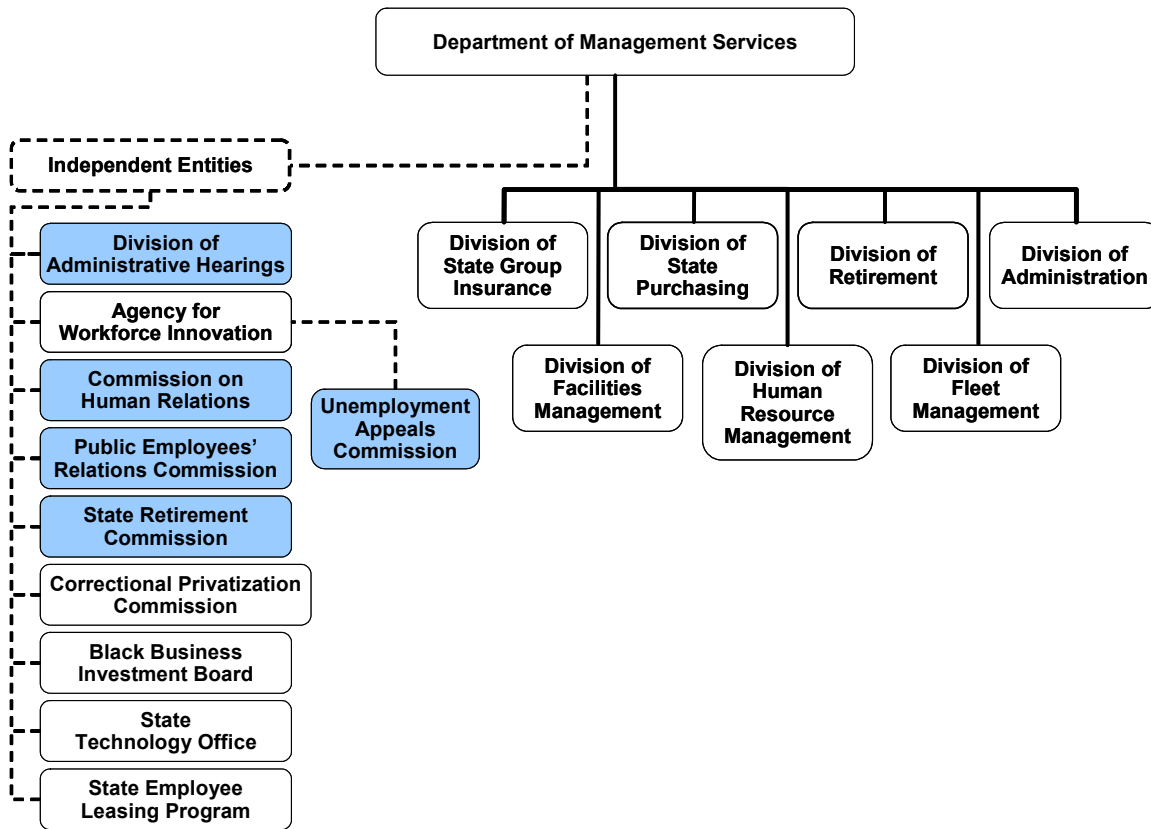
Specifically, the report evaluates the potential for merging the Commission on Human Relations, the Division of Administrative Hearings, the Public Employees Relations Commission, the State Retirement Commission, and Unemployment Appeals Commission. The evaluation identifies the advantages and disadvantages and discusses the budget implications of merging these entities.

Background

Each of the entities discussed in this report is administratively housed within the Department of Management Services (DMS). Four of these entities, the Division of Administrative Hearings, the Public Employees Relations Commission, the State Retirement Commission, and the Commission on Human Relations, are directly housed within DMS. The Unemployment Appeals Commission is administratively housed within the Agency for Workforce Innovation, which is housed under DMS. Each entity is independent and is not subject to the control, supervision, or direction of another entity. Exhibit 1 illustrates each entity's relationship to DMS.

Appendix A provides comparison information on each of the entities, including budget, responsibilities, and qualifications of primary decision-makers.

Exhibit 1
Entities' Relationship to the Department of Management Services



Source: Department of Management Services.

Division of Administrative Hearings

The Division of Administrative Hearings (DOAH) was created in 1974 to improve the fairness of state agency administrative proceedings under Ch. 120, *Florida Statutes* (the Administrative Procedure Act). 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.

DOAH is headed by the division director, who has the title of chief administrative law judge. DOAH is divided into two units: the Adjudication of Disputes Program and the Workers' Compensation Appeals Program. The Adjudication of Disputes Program employs

administrative law judges to conduct administrative hearings.¹ These hearings cover two primary types of cases: rule challenges and disputes between agencies and persons whose substantial interests will be affected by an agency's decision other than a rule. DOAH also conducts hearings for other types of cases as specified in law, such as Baker Act cases.²

¹ An administrative hearing is similar to a court proceeding, except that juries are not used. Private citizens or organizations may request hearings to resolve conflicts with state agencies.

² Baker Act hearings are conducted for persons involuntarily committed to mental institutions under the Baker Act, or the Florida Mental Health Act, s. 394.467, *F.S.* The Baker Act affords these persons an administrative hearing at least every six months to determine if involuntary placement will continue. The subject matters of DOAH's hearings include a wide variety of topics, such as professional licensing and disciplinary action, environmental permitting, public procurement, growth management, and certificates of need for health care facilities.

Depending on the type of case, an administrative law judge issues a recommended or final order subsequent to the conclusion of an administrative hearing.³ Final order decisions are appealable to the District Courts of Appeal. In Fiscal Year 2002-03, hearing hours for the Adjudication of Disputes Program totaled 5,286.⁴

The Workers' Compensation Appeals Program comprises the Office of the Judges of Compensation Claims, which was transferred to DOAH from the Department of Labor and Employment Security on October 1, 2001. The office resolves workers' compensation disputes by determining the obligations of employers and insurance companies to injured workers. The office operates as a separate unit under the supervision of DOAH's chief administrative law judge.

DOAH is entirely trust funded. The Adjudication of Disputes Program is primarily funded from a fee assessment to state agencies as part of the legislative appropriations process.⁵ The program was appropriated \$8,418,601 and authorized 78 positions for Fiscal Year 2003-04. These positions include 35 administrative law judges, in addition to the chief administrative law judge and deputy chief judge. Administrative law judges receive a salary and must have been a member of the Florida Bar in good standing for the previous five years.

The Workers' Compensation Appeals Program receives its funding from an assessment on workers' compensation insurance premiums. The program was appropriated \$15,834,728 and 197 FTEs for Fiscal Year 2003-04, including 31 judges of compensation claims.

Commission on Human Relations

The Commission on Human Relations (CHR) was created in 1969 under Ch. 760, *Florida Statutes*. The purpose of the commission is to ensure fair treatment of both complainants and respondents in instances of alleged discrimination and to promote mutual respect and greater harmony among diverse groups.

The commission is composed of 12 members who are appointed by the Governor, subject to Senate confirmation, for a term of four years.⁶ The commission appoints a person who is not a member of the commission to serve as executive director. The commissioners are volunteers who are paid a stipend (honorarium) of \$50 for each day they meet for hearings, and reimbursement for per diem and other travel expenses.

The commission investigates allegations of discrimination in employment, housing, public accommodations, and certain private membership clubs based on race, color, national origin, age, sex, disability, religion, marital status, and familial status.⁷ At the conclusion of investigations the commission issues determinations of reasonable cause or no reasonable cause. When the commission issues a determination of reasonable cause, a complainant may opt to file a civil action or a request for an administrative hearing.⁸ When the commission issues a determination of no reasonable cause, a complainant may only request an administrative hearing.

³ A recommended order is the official recommendation for the final disposition of a proceeding under ss. 120.569 and 120.57, *F.S.* The agency has the authority to accept, modify, or reject an administrative law judge's recommended order.

⁴ DOAH's scheduled hearing hours totaled 29,638.50 in Fiscal Year 2002-03, of which 24,353 were cancelled or continued.

⁵ Additional trust fund revenues are received from various entities that pay DOAH for hearing services at contract rates or as specified in statute.

⁶ Members of the commission must be broadly representative of various racial, religious, ethnic, social, economic, political, and professional groups within the state; and at least one member must be 60 years of age or older.

⁷ Prior to investigating cases, the commission attempts to resolve complaints through mediation.

⁸ If the Commission of Human Relations concludes that a petitioner's complaint has cause, he or she may request an administrative hearing to seek damages.

If the complainant requests an administrative hearing, the commission is authorized to hear the case (provided a determination of reasonable cause was issued) or may request that it be heard by an administrative law judge.⁹ However, the commission does not conduct hearings and instead has always referred its hearings to the Division of Administrative Hearings. After the administrative hearing, the administrative law judge issues a recommended order to the commission. A panel of 3 of the 12 commissioners then determines if there is reasonable cause to believe a discriminatory practice did or did not occur, and issues a final order accordingly. During Fiscal Year 2002-03, the commission closed 2,198 cases, of which 253 were referred to DOAH.

The commission also provides technical assistance to employers to inform them of laws, policies, and practices they could employ to avoid litigation. In addition, it conducts workshops for tenants, homeowners, first-time home buyers, real estate brokers, and landlords on fair housing practices. The commission also provides training in conflict resolution, provides forums for groups to discuss concerns, develops plans for community enrichment, and develops techniques for creating harmony and fostering mutual respect.

The commission is predominantly funded from general revenue. For Fiscal Year 2003-04, CHR was appropriated \$4,788,277, of which \$3,423,984 (71.5%) was from general revenue and \$1,364,293 (28.5%) was from trust funds. The primary sources of CHR's trust fund revenues are federal reimbursements from the Equal Employment Opportunity Commission (EEOC) and Housing and Urban Development (HUD) for cases that CHR handles.¹⁰ The commission has 72 authorized positions, including 37 investigators.

⁹ The commission cannot hear cases that were determined to not have reasonable cause.

¹⁰ The EEOC contracts with CHR and provides \$500 per case for the number of predetermined cases, and may increase the contract depending on federal funding appropriations. Housing and Urban Development (HUD) reimburses CHR for a fixed number of cases provided that the cases are closed within the parameters of HUD guidelines. HUD reimburses \$1,800 per no-cause case with an additional \$1,000 per cause case.

Public Employees Relations Commission

The Public Employees Relations Commission (PERC) was created in 1974 to adjudicate labor and employment disputes among state and local government employees and employers, and job applicants. PERC's responsibilities are outlined in the state constitution and Ch. 447, *Florida Statutes*.

PERC is composed of three members who are appointed by the Governor, subject to Senate confirmation, for overlapping terms of four years. One commissioner is designated as the chair and serves as the chief executive and administrative officer of the agency.

PERC has jurisdiction over disputes between state and local government employees and employers regarding career service, unfair labor practices, disciplinary actions, drug testing, whistleblowers, forced retirement, and veterans' preference. PERC also performs non-hearing activities, including certifying collective bargaining units, registering labor unions, ensuring that public sector unions and officers provide financial disclosure, and conducting elections for state and local government employees voting for establishing or maintaining union representation. PERC also monitors disputes that have the potential to result in strikes, attempts to prevent strikes, imposes punishment on strikers if necessary, and issues declaratory statements to avoid future labor disputes.

PERC's hearing officers hold hearings throughout the state to resolve labor and employment-related disputes.¹¹ Subsequent to the hearings, the officers write recommended orders. The commissioners review the recommended order and issue a final order. The commission's decision is appealable to the District Courts of Appeal. During Fiscal Year 2002-03, PERC conducted 260 hearings.

¹¹ The commission's hearing officers are licensed attorneys.

PERC is funded from general revenue and trust funds. For Fiscal Year 2003-04, PERC was appropriated \$3,308,131, of which \$1,854,483 (56.1%) was from general revenue and \$1,453,648 (43.9%) was from trust funds. The primary source of PERC's trust fund revenues is a distribution from the Local Government Half-cent Sales Tax Clearing Trust Fund. PERC also receives reimbursement from unions and employers for expenses that PERC incurs for conducting elections. PERC has 36 authorized positions, including 12 hearing officer FTEs.

Unemployment Appeals Commission

The Unemployment Appeals Commission was created in 1977 under Ch. 443, *Florida Statutes*, to resolve 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.¹²

The commission is housed in the Agency for Workforce Innovation, but is not subject to the control, supervision, or direction of the agency.¹³ The commission is composed of three members who are appointed by the Governor, subject to Senate confirmation, for overlapping terms of four years. The chairman of the commission receives a salary and must possess the qualifications of a circuit court judge. The other commissioners are volunteers who receive a stipend of \$100 for each day they are engaged in hearings and travel.¹⁴

During Fiscal Year 2002-03, the commission disposed of 13,973 appeals. Commission attorneys review the referees' decisions to determine whether the record supports the original decision. Upon review, the attorneys forward the cases to the commissioners to issue a

final order.¹⁵ If the employee or employer does not agree with the commission's decision, either may appeal the case to the District Court of Appeals.

The commission is entirely trust funded. Generally, federal employment insurance taxes fund federal and state program staff and administration, while state unemployment insurance taxes fund unemployment benefit payments and a reserve maintained for economic recessions. For Fiscal Year 2003-04, the commission was appropriated \$2,625,097. The commission had 30 authorized positions, including 15 attorneys and 13 clerks.

State Retirement Commission

The State Retirement Commission was created in 1969 under s. 121.22, *Florida Statutes*. Its purpose is to adjudicate disputes regarding disability retirement and special risk benefits between members of any state supported retirement system and the Division of Retirement.

The commission is composed of three members who are appointed by the Governor, subject to Senate confirmation, for overlapping terms of four years.¹⁶ One of the commissioners serves as the chair. The commissioners are volunteers who are paid a stipend (honorarium) of \$100 for each day they meet for hearings, and reimbursement for per diem and other travel expenses.

If the Division of Retirement denies a member special risk or disability benefits, he or she may file an appeal with the State Retirement Commission. The commission conducts a

¹⁵ The commission has a number of disposition options, including upholding, overturning, or modifying the decision made by the Office of Appeals. The commission also may send the decision back to the referee for another hearing if it determines that there were procedural problems with the referee's decision.

¹⁶ One commissioner must be retired under a state-supported retirement system administered by the Department of Management Services' Division of Retirement; one commissioner must be an active member of a state-supported retirement system that is administered by the department; and one member must not be a retiree, beneficiary, or member of a state-supported retirement system administered by the department. Each commissioner shall have a different occupational background from the others.

¹² The Office of Appeals and UAC are two separate programs.

¹³ As discussed earlier, the Agency for Workforce Innovation is housed under the Department of Management Services.

¹⁴ The chair and other commissioners are entitled to be reimbursed for travel expenses.

hearing and generally makes a decision immediately following closing arguments.¹⁷

During Fiscal Year 2002-03, the commission conducted 56 hearings. The commission issues final orders, which are appealable to the District Courts of Appeal.

The commission is funded through the Division of Retirement from the Florida Retirement System Operating Trust Fund. The commission's budget for Fiscal Year 2003-04 is \$148,366. The commission has one full-time employee, the clerk, who supports the functions of the commission.

Merger Options

For the state to benefit from merging particular entities, the merger should achieve at least one of three objectives:

- eliminate duplicative functions,
- increase efficiency in carrying out an entity's mission, and/or
- reduce state costs.

We focused our analysis on whether the other entities could be effectively merged into the DOAH's Adjudication of Disputes Program, as the division is the central state program responsible for administrative hearings. Based on our analysis, we concluded that

- it would not be desirable to merge the Commission on Human Relations or the Unemployment Appeals Commission into DOAH because these entities do not conduct hearings;
- merging the State Retirement Commission with DOAH is feasible, but would result in decreased efficiency and increased state costs;
- merging PERC with DOAH is feasible, but this action would produce several drawbacks that would outweigh the potential benefits.

¹⁷ The commission is authorized by rule to defer its decision to a later time during the same or a subsequent meeting, but rarely does so.

It would not be desirable to merge the Commission on Human Relations or the Unemployment Appeals Commission with DOAH

While the Commission on Human Relations and the Unemployment Appeals Commission both adjudicate disputes using quasi-judicial procedures, the activities of these entities are materially different from those of DOAH. Neither conducts administrative hearings prior to rendering decisions.¹⁸

The Commission on Human Relations renders decisions on civil rights violations based on the documentation presented by its investigators. When a party disagrees with the decision made by the commission, a DOAH administrative law judge hears the appeal. The Unemployment Appeals Commission renders decisions after reviewing documentation by commission attorneys and ascertaining that the evidence supports the decision.

Because neither entity conducts hearings, their functions are not compatible with that of DOAH. Merging would not eliminate duplicate functions, increase efficiency, or reduce state costs. We therefore concluded that these entities should not be merged with DOAH.

Merging the State Retirement Commission with DOAH would not produce benefits

We evaluated two options for merging the State Retirement Commission with DOAH. One option would be to abolish the commission and transfer its responsibilities to DOAH. The other option would be to leave the commission generally intact but under the administrative control of DOAH. Although these options are feasible, we concluded that they would not produce material benefits because the two entities do not have duplicative functions and neither merger option would increase efficiency or reduce costs.

¹⁸ An administrative hearing is similar to a court proceeding except that juries are not used. Each side in a proceeding may present testimony and evidence. A representative of the quasi-judicial entity, such as a hearing officer or commission, renders a decision based on the testimony and evidence presented.

The State Retirement Commission's functions are similar to DOAH's. The commission's function is compatible with DOAH's, as both conduct hearings to adjudicate disputes. Further, both entities address certain retirement issues. The commission adjudicates disputes between members of the Florida Retirement System and the DMS Division of Retirement regarding decisions on special risk and disability pensions. DOAH hears appeals relating to other retirement issues, such as effective retirement date, the Deferred Retirement Option Program (DROP), and credit for military service, although DMS administrators report that these types of appeals are infrequent. However, the retirement-related functions of the two entities do not overlap.

The formality of retirement appeals cases could increase. A primary difference between the State Retirement Commission and DOAH is that the commission's hearings are relatively informal, although witnesses are sworn in and the rules of evidence apply. In contrast, DOAH's process is more formal and similar to a court proceeding, could require additional legal pleadings, and includes hearings conducted for each motion filed.

The cost of retirement appeals cases could increase. Merging the commission with DOAH also could result in higher state costs. Because the commission operates with fewer resources, the cost of processing retirement appeals would be greater if its responsibilities were transferred to DOAH. The three commissioners are volunteers who are paid a stipend (honorarium) of \$100 for each day they meet for hearings. In contrast, DOAH hearings are handled by administrative law judges who are paid an average of \$136,730 annually, which includes salary and benefits. Using volunteers to render decisions results in a lower cost for retirement appeals. The cost for commissioners to hear their 56 cases in Fiscal Year 2002-03 was approximately \$1,254 per hour.^{19, 20} In contrast,

¹⁹ Due to variances in the information available for the entities being evaluated, we used the average direct and indirect cost per hearing hour to compare costs among the entities. Cost per hearing hour reasonably reflects the cost to render a decision and hearing hours are a proxy for case complexity. We used Fiscal Year 2002-03 figures because that was the most recent full year for

DOAH's cost per hearing hour was \$1,421 in Fiscal Year 2002-03.²¹ The costs for retirement appeals would therefore increase by \$18,704 per year if DOAH assumed SRC's function. The increased costs would pose an additional financial burden to the state's employee pension plan.

Keeping the commission intact and administratively placing it under DOAH also would result in increased costs because DOAH would charge higher indirect costs to the State Retirement Commission than does the Division of Retirement. The commission currently receives administrative support from the Division of Retirement at an estimated cost of \$4,492. DOAH estimated that its cost to provide administrative support would be \$5,526.

Merging PERC and DOAH is feasible, but disadvantages outweigh advantages

We evaluated three options for merging PERC functions with DOAH:

- abolishing PERC and transferring its responsibilities to DOAH;
- leaving PERC intact but administratively placing it under DOAH; and
- requiring DOAH to hear cases and issue recommended orders while leaving final order authority with PERC commissioners.²²

which data were available.

²⁰ SRC spent approximately 112 hours to hear cases in Fiscal Year 2002-03. The total expenditure figure we used was \$140,432. Thus, the average direct and indirect cost per SRC hearing hour was \$1,254. Expenditures include salary and benefits costs of the clerk, legal counsel from the Office of the Attorney General, travel, other personal services (OPS), other expenses and administrative overhead.

²¹ DOAH spent 5,286 hours to hear state agency cases in Fiscal Year 2002-03. DOAH's total expenditures to adjudicate disputes for state agencies were \$7,509,819, including administrative overhead. Thus, DOAH's average direct and indirect cost per hearing hour was \$1,421.

²² The merger options for the State Retirement Commission and PERC differed due to differences in the authority of hearing officers to issue recommended or final orders. The State Retirement Commissioners conduct the hearings and are authorized to issue final orders once the hearings are concluded. PERC hearing officers issue recommended orders after conducting hearings, but PERC commissioners review the recommended orders and issue final orders.

We concluded that none of these options would result in benefits sufficient to justify merging the organizations. These entities do not duplicate functions. While there are likely opportunities to increase efficiency for PERC, this could be achieved without a merger. Merging the two entities would not reduce overall state costs.

PERC and DOAH perform similar functions but are not duplicative. Although both entities conduct hearings, PERC has sole state responsibility to adjudicate employment and labor-related disputes between public employees and employers. PERC also performs non-adjudicatory activities: it conducts labor union elections; registers unions; and certifies collective bargaining units. DOAH's Adjudication of Disputes Program is responsible for providing a forum for resolving conflicts between private citizens or organizations and state agencies, and its function is limited to conducting hearings.

Merging PERC and DOAH would require transferring some PERC responsibilities to another entity, but could improve computer support. Merging the adjudicatory functions of PERC and DOAH is feasible, as both entities hear disputes and issue orders that may be appealed to the District Courts of Appeal. However, PERC's functions of conducting labor union elections, registering unions, and certifying collective bargaining units are not compatible with the core functions of DOAH and would need to be transferred to another entity, such as the Department of Management Services' Human Resource Management Program.

Merging PERC and DOAH would likely result in a temporary loss in efficiency as current DOAH administrative law judges do not have the expertise of current PERC staff in labor and employment law. Some learning curve would be required, which could be minimized if some of PERC's staff were designated as administrative law judges to continue to hear such cases.

Merging the two entities would produce a benefit of providing enhanced technology to the PERC functions. This benefit could be gained through either of the first two merger options (transferring hearing responsibilities to DOAH

or administratively placing it under DOAH). PERC's computer system, which dates back to the mid-1980s, is not capable of providing comprehensive case data. Such information is useful in assessing how resources are used and would provide greater accountability to the Legislature for its use of state funds. However, this same benefit could be achieved without a merger by providing PERC the resources to enhance its case tracking system rather than providing DOAH the resources to add PERC's case data to its system. The overall cost of replacing the system is uncertain and would vary based on the capabilities desired. If the Legislature wished to provide funding for PERC to replace its system, PERC could work with the State Technology Office to identify potential system improvements and their costs.

Merging the entities could increase state costs. None of the three options we evaluated for merging PERC with DOAH would decrease state costs for adjudicating public employment and labor disputes. The first option of abolishing PERC and transferring its hearing responsibilities to DOAH would result in approximately the same average cost per hearing hour. In Fiscal Year 2002-03, PERC conducted hearings for employment and labor cases at an estimated cost per hearing hour of \$1,421.²³ DOAH's average cost per hearing hour was also \$1,421. Assuming that the cost of the PERC's non-hearing activities would remain the same under the entity that assumes these responsibilities, total cost for PERC's activities would have no net change.

The second option of leaving PERC intact and administratively placing it under DOAH would result in higher state costs because DOAH would charge higher indirect costs to PERC than does the Department of Management Services. For Fiscal Year 2002-03, PERC received financial and personnel management services and print shop, mailroom, and purchasing support from

²³ PERC spent approximately 780 hours (260 hearings at an average of three hours each) to hear cases in Fiscal Year 2002-03. PERC estimated that 35% of total expenditures are for hearing-related activities. For 2002-03, estimated hearing-related expenditures were \$1,108,673, including administrative overhead. Thus, PERC's average direct and indirect cost per hearing hour was \$1,421.

the Department of Management Services at a cost of \$65,889. DOAH estimated that its annual cost to provide administrative services would be \$134,945.

The third option of requiring DOAH to hear cases and issue recommended orders and leaving final order authority with PERC commissioners also would increase the cost to adjudicate labor and employment disputes. Under this option, PERC hearing officers would be replaced by DOAH administrative law judges, who receive a higher salary. The average salary and benefit costs for a PERC hearing officer is \$110,188 compared to \$136,730 for a DOAH administrative law judge. Thus, this option would raise costs by an estimated \$26,542 per hearing officer that were subsequently reclassified; PERC currently has 12 hearing officer FTEs.

Conclusions ---

We concluded that there are no compelling reasons for merging the Commission on Human Relations, the Division of Administrative Hearings, the Public Employees Relations Commission, the State Retirement Commission, and Unemployment Appeals Commission. There is no duplication among the entities, the mergers would not result in increased efficiencies that could not be achieved without a merger, and the merger would not produce cost savings to the state.

If the Legislature wishes to enhance the Public Employee Relations Commission's case tracking capabilities, it could direct the commission to work with the State Technology Office to identify potential system improvements and their cost. The commission could then provide this information to the Legislature for its consideration.

Appendix A

Comparison of Quasi-Judicial Entities Housed Within the Department of Management Services

	Division of Administrative Hearings (DOAH) Adjudication of Disputes Program ¹	Commission on Human Relations (CHR)	Public Employees Relations Commission (PERC)	Unemployment Appeals Commission (UAC)	State Retirement Commission (SRC)
Does entity conduct hearings to render decisions?	Yes	No; determines whether complaints have cause	Yes	No; reviews appeals ²	Yes
Does entity conduct activities unrelated to rendering decisions?	No	Yes; performs outreach work, conducts investigations	Yes; holds elections, registers unions, certifies collective bargaining	No	No
Types of cases	Rule challenges; disputes between private citizens and state or local government entities; other cases as specified in law	Discrimination complaints (employment, housing, public accommodations)	Labor and employment disputes, complaints pertaining to career service, unfair labor practices, disciplinary actions, drug testing, whistle-blowers, forced retirement, and veterans' preference	Unemployment benefits appeals (persons denied benefits or employers responsible for paying benefits)	Retirement disability and special risk benefits appeals
Users of services	Citizens affected by a government decision; state and local government entities; government entities that contract for hearing services	Citizens of the state	Public employees or their employers	Public and private employees and employers	Members of the Florida Retirement System and the Division of Retirement
FY 2003-04 Budget	\$8,418,601	\$4,788,277	\$3,308,131	\$2,625,097	\$148,366
FY 2003-04 Staffing	78	72	36	30	1
Sources of Funding	Administrative Trust Fund (100%)	General revenue (71.5%) and Grants and Donations Trust Fund (28.5%)	General revenue (56.1%) and Public Employees Relations Commission Trust Fund (43.9%)	Employment Security Administration Trust Fund (100%)	Florida Retirement System Operating Trust Fund (100%)
Case decision-makers	Administrative law judges (1 per case)	Attorneys and 3 of 12 commissioners per case	Hearing officers and 3 commissioners	Attorneys and 3 commissioners	3 commissioners
Compensation of decision-makers	Administrative law judges - salaried	Commissioners - honorarium, travel, and per diem Attorneys - salaried	Commissioners - salaried Attorneys - salaried	Chairman - salaried Commissioners - honorarium, travel, and per diem Attorneys - salaried	Commissioners - honorarium, travel and per diem
Decisions issued	Recommended or final orders	Findings of cause or no-cause and final orders	Recommended and final orders	Final orders	Final orders
Appeal option	District Courts of Appeal	DOAH or civil court ³	District Courts of Appeal	District Courts of Appeal	District Courts of Appeal
Source of Administrative Support	In-house; none from Department of Management Services	Personnel and procurement support from Department of Management Services	Primarily in-house (2 employees); some from Department of Management Services	In-house (1 employee); some from Agency for Workforce Innovation	In-house (1 employee); budget and technology support from Division of Retirement
Statutory Authority	Chapter 120, <i>F.S.</i>	Chapter 760, <i>F.S.</i>	Chapter 447, <i>F.S.</i>	Chapter 443, <i>F.S.</i>	Section 121.22, <i>F.S.</i>

¹ We excluded DOAH's Workers' Compensation Appeals Program from this appendix.

² UAC reviews appeals of hearing decisions made by the Office of Appeals, which is housed in the Unemployment Compensation Program at the Agency for Workforce Innovation.

³ If CHR finds that a complaint has cause, the petitioner may proceed to DOAH or civil court. If CHR finds that the complaint has no cause, the petitioner may only appeal to DOAH.

Source: OPPAGA analysis of *Florida Statutes* and information provided by the division and commissions.

The Florida Legislature

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