

State of Florida  
Division of Administrative Hearings

**Rick Scott**  
Governor

**Robert S. Cohen**  
Director and Chief Judge

**Claudia Lladó**  
Clerk of the Division



**Lisa Shearer Nelson**  
Deputy Chief  
Administrative Law Judge

**David W. Langham**  
Deputy Chief Judge  
Judges of Compensation Claims

LONG RANGE PROGRAM PLAN

September 29, 2017

Cynthia Kelly, Director  
Office of Policy and Budget  
Executive Office of the Governor  
1701 Capitol  
Tallahassee, Florida 32399-0001

JoAnne Leznoff, Staff Director  
House Appropriations Committee  
221 Capitol  
Tallahassee, Florida 32399-1300

Mike Hansen, Staff Director  
Senate Budget Committee  
201 Capitol  
Tallahassee, Florida 32399-1300

Dear Directors,

Pursuant to chapter 216, Florida Statutes, our Long Range Program Plan (LRPP) for the Division of Administrative Hearings is submitted in the format prescribed in the LRPP instructions. The information provided electronically and contained herein is a true and accurate presentation of our mission, goals, objectives and measures for Fiscal Year 2018-2019 through Fiscal Year 2022-2023. The link to the LRPP, located on the Florida Fiscal Portal, may be found on the Division's web site at: <http://www.doah.state.fl.us/ALJ/Reports.asp>

Sincerely,

Robert S. Cohen  
Director and Chief Judge

/cja

**DIVISION OF ADMINISTRATIVE HEARINGS**



**LONG RANGE PROGRAM PLAN**

**FISCAL YEAR 2018-2019 THROUGH  
FISCAL YEAR 2022-2023**

**September 29, 2017**

**MISSION OF THE  
DIVISION OF ADMINISTRATIVE HEARINGS**

*Impartially Adjudicate Disputes*

**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.**

**GOAL OF THE  
DIVISION OF ADMINISTRATIVE HEARINGS**

*Improve the statewide adjudication and mediation processes.*

## **OBJECTIVES OF THE DIVISION OF ADMINISTRATIVE HEARINGS**

**GOAL 1: Improve the statewide adjudication and mediation processes.**

**OBJECTIVE 1A: 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.**

**OBJECTIVE 1B: 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 maintain that rate increase throughout the planning period.**

**SERVICE OUTCOMES AND PERFORMANCE PROJECTIONS TABLES OF THE  
DIVISION OF ADMINISTRATIVE HEARINGS**

**GOAL 1:** Improve the statewide adjudication and mediation processes.

**OBJECTIVE 1A:** 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.

**OUTCOME:** Percent of cases closed within 120 days after filing.

<b>Baseline FY 1998-99</b>	<b>FY 2018-19</b>	<b>FY 2019-20</b>	<b>FY 2020-21</b>	<b>FY 2021-22</b>	<b>FY 2022-23</b>
61%	76%	76%	76%	76%	76%

**OBJECTIVE 1B:** 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 maintain that rate increase throughout the planning period.

**OUTCOME:** Percent of petitions closed within the statutory timeframe.

<b>Baseline FY 2003-04</b>	<b>FY 2018-19</b>	<b>FY 2019-20</b>	<b>FY 2020-21</b>	<b>FY 2021-22</b>	<b>FY 2022-23</b>
40%	80%	80%	80%	80%	80%

## **DIVISION OF ADMINISTRATIVE HEARINGS**

### **TRENDS AND CONDITIONS STATEMENT**

The Division of Administrative Hearings (DOAH) is unique because it is a small, independent, quasi-judicial agency established within the Department of Management Services for the provision of support services only. The Division has only two programs (services): Adjudication of Disputes and Workers' Compensation Appeals. These programs are mutually exclusive and equally important to the State of Florida. Hence, they are equally weighted as the Division's "number one" priority. No substantive revisions to the Division's programs or current structure are recommended over the five-year planning period.

With regard to the Adjudication of Disputes program, the Division of Administrative Hearings provides independent Administrative Law Judges (ALJs) to conduct hearings pursuant to Sections 20.22(2)(f), 120.569 and 120.57(1), Florida Statutes, pursuant to other law, and under contract with governmental entities. The judges are not subject to control, supervision, or direction by any party or any department or commission of state government.

On October 1, 2001, the Workers' Compensation Appeals Program, Office of the Judges of Compensation Claims (OJCC), was transferred to the Division of Administrative Hearings from the Department of Labor and Employment Security. The primary responsibility of this program is to dispose of disputed workers' compensation claims through mediation and adjudication. The Office of the Judges of Compensation Claims is created in Section 440.45(1), Florida Statutes. The conducting of pre-trial and final hearings is mandated in Section 440.25, Florida Statutes, and the mandatory mediation program is outlined also in Section 440.25, Florida Statutes. Other duties of the Office of the Judges of Compensation Claims are detailed throughout Chapter 440, Florida Statutes.

#### Electronic Filing Progress

During calendar year 2016, there were 44,270 documents uploaded via the eALJ filing portal; 42,510 documents were served (via email) to 143,415 parties of record. For the OJCC, 569,540 documents were uploaded via the eJCC filing portal; 718,191 documents were electronically served to 1,615,083 parties of record.

Under section 120.53(2), Florida Statutes, all state agencies shall electronically transmit their agency final orders to the Division's website for indexing purposes, effective July 1, 2015. To date, a total of 107,088 documents have been submitted to the Agency Index Documents database, with 29,279 of those uploaded in calendar year 2016.

## Cybersecurity

The Division has long been concerned with the integrity of its IT systems. This concern has grown out of a responsibility we feel to those whose private information is transmitted to our care through electronic means; to appropriate walls being developed to keep that private information away from all but those who are entitled to view it; and to appropriate measures being taken to ensure that the users of the Division's systems do not accidentally release confidential information to those not entitled to it or to infecting the IT systems with malware or other intrusions from outside entities that are not authorized to view confidential or proprietary information. In 2016, the Division's primary IT focus was on security. The initiatives included: cybersecurity awareness training for all users focused on safe mobile computing and learning to recognize malicious emails; installation of a network device for enhanced threat detection and prevention; and completion of the first phase of a statutorily required risk assessment (penetration testing). We will continue to comply with all state laws and rules that may be developed, as well as our internally produced protocols to ensure the Division's IT systems are secure from both external and internal attack.

## Recent Supreme Court Decisions

On April 28, 2016, the Supreme Court rendered its decision in *Castellanos v. Next Door Company*, finding Section 440.34(1) regarding attorney fees as unconstitutional. Also on June 9, 2016, the Supreme Court rendered its decision in *Westphal v. City of St. Petersburg*, finding Section 440.15 regarding temporary total disability benefits as unconstitutional. These decisions may result in a slight increase in petitions for benefits. The number of petitions filed has increased 17% over the past three years. However, the OJCC does not expect a significant impact on its workload due to these decisions.

## Performance Measures

The primary outcome measure for the Adjudication of Disputes service relates to the timeliness of the adjudication process. In Fiscal Year (FY) 2016-17, timeliness improved slightly from the previous fiscal year. The Division closed 89% of its cases within 120 days after filing, and scheduled for hearing 95% of its cases within 90 days after filing. This program continues to supply high-quality adjudication of disputes pursuant to the Administrative Procedure Act, and cases move through the Division at a far faster rate than through the state court system. This program met or exceeded all of its performance goals for FY 2016-17. The FY 2018-19 requested standards equal prior-year approved standards.

The primary outcome measure for the Workers' Compensation Appeals service also relates to the timeliness of the adjudication process. In FY 2016-17, the OJCC closed 93% of petitions within the statutory timeframe of 210 days. Due to continued efforts in data maintenance, timely docketing of orders, and added database functionality, this program's performance has significantly improved over the last few years.

In FY 2016-17 the resolution rate for state mediations increased slightly to 57%. Mediation timeliness remained constant; 97% of mediations were held within 130 days, and all of the mediators achieved the goal of holding mediations within an average of 130 days.

The Workers' Compensation Appeals program met or exceeded all of its performance goals for FY 2016-17 except for number of mediations held. This is entirely dependent upon incoming caseload, which is beyond the Division's control. The FY 2018-19 requested standards equal prior-year approved standards.

Funds and positions appropriated to the Division do not impact demand. Demand for the Adjudication of Disputes program is defined as the number of cases filed by the parties to administrative proceedings, including those cases that are carried forward from the preceding fiscal year. Demand for the Workers' Compensation Appeals program is defined as the number of petitions for benefits filed, including those petitions that are carried forward from the preceding fiscal year. Parties will continue to file cases at a rate independent of the Division's funding and workforce levels. The Division has no control over the demand for its services.

The Division is not aware of any significant policy changes that could affect its FY 2018-19 Legislative Budget Request (LBR). There are no requested changes in the Division's approved programs, services or activities that would require substantive legislative action, including elimination of or combining its programs, services, or activities.

The Division is not aware of any audits, studies or task forces in progress that are related to either of its services.



# **DIVISION OF ADMINISTRATIVE HEARINGS**

## **PERFORMANCE MEASURES AND STANDARDS - LRPP EXHIBIT II**



## LRPP Exhibit II - Performance Measures and Standards

Department: DMS/Division of Administrative Hearings	Department No.: 72970000
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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 2017-18 (Words)	Approved Prior Year Standard FY 2016-17 (Numbers)	Prior Year Actual FY 2016-17 (Numbers)	Approved Standards for FY 2017-18 (Numbers)	Requested FY 2018-19 Standard (Numbers)
Percent of petitions closed within the statutory timeframe	80%	93%	80%	80%
Number of petitions closed	65,000	71,551	65,000	65,000
Average number of days from date petition filed to date petition closed	210	113	210	210
Percent of timely held mediations (130 days)	86%	97%	86%	86%
Number of mediations held	20,000	16,081	20,000	20,000
Percent of concluded mediations resulting in resolution (all issues except attorneys fees)	52%	57%	52%	52%

**DIVISION OF ADMINISTRATIVE HEARINGS**

**ASSESSMENT OF PERFORMANCE FOR  
APPROVED PERFORMANCE MEASURES -  
LRPP EXHIBIT III**

## 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
20,000	16,081	(3,919)	(20%)

**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 2016-17 was based on data from previous fiscal years, when the number of incoming petitions for benefits was greater.

**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:**

In FY 2016-17, the number of petitions filed increased from 67,265 to 70,365. However, there has been an overall decrease of (53%) in the number of petitions for benefits filed since FY 2002-03 when the standard was established.

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

- Training  
 Personnel

- Technology  
 Other – Evaluate Standard

**Recommendations:**

The Office of the Judges of Compensation Claims requests that the FY 2018-19 remain at 20,000. Due to changes made to the workers' compensation statute in October 2003, the number of incoming petitions has fallen dramatically from 150,801 in FY 2002-03 to 70,365 in FY 2016-17. However, the number of petitions filed has increased by 17% in the last three years. Recent changes to the statute and Florida's economy may cause increases in the future.

The OJCC will continue to monitor the number of incoming petitions in 2017-18 and may submit a budget amendment to change this standard to an achievable level.

**DIVISION OF ADMINISTRATIVE HEARINGS**

**PERFORMANCE MEASURE VALIDITY AND  
RELIABILITY - LRPP EXHIBIT IV**

## LRPP EXHIBIT IV: Performance Measure Validity and Reliability

**Department:** DMS/Division of Administrative Hearings

**Program:** Adjudication of Disputes

**Service/Budget Entity:** Adjudication of Disputes

**Measure:** Percent of Cases Closed Within 120 Days After Filing

**Action** (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

### **Data Sources and Methodology:**

The Division's electronic database, entitled the "Case Management System" (CMS), is the data source for this measure, and an automated computer program is utilized to provide the data for calculating the standard. The percentage is calculated by dividing the number of cases closed within 120 days after filing in a specified year by the total number of cases filed during that same period.

The FY 2016-17 standard of 89% was calculated by dividing the number of cases closed within 120 days after filing (6,982) by the total number of cases filed (7,866) during the period March 1, 2016 through February 28, 2017. This time period is used to determine all of the output and outcome standards for this service so that all indicators are based on the same group of cases. If data were collected for the most recently completed fiscal year (FY 2016-17) instead, some cases filed during the last four months of that year that also closed within 120 days, but after June 30, would not be captured. For example, a case filed on June 29 that was closed on October 19 (within 120 days) would not be counted (even though it met the criterion) because it was closed after the fiscal year ended on June 30 and after submission of the Long Range Program Plan in September, 2017.

### **Validity:**

Validity refers to the fit between an operational definition and the concept it is purported to measure. This indicator is a valid measure of the outcome because it meets the criteria of two of the three types of statistical validation: (1) subjective validation (face validity), and (2) criterion-related validation. First, on the face of it, this indicator appears to measure the concept it is intended to measure (face validity). Second, the content or apparent meaning of this measure is not as important as its usefulness as an indicator of the outcome (criterion-related validity). The test of this type of validity is the ability of this measure to classify or group data in terms of a single criterion (percent of cases closed within 120 days after filing).

This indicator is a valid measure of how timely the Division is closing its cases. Most citizens and agencies of the state are interested in resolving their disputes as quickly as



possible. Hence, this is a reasonable and sensible method of assessing performance against targeted time frames.

The Division's CMS database, the data source for this measure, is also valid. It has evolved to its present state over the last 33 years, and is the basis for the generation of numerous statistical reports on the Division's operations. To validate the accuracy of the CMS database, a statistically valid sample could be drawn from the case files. For example, a systematic random sample of computerized data on cases could be validated against the actual case files.

**Reliability:**

Reliability assessment is essentially a matter of checking for consistency; if a measure yields the same result time after time, then it is free of random error. This indicator is a reliable measure of the Division's outcome because of its test-retest and intercoder reliability. The test-retest procedure is the simplest method for assessing reliability and involves measuring the outcome (the percent of cases closed within 120 days after filing) on two separate occasions. The intercoder method involves examining the extent to which different persons using the same measurement procedures get equivalent results.

When any action is taken on a case (including case filing and closure), or when any case-related documentation is received or disseminated, an entry is made on the case's official docket, which is part of the CMS database. The Clerk's Office has incorporated a comprehensive system of checks and balances to insure that the Division's electronic and hard copy case files are up-to-date, accurate, and complete. Hence, this reliable outcome measure will not vary over time. Each time a measurement is taken, the quality of the results will be consistent.

## LRPP EXHIBIT IV: Performance Measure Validity and Reliability

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 (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

### Data Sources and Methodology:

The Division's electronic database, entitled the "Case Management System" (CMS), is the data source for this measure, and an automated computer program is utilized to provide the data for calculating the standard. The percentage is calculated by dividing the number of cases scheduled for hearing within 90 days after filing in a specified year by the total number of cases filed during that same period.

The FY 2016-17 standard of 95% was calculated by dividing the number of cases scheduled for hearing within 90 days after filing (7,435) by the total number of cases filed (7,866) during the period March 1, 2016 through February 28, 2017. This time period is used to determine all of the output and outcome standards for this service so that all indicators are based on the same group of cases. See the Exhibit IV for the outcome measure entitled "*Percent of Cases Closed Within 120 Days After Filing*" for the rationale supporting selection of this date range.

### Validity:

Validity refers to the fit between an operational definition and the concept it is purported to measure. This indicator is a valid measure of the outcome because it meets the criteria of two of the three types of statistical validation: (1) subjective validation (face validity), and (2) criterion-related validation. First, on the face of it, this indicator appears to measure the concept it is intended to measure (face validity). Second, the content or apparent meaning of this measure is not as important as its usefulness as an indicator of the outcome (criterion-related validity). The test of this type of validity is the ability of this measure to classify or group data in terms of a single criterion (percent of cases scheduled for hearing within 90 days after filing).

This indicator is a valid measure of how timely the Division is scheduling hearings. Most citizens and agencies of the state are interested in resolving their disputes as quickly as possible. Hence, this is a reasonable and sensible method of assessing performance against targeted time frames.

The Division's CMS database, the data source for this measure, is also valid. It has evolved to its present state over the last 33 years, and is the basis for the generation of numerous statistical reports on the Division's operations. To validate the accuracy of the CMS database, a statistically valid sample could be drawn from the case files. For example, a systematic random sample of computerized data on cases could be validated against the actual case files.

**Reliability:**

Reliability assessment is essentially a matter of checking for consistency; if a measure yields the same result time after time, then it is free of random error. This indicator is a reliable measure of the Division's outcome because of its test-retest and intercoder reliability. The test-retest procedure is the simplest method for assessing reliability and involves measuring the outcome (the percent of cases scheduled for hearing within 90 days after filing) on two separate occasions. The intercoder method involves examining the extent to which different persons using the same measurement procedures get equivalent results.

When any action is taken on a case (including the scheduling of hearings), or when any case-related documentation is received or disseminated, an entry is made on the case's official docket, which is part of the CMS database. The Clerk's Office has incorporated a comprehensive system of checks and balances to insure that the Division's electronic and hard copy case files are up-to-date, accurate, and complete. Hence, this reliable outcome measure will not vary over time. Each time a measurement is taken, the quality of the results will be consistent.

## LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: DMS/Division of Administrative Hearings

Program: Adjudication of Disputes

Service/Budget Entity: Adjudication of Disputes

Measure: Number of Cases Closed

Action (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

### Data Sources and Methodology:

The Division's electronic database, entitled the "Case Management System" (CMS), is the data source for this measure. An automated computer program is utilized to provide a count of all cases closed during a given year (or any other time period specified).

For the FY 2016-17 standard, data was collected for the period March 1, 2016 through February 28, 2017. This time period is used to determine all of the output and outcome standards for this service so that all indicators are based on the same group of cases. See the Exhibit IV for the outcome measure entitled "*Percent of Cases Closed Within 120 Days After Filing*" for the rationale supporting selection of this date range. The CMS program provided the count of 7,600 cases closed.

### Validity:

Validity refers to the fit between an operational definition and the concept it is purported to measure. This indicator is a valid measure of the Division's output because it meets the criteria of two of the three types of statistical validation: (1) subjective validation (face validity), and (2) criterion-related validation. First, on the face of it, this indicator appears to measure the concept it is intended to measure (face validity). Second, the content or apparent meaning of this measure is not as important as its usefulness as an indicator of output (criterion-related validity). The test of this type of validity is the ability of this measure to classify or group data in terms of a single criterion (number of cases closed).

The Division's CMS database, the data source for this measure, is also valid. It has evolved to its present state over the last 33 years, and is the basis for the generation of numerous statistical reports on the Division's operations. To validate the accuracy of the CMS database, a statistically valid sample could be drawn from the case files. For example, a systematic random sample of computerized data on cases could be validated against the actual case files.

**Reliability:**

Reliability assessment is essentially a matter of checking for consistency; if a measure yields the same result time after time, then it is free of random error. This indicator is a reliable measure of the Division's output because of its test-retest and intercoder reliability. The test-retest procedure is the simplest method for assessing reliability and involves measuring output (the number of cases closed) on two separate occasions. The intercoder method involves examining the extent to which different persons using the same measurement procedures get equivalent results.

When any action is taken on a case (including case closure), or when any case-related documentation is received or disseminated, an entry is made on the case's official docket, which is part of the CMS database. The Clerk's Office has incorporated a comprehensive system of checks and balances to insure that the Division's electronic and hard copy case files are up-to-date, accurate, and complete. Hence, this reliable output measure will not vary over time. Each time a measurement is taken, the quality of the results will be consistent.

## LRPP EXHIBIT IV: Performance Measure Validity and Reliability

**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** (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

### **Data Sources and Methodology:**

The Division's electronic database, entitled the "Case Management System" (CMS), is the data source for this measure, and an automated computer program is utilized to provide the data for calculating the standard. The percentage is calculated by dividing the number of professional licensure (PL) cases closed within 120 days after filing in a specified year by the total number of PL cases filed during that same period.

The FY 2016-17 standard of 78% was calculated by dividing the number of PL cases closed within 120 days after filing (219) by the total number of PL cases filed (280) during the period March 1, 2016 through February 28, 2017. This time period is used to determine all of the output and outcome standards for this service so that all indicators are based on the same group of cases. See the Exhibit IV for the outcome measure entitled "*Percent of Cases Closed Within 120 Days After Filing*" for the rationale supporting selection of this date range.

### **Validity:**

Validity refers to the fit between an operational definition and the concept it is purported to measure. This indicator is a valid measure of the outcome because it meets the criteria of two of the three types of statistical validation: (1) subjective validation (face validity), and (2) criterion-related validation. First, on the face of it, this indicator appears to measure the concept it is intended to measure (face validity). Second, the content or apparent meaning of this measure is not as important as its usefulness as an indicator of the outcome (criterion-related validity). The test of this type of validity is the ability of this measure to classify or group data in terms of a single criterion (percent of PL cases closed within 120 days after filing).

This indicator is a valid measure of how timely the Division is closing its cases. Most citizens and agencies of the state are interested in resolving their disputes as quickly as possible. Hence, this is a reasonable and sensible method of assessing performance against targeted time frames.

The Division's CMS database, the data source for this measure, is also valid. It has evolved to its present state over the last 33 years, and is the basis for the generation of numerous statistical reports on the Division's operations. To validate the accuracy of the CMS database, a statistically valid sample could be drawn from the case files. For example, a systematic random sample of computerized data on cases could be validated against the actual case files.

**Reliability:**

Reliability assessment is essentially a matter of checking for consistency; if a measure yields the same result time after time, then it is free of random error. This indicator is a reliable measure of the Division's outcome because of its test-retest and intercoder reliability. The test-retest procedure is the simplest method for assessing reliability and involves measuring the outcome (the percent of PL cases closed within 120 days after filing) on two separate occasions. The intercoder method involves examining the extent to which different persons using the same measurement procedures get equivalent results.

When any action is taken on a case (including case filing and closure), or when any case-related documentation is received or disseminated, an entry is made on the case's official docket, which is part of the CMS database. The Clerk's Office has incorporated a comprehensive system of checks and balances to insure that the Division's electronic and hard copy case files are up-to-date, accurate, and complete. Hence, this reliable outcome measure will not vary over time. Each time a measurement is taken, the quality of the results will be consistent.

## LRPP EXHIBIT IV: Performance Measure Validity and Reliability

**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** (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

### **Data Sources and Methodology:**

The Division's electronic database, entitled the "Case Management System" (CMS), is the data source for this measure, and an automated computer program is utilized to provide the data for calculating the standard. The percentage is calculated by dividing the number of professional licensure (PL) cases scheduled for hearing within 90 days after filing in a specified year by the total number of PL cases filed during that same period.

The FY 2016-17 standard of 98% was calculated by dividing the number of PL cases scheduled for hearing within 90 days after filing (275) by the total number of PL cases filed (280) during the period March 1, 2016 through February 28, 2017. This time period is used to determine all of the output and outcome standards for this service so that all indicators are based on the same group of cases. See the Exhibit IV for the outcome measure entitled "*Percent of Cases Closed Within 120 Days After Filing*" for the rationale supporting selection of this date range.

### **Validity:**

Validity refers to the fit between an operational definition and the concept it is purported to measure. This indicator is a valid measure of the outcome because it meets the criteria of two of the three types of statistical validation: (1) subjective validation (face validity), and (2) criterion-related validation. First, on the face of it, this indicator appears to measure the concept it is intended to measure (face validity). Second, the content or apparent meaning of this measure is not as important as its usefulness as an indicator of the outcome (criterion-related validity). The test of this type of validity is the ability of this measure to classify or group data in terms of a single criterion (percent of PL cases scheduled for hearing within 90 days after filing).

This indicator is a valid measure of how timely the Division is scheduling hearings. Most citizens and agencies of the state are interested in resolving their disputes as quickly as possible. Hence, this is a reasonable and sensible method of assessing performance against targeted time frames.



The Division's CMS database, the data source for this measure, is also valid. It has evolved to its present state over the last 33 years, and is the basis for the generation of numerous statistical reports on the Division's operations. To validate the accuracy of the CMS database, a statistically valid sample could be drawn from the case files. For example, a systematic random sample of computerized data on cases could be validated against the actual case files.

**Reliability:**

Reliability assessment is essentially a matter of checking for consistency; if a measure yields the same result time after time, then it is free of random error. This indicator is a reliable measure of the Division's outcome because of its test-retest and intercoder reliability. The test-retest procedure is the simplest method for assessing reliability and involves measuring the outcome (the percent of PL cases scheduled for hearing within 90 days after filing) on two separate occasions. The intercoder method involves examining the extent to which different persons using the same measurement procedures get equivalent results.

When any action is taken on a case (including the scheduling of hearings), or when any case-related documentation is received or disseminated, an entry is made on the case's official docket, which is part of the CMS database. The Clerk's Office has incorporated a comprehensive system of checks and balances to insure that the Division's electronic and hard copy case files are up-to-date, accurate, and complete. Hence, this reliable outcome measure will not vary over time. Each time a measurement is taken, the quality of the results will be consistent.

## LRPP EXHIBIT IV: Performance Measure Validity and Reliability

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 (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

### Data Sources and Methodology:

The Division's electronic database, entitled the "Case Management System" (CMS), is the data source for this measure. An automated computer program is utilized to provide the data for calculating the standard. The percentage is calculated by dividing the number of petitions closed within the statutory timeframe in a specified year by the total number of petitions closed during that year.

Petitions for benefits are entered into the CMS upon receipt by the Clerk's Office. Data is recorded from the petition including the date it was filed. A petition can be closed several different ways: (1) voluntarily dismissed by the claimant, (2) dismissed by the judge, or (3) addressed by a disposition order (i.e. final merit, settlement, stipulation). As petitions are closed, staff enter the closing date into CMS. The FY 2016-17 standard of 93% was calculated by dividing the number of petitions closed within the statutory timeframe (66,697) by the number of petitions closed that year (71,551).

### Validity:

Validity refers to the fit between an operational definition and the concept it is purported to measure. This indicator is a valid measure of the outcome because it meets the criteria of two of the three types of statistical validation: (1) subjective validation (face validity), and (2) criterion-related validation. First, on the face of it, this indicator appears to measure the concept it is intended to measure (face validity). Second, the content or apparent meaning of this measure is not as important as its usefulness as an indicator of the outcome (criterion-related validity). The test of this type of validity is the ability of this measure to classify or group data in terms of a single criterion (Percent of petitions closed within the statutory timeframe). This indicator is a valid measure of how timely the Office of the Judges of Compensation Claims is closing its cases.

**Reliability:**

Reliability assessment is essentially a matter of checking for consistency; if a measure yields the same result time after time, then it is free of random error. This indicator is a reliable measure of the Division's outcome because of its test-retest and intercoder reliability. The test-retest procedure is the simplest method for assessing reliability and involves measuring the outcome (the percent of petitions closed within the statutory timeframe) on two separate occasions. The intercoder method involves examining the extent to which different persons using the same measurement procedures get equivalent results.

As petitions are closed, judges' staff enter this data into the CMS database and it becomes a permanent part of the record. Data are collected in a consistent manner, applying the same methodology and can be duplicated to achieve the same results.

## LRPP EXHIBIT IV: Performance Measure Validity and Reliability

**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 Petitions Closed

**Action** (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

### **Data Sources and Methodology:**

The Division's electronic database, entitled the "Case Management System" (CMS), is the data source for this measure. An automated computer program is utilized to provide a count of all petitions for benefits closed during a given year (or any other time period specified).

Petitions for benefits are entered into the "Case Management System" upon receipt by the Clerk's Office. Data from the petition is recorded including the filing date. A petition can be closed several different ways: (1) voluntarily dismissed by the claimant, (2) dismissed by the judge, or (3) addressed by a disposition order (i.e. final merit, settlement, stipulation). As petitions are closed, staff enter the data into CMS.

The CMS database provided the count of 71,551 petitions closed in FY 2016-17.

### **Validity:**

For every workers' compensation dispute, one or more petitions for benefits may be filed, and these petitions request one or more benefits. The petition is closed when it is voluntarily dismissed by the claimant, dismissed by the judge, or addressed by a disposition order (i.e. final merit, settlement, stipulation). This measure evaluates the productivity of the process. Petitions for benefits represent the demand for the Judges of Compensation Claims service. The number of petitions for benefits closed is a valid measure to use in calculating unit costs.

### **Reliability:**

Reliability assessment is essentially a matter of checking for consistency; if a measure yields the same result time after time, then it is free of random error. This indicator is a reliable measure of the Division's output because of its test-retest and intercoder reliability. The test-retest procedure is the simplest method for assessing reliability and involves measuring the output (the number of petitions for benefits closed) on two

separate occasions. The intercoder method involves examining the extent to which different persons using the same measurement procedure get equivalent results.

As petitions for benefits are closed, judges' staff enter this data into the database and it becomes a permanent part of the record. Data are collected in a consistent manner, applying the same methodology and can be duplicated to achieve the same results.

## **LRPP EXHIBIT IV: Performance Measure Validity and Reliability**

**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** (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

### **Data Sources and Methodology:**

The Division's electronic database, entitled the "Case Management System" (CMS), is the data source for this measure. An automated computer program is utilized to calculate the average number of days from the petition filed date to the petition closed date.

Petitions for benefits are entered into the "Case Management System" upon receipt by the Clerk's Office. Data is recorded from the petition including the filing date. A petition can be closed several different ways: (1) voluntarily dismissed by the claimant, (2) dismissed by the judge, or (3) addressed by a disposition order (i.e. final merit, settlement, stipulation). As petitions are closed, staff enter the data into CMS.

The CMS program calculated the FY 2016-17 standard of 113 days, which is an improvement over the FY 2015-16 standard of 125 days.

### **Validity:**

Validity refers to the fit between an operational definition and the concept it is purported to measure. This indicator is a valid measure of the outcome because it meets the criteria of two of the three types of statistical validation: (1) subjective validation (face validity), and (2) criterion-related validation. First, on the face of it, this indicator appears to measure the concept it is intended to measure (face validity). Second, the content or apparent meaning of this measure is not as important as its usefulness as an indicator of the outcome (criterion-related validity). The test of this type of validity is the ability of this measure to classify or group data in terms of a single criterion (the average number of days from petition filed to petition closed).

For every workers' compensation dispute, one or more petitions for benefits may be filed, and these petitions request one or more benefits. The petition is closed when it is voluntarily dismissed by the claimant, dismissed by the judge, or addressed by a disposition order (i.e. final merit, settlement, stipulation). This indicator is a valid

measure of how timely the Judges of Compensation Claims are closing petitions for benefits. The statutory timeframes begin with the filing of the petition for benefits.

**Reliability:**

Reliability assessment is essentially a matter of checking for consistency; if a measure yields the same result time after time, then it is free of random error. This indicator is a reliable measure of the Division's outcome because of its test-retest and intercoder reliability. The test-retest procedure is the simplest method for assessing reliability and involves measuring the outcome (the average number of days from petition filed to petition closed) on two separate occasions. The intercoder method involves examining the extent to which different persons using the same measurement procedures get equivalent results.

As petitions are closed, judges' staff enter this data into the database and it becomes a permanent part of the record. Data are collected in a consistent manner, applying the same methodology and can be duplicated to achieve the same results.

## **LRPP EXHIBIT IV: Performance Measure Validity and Reliability**

**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** (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

### **Data Sources and Methodology:**

The Division's electronic database, entitled the "Case Management System" (CMS), is the data source for this measure. The percentage is calculated by dividing the number of petitions mediated within the statutory timeframe in a specified year by the total number of petitions mediated during that year.

Petitions for benefits are entered into the CMS upon receipt by the Clerk's Office. Data is recorded from the petition including the date it was filed. Multiple petitions are addressed in each mediation. The FY 2016-17 performance standard of 97% was calculated by dividing the number of petitions mediated within 130 days after filing (23,573) by the number of petitions mediated that year (24,349).

### **Validity:**

Validity refers to the fit between an operational definition and the concept it is purported to measure. This indicator is a valid measure of the outcome because it meets the criteria of two of the three types of statistical validation: (1) subjective validation (face validity), and (2) criterion-related validation. First, on the face of it, this indicator appears to measure the concept it is intended to measure (face validity). Second, the content or apparent meaning of this measure is not as important as its usefulness as an indicator of the outcome (criterion-related validity). The test of this type of validity is the ability of this measure to classify or group data in terms of a single criterion (the percent of mediations held within 130 days).

For every workers' compensation dispute, state mediators hold one or more mediation conferences unless the parties utilize private mediation or if the Deputy Chief Judge of Compensation Claims waives the mediation requirement. Each mediation conference addresses one or more petitions for benefits. Chapter 440.25, F.S. requires that if the Judges of Compensation Claims cannot mediate a petition within 130 days then a private mediation must take place. However, in the case where the Judges of Compensation Claims mediators were able to mediate the petition in a timely fashion but the parties



were not ready for mediation, the parties can request a continuance. This measure is a valid indicator of how many petitions were mediated beyond 130 days of their filed date.

**Reliability:**

Reliability assessment is essentially a matter of checking for consistency; if a measure yields the same result time after time, then it is free of random error. This indicator is a reliable measure of the Division's outcome because of its test-retest and intercoder reliability. The test-retest procedure is the simplest method for assessing reliability and involves measuring the outcome (the percent of mediations held within 130 days) on two separate occasions. The intercoder method involves examining the extent to which different persons using the same measurement procedures get equivalent results.

As mediation conferences are scheduled, rescheduled, held, etc. this information is kept on the mediators' computerized calendars. Any information remains in the database and can be replicated at any time. Data are collected in a consistent manner, compiled on a monthly and annual basis, using the same data sources, applying the same methodology and can be duplicated to achieve the same result.

## LRPP EXHIBIT IV: Performance Measure Validity and Reliability

**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** (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

### **Data Sources and Methodology:**

The data source is the Division's electronic database, entitled the "Case Management System" (CMS). This measure is a simple count of the number of mediation conferences held by state mediators throughout the state of Florida on a fiscal year basis. In FY 2016-17, 16,081 mediations were held.

### **Validity:**

Validity refers to the fit between an operational definition and the concept it is purported to measure. This indicator is a valid output measure because it meets the criteria of two of the three types of statistical validation: (1) subjective validation (face validity), and (2) criterion-related validation. First, on the face of it, this indicator appears to measure the concept it is intended to measure (face validity). Second, the content or apparent meaning of this measure is not as important as its usefulness as an indicator of output (criterion-related validity). The test of this type of validity is the ability of this measure to classify or group data in terms of a single criterion (the number of mediations held.)

For every workers' compensation dispute, state mediators hold one or more mediation conferences unless the parties utilize private mediation or if the Deputy Chief Judge of Compensation Claims waives the mediation requirement. The number of mediations held by state mediators is necessary in evaluating the productivity of the mediation process, and is also used as the unit cost measure for this activity.

### **Reliability:**

Reliability assessment is essentially a matter of checking for consistency; if a measure yields the same result time after time, then it is free of random error. This indicator is a reliable measure of the Division's output because of its test-retest and intercoder reliability. The test-retest procedure is the simplest method for assessing reliability and involves measuring output (the number of mediations held) on two separate occasions. The intercoder method involves examining the extent to which different persons using the same measurement procedures get equivalent results.

As mediation conferences are scheduled, rescheduled, held, etc. this information is kept on the mediators' computerized calendars. Any information remains in the database and can be replicated at any time. Data are collected in a consistent manner, compiled on a monthly and annual basis, using the same data sources, applying the same methodology and can be duplicated to achieve the same result.

## LRPP EXHIBIT IV: Performance Measure Validity and Reliability

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 (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

### Data Sources and Methodology:

The data source is the Division's electronic database, entitled the "Case Management System" (CMS). The FY 2016-17 standard of 57% was calculated by dividing the number of mediations resulting in resolution (8,345) by the number of mediations concluded (14,715).

This measure is a percentage of mediations that concluded with one of the following results: (1) lump sum settlement; (2) all pending issues resolved; or (3) all pending issues resolved except attorneys fees. This percentage is compiled on a fiscal year basis.

### Validity:

Validity refers to the fit between an operational definition and the concept it is purported to measure. This indicator is a valid measure of the outcome because it meets the criteria of two of the three types of statistical validation: (1) subjective validation (face validity), and (2) criterion-related validation. First, on the face of it, this indicator appears to measure the concept it is intended to measure (face validity). Second, the content or apparent meaning of this measure is not as important as its usefulness as an indicator of the outcome (criterion-related validity). The test of this type of validity is the ability of this measure to classify or group data in terms of a single criterion (the percent of concluded mediations resulting in resolution).

This indicator is a valid measure of how effectively the state mediation program is resolving disputed workers' compensation claims. The percentage of concluded mediations that result in resolution is a valid measure of the effectiveness of the mediation process.

### Reliability:

Reliability assessment is essentially a matter of checking for consistency; if a measure yields the same result time after time, then it is free of random error. This indicator is a reliable measure of the Division's outcome because of its test-retest and intercoder

reliability. The test-retest procedure is the simplest method for assessing reliability and involves measuring the outcome (the percent of concluded mediations resulting in resolution) on two separate occasions. The intercoder method involves examining the extent to which different persons using the same measurement procedures get equivalent results.

As mediation conferences are concluded, the mediator records the results into the CMS for future retrieval and places those results in the case file. Any information remains in the database and the file and can be replicated at any time. Data are collected in a consistent manner, compiled on an annual basis using the same data sources, applying the same methodology and can be duplicated to achieve the same results.

**DIVISION OF ADMINISTRATIVE HEARINGS**

**ASSOCIATED ACTIVITIES CONTRIBUTING  
TO PERFORMANCE MEASURES - LRPP  
EXHIBIT V**

**LRPP Exhibit V: Identification of Associated Activity Contributing to Performance Measures**

Measure Number	Approved Performance Measures for FY 2017-18 (Words)		Associated Activities Title
1	Percent of cases closed within 120 days after filing		Conduct Administrative Hearings and Proceedings
2	Percent of cases scheduled for hearing within 90 days after filing		Conduct Administrative Hearings and Proceedings
3	Number of cases closed		Conduct Administrative Hearings and Proceedings
4	Percent of professional licensure cases closed within 120 days after filing		Conduct Administrative Hearings and Proceedings
5	Percent of professional licensure cases scheduled for hearing within 90 days after filing		Conduct Administrative Hearings and Proceedings

**LRPP Exhibit V: Identification of Associated Activity Contributing to Performance Measures**

Measure Number	Approved Performance Measures for FY 2017-18 (Words)		Associated Activities Title
1	Percent of petitions closed within the statutory timeframe		Adjudicate and Hear Workers' Compensation Disputes
2	Number of petitions closed		Adjudicate and Hear Workers' Compensation Disputes
3	Average number of days from date petition filed to date petition closed		Adjudicate and Hear Workers' Compensation Disputes
4	Percent of timely held mediations (130 days)		Facilitate Mediation of Workers' Compensation Disputes
5	Number of mediations held		Facilitate Mediation of Workers' Compensation Disputes







## *Glossary of Terms and Acronyms*

**ALJ** – Administrative Law Judge

**CMS** - Case Management System

**DOAH** - Division of Administrative Hearings

**FTE** -Full Time Equivalent Position

**FY** - Fiscal Year

**OJCC** - Office of the Judges of Compensation Claims

**PL** – Professional Licensure Case