



STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS
OFFICE OF THE JUDGES OF COMPENSATION CLAIMS

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September 30, 2021

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201 Capitol
Tallahassee, Florida 32399-1300

Dear Directors:

The Long Range Program Plan (LRPP) for the Division of Administrative Hearings (DOAH) is hereby submitted in the format prescribed in the budget instructions. The information, provided electronically, is a true and accurate presentation of DOAH's mission, goals, objectives and measures for FY 22-23 through FY 26-27. The link to the LRPP, located on the Florida Fiscal Portal, may be found as well on DOAH's web site at: <https://www.doah.state.fl.us/ALJ/Reports/>

Sincerely,

Peter Antonacci
Chief Judge

PA/cja

DIVISION OF ADMINISTRATIVE HEARINGS



LONG RANGE PROGRAM PLAN

FISCAL YEAR 2022-2023 THROUGH FISCAL YEAR 2026-2027

September 30, 2021

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.

Baseline FY 1998-99	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27
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.

Baseline FY 2003-04	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27
40%	80%	80%	80%	80%	80%

DIVISION OF ADMINISTRATIVE HEARINGS

TRENDS AND CONDITIONS STATEMENT

The Division of Administrative Hearings (DOAH) is a small, semi-independent administrative court within the Department of Management Services. DOAH has two separately functioning programs: The Adjudication of Disputes and Workers' Compensation Appeals. No substantive revisions to DOAH'S programs or current structure are recommended over the five-year planning period.

With regard to the Adjudication of Disputes program, DOAH assigns independent Administrative Law Judges (ALJs) to conduct hearings pursuant to the Administrative Procedure Act and other state law, as well as contracting with local government entities. The judges are not subject to control, supervision, or direction by any party or any department of state government.

On October 1, 2001, the Workers' Compensation Appeals Program, Office of the Judges of Compensation Claims (OJCC) was transferred to DOAH upon the abolition of the Department of Labor and Employment Security by the Legislature. The primary responsibility of this program is to dispose of disputed workers' compensation claims through mediation and adjudication. The conduct 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 OJCC are detailed throughout Chapter 440, Florida Statutes.

COVID-19

The COVID-19 epidemic has hastened and expanded the use of Zoom technology in hearing cases. This has reduced the amount of ALJ travel and increased the amount of judicial time available for all cases.

Cybersecurity

DOAH has a responsibility to those whose private information is transmitted to the agency through electronic means to keep that information away from all but those who are entitled to view it. Appropriate measures are taken to ensure that the users of DOAH'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 2020, DOAH's IT focus continued to be on security. Cybersecurity awareness training provided to all DOAH personnel was focused on safe mobile computing and learning to recognize malicious emails. Special training sessions were also provided to judges and mediators throughout the year.

Performance Measures

The primary outcome measure for the Adjudication of Disputes service relates to the timeliness of the adjudication process. In FY 2020-21, DOAH closed 84% of its cases within 120 days after filing, and scheduled for hearing 89% 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 DOAH at a far faster rate than through the state court system. This program met or exceeded one of its performance goals for FY 2020-21. COVID-19 created challenges for the parties in scheduling hearings and bringing cases to closure. The FY 2022-23 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 2020-21, the OJCC closed 95% 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 2020-21 the resolution rate for state mediations was 58%. Mediation timeliness improved slightly; 98% 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 2020-21 except for number of mediations held. This is entirely dependent upon incoming caseload, which is a product of economic vitality. The FY 2022-23 requested standards equal prior-year approved standards.

Funds and positions appropriated to DOAH do not impact demand. Demand for the Adjudication of Disputes program is defined as the number of cases filed by substantially affected parties, including cases 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 petitions carried forward from the preceding fiscal year. Parties will continue to file cases at a rate independent of DOAH's funding and workforce levels.

DOAH has requested legislative relief from the proscriptive portions of Fla. Stat. Sec. 440.45 to implement cost savings measures through management flexibility. No other substantive legislation is required.

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

NOTE: Approved primary service outcomes must be listed first.

[illegible]

Office of Policy and Budget - June, 2021

LRPP Exhibit II - Performance Measures and Standards

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

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

NOTE: Approved primary service outcomes must be listed first.

Approved Performance Measures for FY 2021-22 (Words)	Approved Prior Year Standard FY 2020-21 (Numbers)	Prior Year Actual FY 2020-21 (Numbers)	Approved Standards for FY 2021-22 (Numbers)	Requested FY 2022-23 Standard (Numbers)
Percent of petitions closed within the statutory timeframe	80%	95%	80%	80%
Number of petitions closed	65,000	68,562	65,000	65,000
Average number of days from date petition filed to date petition closed	210	92	210	210
Percent of timely held mediations (130 days)	86%	98%	86%	86%
Number of mediations held	20,000	19,442	20,000	20,000
Percent of concluded mediations resulting in resolution (all issues except attorneys fees)	52%	58%	52%	52%

Office of Policy and Budget - June, 2021

DIVISION OF ADMINISTRATIVE HEARINGS

ASSESSMENT OF PERFORMANCE FOR APPROVED PERFORMANCE MEASURES - LRPP EXHIBIT III

Exhibit III: Exhibit III: PERFORMANCE MEASURE ASSESSMENT

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

Action:

- | | |
|--|--|
| ☒ Performance Assessment of <u>Outcome</u> Measure | ☐ Revision of Measure |
| ☐ Performance Assessment of <u>Output</u> Measure | ☐ Deletion of Measure |
| ☐ Adjustment of GAA Performance Standards | |

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

Factors Accounting for the Difference:

Internal Factors (check all that apply):

- | | |
|--|--|
| ☐ Personnel Factors | ☐ Staff Capacity |
| ☐ Competing Priorities | ☐ Level of Training |
| ☐ Previous Estimate Incorrect | ☐ Other (Identify) |

Explanation:

External Factors (check all that apply):

- | | |
|--|---|
| ☐ Resources Unavailable | ☐ Technological Problems |
| ☐ Legal/Legislative Change | ☐ Natural Disaster |
| ☐ Target Population Change | ☒ Other (Identify) – Due process rights |
| ☐ This Program/Service Cannot Fix The Problem | |
| ☐ Current Laws Are Working Against The Agency Mission | |

Explanation:

The ability to schedule hearings within 90 days as established by the Legislature is dependent on: (1) a cooperative effort by DOAH, the parties, and counsel for the parties, (2) the requirement of the Florida and United States Constitutions to ensure that parties are not denied their due process rights (which includes the ability to properly prepare for hearing and to present relevant evidence through exhibits and witnesses), and (3) Legislative time requirements in certain cases.

DOAH is mindful of the time requirements and urges the parties to move the cases along by rapidly scheduling them for hearing. However, in FY 2020-21, the COVID-19 pandemic affected many parties' availability for hearing.

There were 4,950 cases filed between March 1, 2020 and February 28, 2021 and 89% of these were scheduled for hearing within 90 days. Of the PL cases which were not scheduled for hearing within 90 days, 40% were due to the COVID-19 pandemic. Beginning in March 2020, most school districts were closed, which resulted in parties to any cases involving school boards

to request later hearing dates. Also, many cases filed involve expert testimony and significant discovery, which may require more time to prepare for hearing.

DOAH must give the parties the full amount of time they require to fully present their cases. This is done in the interest of due process and the recognition that, while we strive to meet every performance standard, the parties often need additional time to fully and adequately prepare their witnesses, exhibits, and schedules for hearing.

All these factors impact the ability of DOAH to schedule hearings within 90 days.

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

- ☐ Training
- ☐ Personnel

- ☐ Technology
- ☒ Other (Identify): -
Implementation of internal
policies

Recommendations:

As the effects of the COVID-19 pandemic begin to lessen, DOAH will continue to schedule hearings as expeditiously as possible. Therefore, DOAH requests that this measure's FY 2022-23 standard be maintained at 90%.

Exhibit III: Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: DMS/Division of Administrative Hearings
Program: Adjudication of Disputes
Service/Budget Entity: Adjudication of Disputes
Measure: Number of Cases Closed

Action:

- | | |
|---|--|
| ☐ Performance Assessment of <u>Outcome</u> Measure | ☐ Revision of Measure |
| ☒ Performance Assessment of <u>Output</u> Measure | ☐ Deletion of Measure |
| ☐ Adjustment of GAA Performance Standards | |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
6,000	5,456	(544)	(9%)

Factors Accounting for the Difference:

Internal Factors (check all that apply):

- | | |
|--|--|
| ☐ Personnel Factors | ☐ Staff Capacity |
| ☐ Competing Priorities | ☐ Level of Training |
| ☐ Previous Estimate Incorrect | ☒ Other (Identify) Reduction in incoming cases |

Explanation:

The standard of number of cases closed was based on previous years' incoming case volume. During the three years prior to the beginning of the COVID-19 pandemic, DOAH received an average of 6,824 per year and closed an average of 6,865 per year. Between March 1, 2020 and February 28, 2021, DOAH received only 4,950 cases – a decrease of 27%.

External Factors (check all that apply):

- | | |
|--|--|
| ☐ Resources Unavailable | ☐ Technological Problems |
| ☐ Legal/Legislative Change | ☒ Natural Disaster |
| ☐ Target Population Change | ☐ Other (Identify) |
| ☐ This Program/Service Cannot Fix The Problem | |
| ☐ Current Laws Are Working Against The Agency Mission | |

Explanation:

Beginning around March 2020, the COVID-19 pandemic had a severe effect on economic and other activity in the State of Florida. Most schools and many businesses closed, and many employees began working from home. The decrease in activity caused fewer permit applications, fewer professional licensure complaints, etc. State inspectors and investigators were less able to go onsite to survey facilities, job sites and other regulated entities, which lead to fewer complaints being brought until investigators were able to fully carry out their jobs in the field.

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

- ☐ Training
☐ Personnel

- ☐ Technology
☒ Other (Identify): -
Implementation of internal
policies

Recommendations:

DOAH rapidly increased the use of technology to facilitate remote hearings to deal with the effects of COVID-19. As the effects of the pandemic lessen, and parties grow more comfortable with handling cases remotely, DOAH expects incoming cases to increase to pre-pandemic levels. There, DOAH requests that this measure's FY 2022-23 standard be maintained at 6,000 cases closed.

Exhibit III: Exhibit III: PERFORMANCE MEASURE ASSESSMENT

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

Action:

- | | |
|--|--|
| ☒ Performance Assessment of <u>Outcome</u> Measure | ☐ Revision of Measure |
| ☐ Performance Assessment of <u>Output</u> Measure | ☐ Deletion of Measure |
| ☐ Adjustment of GAA Performance Standards | |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
77%	70%	(7%)	(9%)

Factors Accounting for the Difference:

Internal Factors (check all that apply):

- | | |
|--|--|
| ☐ Personnel Factors | ☐ Staff Capacity |
| ☐ Competing Priorities | ☐ Level of Training |
| ☐ Previous Estimate Incorrect | ☐ Other (Identify) |

Explanation:

External Factors (check all that apply):

- | | |
|--|---|
| ☐ Resources Unavailable | ☐ Technological Problems |
| ☐ Legal/Legislative Change | ☐ Natural Disaster |
| ☐ Target Population Change | ☒ Other (Identify) – Due process rights |
| ☐ This Program/Service Cannot Fix The Problem | |
| ☐ Current Laws Are Working Against The Agency Mission | |

Explanation:

The ability to schedule hearings and close cases within 120 days as established by the Legislature is dependent on: (1) a cooperative effort by DOAH, the parties, and counsel for the parties, (2) the requirement of the Florida and United States Constitutions to ensure that parties are not denied their due process rights (which includes the ability to properly prepare for hearing and to present relevant evidence through exhibits and witnesses), and (3) Legislative time requirements in certain cases.

DOAH is mindful of the time requirements and urges the parties to move the cases along by rapidly scheduling them for hearing. This is reflected in our other performance measure, as DOAH scheduled 89% of PL cases within 90 days of filing. However, the ability to actually hear a case and close it within 120 days is often compromised, not by the lack of availability of DOAH personnel to conduct the hearing, but rather by the unavailability of a party, counsel for a party, or crucial witnesses; the inability of the parties, due to the complexity of a case, to

complete “discovery” and otherwise prepare for the hearing; and Legislative time requirements in some limited cases.

There were 197 PL cases filed between March 1, 2020 and February 28, 2021 and 70% of those were closed within 120 days. Of the PL cases which were not closed within 120 days, 25% were due to the COVID-19 pandemic. Beginning in March 2020, most school districts were closed, which resulted in parties to any cases involving school boards to request continuances. Also, many of the PL case filed involve either (or, in some cases, both) parallel criminal actions taken against the licensee in state court, the timing of which we cannot control, or complex issues such as medical malpractice which require expert testimony, significant discovery, and resultant continuances to allow the parties to prepare their cases for hearing.

DOAH must give the parties the full amount of time they require to fully present their cases. This is done in the interest of due process and the recognition that, while we strive to meet every performance standard, the parties often need additional time to prepare. All continuances granted by ALJs require a finding by the judge of “good cause,” which, in the adjudication of dispute program, is more than mere delay on the part of the parties, and is directly related to their ability to fully and adequately prepare their witnesses, exhibits, and schedules for hearing. Every order granting a continuance issued by an ALJ requires a statement of what constitutes good cause to grant the continuance.

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

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

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

- ☐ Training
- ☐ Personnel

- ☐ Technology
- ☒ Other (Identify): -
Implementation of internal
policies

Recommendations:

As the effects of the COVID-19 pandemic begin to lessen, DOAH will continue to schedule hearings as expeditiously as possible. Therefore, DOAH requests that this measure’s FY 2022-23 standard be maintained at 77%.

Exhibit III: Exhibit III: PERFORMANCE MEASURE ASSESSMENT

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

Action:

- | | |
|--|--|
| ☒ Performance Assessment of <u>Outcome</u> Measure | ☐ Revision of Measure |
| ☐ Performance Assessment of <u>Output</u> Measure | ☐ Deletion of Measure |
| ☐ Adjustment of GAA Performance Standards | |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
95%	90%	(5%)	(5%)

Factors Accounting for the Difference:

Internal Factors (check all that apply):

- | | |
|--|--|
| ☐ Personnel Factors | ☐ Staff Capacity |
| ☐ Competing Priorities | ☐ Level of Training |
| ☐ Previous Estimate Incorrect | ☐ Other (Identify) |

Explanation:

External Factors (check all that apply):

- | | |
|--|---|
| ☐ Resources Unavailable | ☐ Technological Problems |
| ☐ Legal/Legislative Change | ☐ Natural Disaster |
| ☐ Target Population Change | ☒ Other (Identify) – Due process rights |
| ☐ This Program/Service Cannot Fix The Problem | |
| ☐ Current Laws Are Working Against The Agency Mission | |

Explanation:

The ability to schedule hearings within 90 days as established by the Legislature is dependent on: (1) a cooperative effort by DOAH, the parties, and counsel for the parties, (2) the requirement of the Florida and United States Constitutions to ensure that parties are not denied their due process rights (which includes the ability to properly prepare for hearing and to present relevant evidence through exhibits and witnesses), and (3) Legislative time requirements in certain cases.

DOAH is mindful of the time requirements and urges the parties to move the cases along by rapidly scheduling them for hearing. However, in FY 2020-21, the COVID-19 pandemic affected many parties' availability for hearing.

There were 197 professional licensure cases filed between March 1, 2020 and February 28, 2021 and 90% of these were scheduled for hearing within 90 days. Of the PL cases which were not scheduled for hearing within 90 days, 40% were due to the COVID-19 pandemic. Beginning in March 2020, most school districts were closed, which resulted in parties to any cases involving

school boards to request later hearing dates. Also, many cases filed involve expert testimony and significant discovery, which may require more time to prepare for hearing.

DOAH must give the parties the full amount of time they require to fully present their cases. This is done in the interest of due process and the recognition that, while we strive to meet every performance standard, the parties often need additional time to fully and adequately prepare their witnesses, exhibits, and schedules for hearing.

All these factors impact the ability of DOAH to schedule hearings within 90 days.

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

- ☐ Training
- ☐ Personnel

- ☐ Technology
- ☒ Other (Identify): -
Implementation of internal
policies

Recommendations:

As the effects of the COVID-19 pandemic begin to lessen, DOAH will continue to schedule hearings as expeditiously as possible. Therefore, DOAH requests that this measure's FY 2022-23 standard be maintained at 95%.

LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

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

Action:

- | | |
|---|--|
| ☐ Performance Assessment of <u>Outcome</u> Measure | ☐ Revision of Measure |
| ☒ Performance Assessment of <u>Output</u> Measure | ☐ Deletion of Measure |
| ☐ Adjustment of GAA Performance Standards | |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
20,000	19,442	(558)	(3%)

Factors Accounting for the Difference:

Internal Factors (check all that apply):

- | | |
|---|--|
| ☐ Personnel Factors | ☐ Staff Capacity |
| ☐ Competing Priorities | ☐ Level of Training |
| ☒ Previous Estimate Incorrect | ☐ Other (Identify) |

Explanation:

The approved standard for FY 2020-21 was based on data from previous fiscal years, when the number of incoming petitions for benefits was greater.

External Factors (check all that apply):

- | | |
|--|--|
| ☐ Resources Unavailable | ☐ Technological Problems |
| ☐ Legal/Legislative Change | ☐ Natural Disaster |
| ☐ Target Population Change | ☒ Other – Decrease in Demand |
| ☐ This Program/Service Cannot Fix The Problem | |
| ☐ Current Laws Are Working Against The Agency Mission | |

Explanation:

In FY 2020-21, the number of petitions filed decreased slightly from 72,086 to 69,676. The number of petitions filed has remained relatively constant over the past several years, but there has been an overall decrease of (54%) in the number of petitions for benefits filed since FY 2002-03 when the standard was established. Even so, the mediators held 7% more mediations in FY 2020-21 than in FY 2019-20, increasing from 18,211 to 19,442.

As the performance of the workers' compensation appeals program shows, the average number of days from filing of a petition for benefits to its closing is 95, far below the statutory requirement of 210 days. Additionally, the percentage of petitions for benefits proceeding to timely mediation is 98%. This proves that the JCCs and state mediators are moving the cases

along to a speedy resolution. The fact that fewer than 20,000 mediations were held in 2020-2021 is beyond the control of the OJCC since 98% of all petitions filed were mediated timely, and the remainder were just outside the timeliness standard of 130 days. Had more petitions been available to be mediated, the state mediators would have done so, but petitions were not present to be mediated, a fact that cannot be remedied by the OJCC or DOAH unless sufficient petitions are filed to allow that number to be mediated.

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 2022-23 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 69,676 in FY 2020-21. However, 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 2021-22 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:

DOAH'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 2020-21 standard of 84% was calculated by dividing the number of cases closed within 120 days after filing (4,165) by the total number of cases filed (4,950) during the period March 1, 2020 through February 28, 2021. 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 2020-21) 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, 2021.

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 DOAH 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.

DOAH's CMS database, the data source for this measure, is also valid. It has evolved to its present state over the last 37 years, and is the basis for the generation of numerous statistical reports on DOAH'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 DOAH'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 DOAH'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:

DOAH'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 2020-21 standard of 89% was calculated by dividing the number of cases scheduled for hearing within 90 days after filing (4,424) by the total number of cases filed (4,950) during the period March 1, 2020 through February 28, 2021. 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 DOAH 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.

DOAH's CMS database, the data source for this measure, is also valid. It has evolved to its present state over the last 37 years, and is the basis for the generation of numerous statistical reports on DOAH'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 DOAH'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 DOAH'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:

DOAH'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 2020-21 standard, data was collected for the period March 1, 2020 through February 28, 2021. 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 5,456 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 DOAH'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).

DOAH's CMS database, the data source for this measure, is also valid. It has evolved to its present state over the last 37 years, and is the basis for the generation of numerous statistical reports on DOAH'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 DOAH'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 DOAH'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:

DOAH'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 2020-21 standard of 70% was calculated by dividing the number of PL cases closed within 120 days after filing (137) by the total number of PL cases filed (197) during the period March 1, 2020 through February 28, 2021. 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 DOAH 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.

DOAH's CMS database, the data source for this measure, is also valid. It has evolved to its present state over the last 37 years, and is the basis for the generation of numerous statistical reports on DOAH'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 DOAH'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 DOAH'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:

DOAH'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 2020-21 standard of 90% was calculated by dividing the number of PL cases scheduled for hearing within 90 days after filing (177) by the total number of PL cases filed (197) during the period March 1, 2020 through February 28, 2021. 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 DOAH 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.

DOAH's CMS database, the data source for this measure, is also valid. It has evolved to its present state over the last 37 years, and is the basis for the generation of numerous statistical reports on DOAH'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 DOAH'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 DOAH'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:

DOAH'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 (PFBs) are electronically filed by attorneys and unrepresented claimants. Unrepresented claimants may also file petitions by certified mail. Electronic filing of a PFB automatically populates necessary data into CMS. PFBs filed by certified mail are entered into 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 2020-21 standard of 95% was calculated by dividing the number of petitions closed within the statutory timeframe (65,375) by the number of petitions closed that year (68,506).

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 PFBs.

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 DOAH'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:

DOAH'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 (PFBs) are electronically filed by attorneys and unrepresented claimants. Unrepresented claimants may also file petitions by certified mail. Electronic filing of a PFB automatically populates necessary data into CMS. PFBs filed by certified mail are entered into 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 data into CMS.

The CMS database provided the count of 68,506 petitions closed in FY 2020-21.

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 DOAH'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 output (the number of petitions 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 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:

DOAH'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 (PFBs) are electronically filed by attorneys and unrepresented claimants. Unrepresented claimants may also file petitions by certified mail. Electronic filing of a PFB automatically populates necessary data into CMS. PFBs filed by certified mail are entered into CMS upon receipt by the Clerk's Office. Data recorded from the petition includes 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 2020-21 standard of 95 days, which is an improvement over the FY 2019-20 standard of 97 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 DOAH'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:

DOAH'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 (PFBs) are electronically filed by attorneys and unrepresented claimants. Unrepresented claimants may also file petitions by certified mail. Electronic filing of a PFB automatically populates necessary data into CMS. PFBs filed by certified mail are entered into CMS upon receipt by the Clerk's Office. Data recorded from the petition includes the date it was filed. Multiple petitions may be addressed in each mediation. The FY 2020-21 performance standard of 98% was calculated by dividing the number of petitions mediated within 130 days after filing (27,552) by the number of petitions mediated that year (28,024).

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 DOAH'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 DOAH'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 2020-21, 19,442 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 DOAH'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 DOAH's electronic database, entitled the "Case Management System" (CMS). The FY 2020-21 standard of 58% was calculated by dividing the number of mediations resulting in resolution (9,917) by the number of mediations concluded (17,172).

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 DOAH'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 2021-22 (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 2021-22 (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

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

Measure Number	Approved Performance Measures for FY 2021-22 (Words)		Associated Activities Title
6	Percent of concluded mediations resulting in resolution (all issues except attorneys fees)		Facilitate Mediation of Workers' Compensation Disputes

[illegible]

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