

[B] | WHAT IS THE DIVISION OF ADMINISTRATIVE HEARINGS?

DOAH is a state agency that employs full-time Administrative Law Judges to conduct hearings in most cases in which the substantial interests of a person are determined by an agency and which involve a disputed issue of material fact. When an agency under chapter 120 proposes to take some action that is adverse to a person, the affected person normally can request an administrative hearing to determine the matter. Requests for hearings are initially made to the agency proposing the action. If the case does not involve disputed facts, the agency itself will conduct a proceeding and render a decision. If the request for hearing indicates that the affected person disputes facts upon which the proposed action is based, the agency ordinarily refers the case to DOAH for a hearing. DOAH provides an independent and neutral Administrative Law Judge to conduct a hearing and write a decision, either a Recommended or Final Order, which is provided to the agency proposing the action and the parties in the case. In the case of a Recommended Order, each party may file exceptions to the Recommended Order with the agency proposing the action. The agency reviews the Recommended Order and issues a final decision, which must adopt the Judge's factual findings unless the factual findings are not supported by competent substantial evidence or the proceeding did not comply with essential requirements of law, but may under certain circumstances reject or modify certain legal conclusions of the Judge or the recommended penalty, if any. Within a limited time, a party who is adversely affected by final agency action may take an appeal to a District Court of Appeal.

