

ADMINISTRATIVE LAW JUDGE SERVICES CONTRACT

This CONTRACT is between the City of Clearwater, (hereinafter the “City”), and the State of Florida, Division of Administrative Hearings (“DOAH”).

WHEREAS, the City of Clearwater Code of Ordinances Section 2.418(8) provides for the use of Administrative Law Judges to conduct evidentiary hearings and determine whether a claim meets the criteria for awarding a disability pension benefit;

WHEREAS, Section 120.65, Florida Statutes, authorizes DOAH to provide Administrative Law Judges (ALJs) on a contract basis to any governmental entity;

WHEREAS, the City desires to use the services of DOAH’s ALJs to conduct hearings and determine whether a claim meets the criteria for awarding a disability pension benefit; and

NOW, THEREFORE, the parties, for valuable consideration and the mutual promises between them, agree as follows:

1. Scope of Services. The foregoing Recitals are hereby incorporated herein as if fully restated. DOAH agrees to make ALJs available to the City. The ALJs will be full-time judges employed by the State of Florida, Division of Administrative Hearings, and are experts in the adjudication of administrative disputes.
2. Compensation. The fiscal year 2003-2004 General Appropriation Act, Chapter 2003-397, Laws of Florida, requires DOAH to renegotiate its contracts for ALJ services annually so that the hourly rate charged is based on a total – cost recovery methodology. The rate has been determined to be \$207.00 per hour beginning October 1, 2024. DOAH will notify the City of the amended hourly rate on or about the first day of September of each year. That rate will become effective on the first day of October of that same year. The City agrees to compensate DOAH for each hour actually worked, and subsequently, at the hourly rate determined in accordance with the Florida Legislature’s directive. This rate will apply for ALJ services in preparing for hearings, traveling to hearings, conducting hearings, and preparing Recommended Orders.

ADMINISTRATIVE LAW JUDGE SERVICES CONTRACT

3. Expenses. The City agrees to pay the actual travel expenses of the assigned ALJ in the amount provided pursuant to Chapter 112, Florida Statutes. DOAH will submit invoices monthly and the City agrees to remit payment monthly in accordance with Chapter 218, Part VII, Florida Statutes. DOAH agrees to provide the City an itemized statement of the charges and costs in the invoice.
4. Contract Management. Megan Silver, Executive Director & Administrative Law Judge, and Patricia Kenyon, Operations Manager, will provide contract management services under this Contract for DOAH.
5. Term. This contract is for a term of one (1) year and will automatically renew for succeeding yearly periods one year from the date last signed. This contract may be amended from time to time by mutual agreement of the parties, and may be terminated by either party for the convenience of that party upon thirty (30) days' written notice.
6. Request for Services. To initiate a proceeding, the City shall send a letter to the Chief Judge, Division of Administrative Hearings, requesting the assignment of an ALJ and shall include with such request a copy of the relevant agency action letter, claim asserted and/or request for hearing, as well as any code provisions or other local procedure that governs the type of hearing requested. DOAH shall assign an ALJ promptly after receipt of the letter.
7. Effective Date. This Contract will become effective on the date the last signature is made.
8. Designated Email Address for Case Service: The City designates the following generic, role-based email address for service of significant case-related filings issued by DOAH pursuant to this Contract: legaldepartment@myclearwater.com. This email address shall not be associated with any individual employee, shall be monitored regularly, and shall remain active throughout the term of this Contract. The City shall notify DOAH in writing of any change to the designated email address at least [five (5)] business days before the change becomes effective.

ADMINISTRATIVE LAW JUDGE SERVICES CONTRACT

9. Notices. All notices required or permitted by this Contract shall be in writing, and shall be deemed to have been duly given if mailed first-class, certified postage prepaid, addressed as follows:

To: City of Clearwater

Attn: City Attorney's Office

600 Cleveland Street, Suite 600

Clearwater, FL 33755

727-562-4010

To: DOAH

State of Florida, Division of Administrative Hearings

Attn: Patricia Kenyon, Operations Manager

1230 Apalachee Parkway

Tallahassee, FL 32301

850-488-9675

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ADMINISTRATIVE LAW JUDGE SERVICES CONTRACT

WHEREUPON, the parties have executed this Contract as follows:

CITY OF CLEARWATER, FLORIDA

Jennifer Poirrier
City Manager

Approved as to form:

Attest:

David Margolis
City Attorney

Rosemarie Call
City Clerk

STATE OF FLORIDA, DIVISION
OF ADMINISTRATIVE HEARINGS

Megan S. Silver
Executive Director & Administrative Law Judge

Date

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