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Governor

Kim Binkley-Seyer  
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**DIVISION OF  
CERTIFIED PUBLIC ACCOUNTANTS,  
PROFESSIONS AND REAL ESTATE**

**ANNUAL REPORT**

**FISCAL YEAR 2001-2002**

**FLORIDA DEPARTMENT OF  
BUSINESS AND PROFESSIONAL  
REGULATION**

# Message from the Governor

Dear Florida resident and visitor:

Fiscal Year 2001-2002 was a time of extraordinary challenge for the human spirit all over the globe. In a year of unforeseen economic security issues and personal tragedies, I am proud to say that Florida has remained strong. Our Department of Business and Professional Regulation, as well as those that we license and serve, are a good example of this strength.



Our hotel and restaurant license holders, the backbone of the state's tourism industry, are recovering well. Job growth and personal income continue to lead the nation and since 9/11, we have seen historical surges in real estate and construction applications, indicating that the economy in Florida remains viable.

The Lieutenant Governor and I have long embraced the opportunities that technology offers us to provide a more efficient government as restrained revenues continue to force the state to do more with less. All branches of government in Florida have placed a priority on using technology to bring about greater productivity in the workplace. In this way, DBPR has been a bellwether for implementing smart and effective technology that is resulting in tangible and reliable efficiencies. The department is achieving this with an innovative Customer Relationship Management (CRM) approach featuring a centralized customer contact center and a single, integrated database which is laying the groundwork for an unprecedented enterprise solution within Florida government.

Florida has realigned its goals and reprioritized its mission. While DBPR's mission has always been to serve and protect the public, the goal now is to do so better, smarter and faster. I am proud of the department for pursuing this challenge with vigor. I thank the Legislature for their support of this project as it has been recognized around the world as the first of its kind in scope and depth. I hope you will join with me in celebrating the department's efforts to dramatically improve the lives of those that live in and visit Florida.

Sincerely,  
Jeb Bush



*Ashley Dashnaw helps a real estate licensee activate her Online Services account at the Real Estate Technology and Business Expo in Tampa.*



### **Message from the Secretary**

Dear Florida resident and visitor:

It has been a great honor and pleasure to serve as the Secretary of the Department of Business and Professional Regulation since November of 2000. With more than 1,600 employees, we are a \$1.5 billion state agency charged with regulating nearly one million professionals and businesses (in nearly 200 business categories) to ensure safe and high-quality services for Florida's 15 million citizens and tens of millions of tourists each year.

Under the leadership of Governor Jeb Bush and the support of the state Legislature, we have been completely rebuilding the department. From the building a state-of-the-art licensing system to reengineering our business processes, we are fast becoming a more cohesive, customer-centric government agency.

The cornerstone of this effort was an online licensing portal that, when coupled with a centralized customer service center, produced a solution so pioneering, it had never been attempted by any other state. We've also extended the technical integration to include mobile capabilities, which will allow the department's inspectors to save time and reduce paperwork by using handheld Personal Data Assistant (PDA) devices during field investigations. The result is 24 hour access to information that consumers have come to expect from the private sector, however, a quantum leap for state government.

I am truly fortunate to work for a Governor who believes that innovation should lead the way, that the services you receive should cost you less time, energy and money. I am happy to say that DBPR *is* leading the way for effective change in government service.

Since February of 2001, we have brought over 900,000 licensed businesses and professionals online combining over 60 inefficient systems into one statewide comprehensive system. The new system now meets customers' demand for real-time access to information while eliminating the hassle of long lines and paperwork. It reallocates departmental resources from processing paper to providing direct client service. It improves information sharing among department employees and presents an integrated interface to customers. Above all, it strengthens the department's ability to protect the public by ensuring increased compliance.

Throughout this project our focus has been to spend taxpayer dollars wisely and efficiently. I am proud to say that not only are we on time and on budget with this effort, but our department is poised to save taxpayers an estimated \$90 million over the next 9 years in the process! Our priorities are clear. We are improving the way we deliver services to our customers, while ensuring maximum protection to the public.

Sincerely,  
Kim Binkley-Seyer

### **Division of Professions**

The Department's *Division of Professions* is responsible for the licensing of over 315,000 professionals, pursuant to F.S. 455. These professions include architecture and interior design; asbestos consultants; athlete agents; auctioneers; barbers; building code administrators and inspectors; community association managers; construction industry; cosmetology; electrical contractors; employee leasing; farm and child labor; funeral directors and embalmers; geologists; landscape architecture; pilots commissioners; pilots rate review; surveyors and mappers and veterinary medicine. Although not a licensing activity, the pilotage rate review board regulates port pilotage rates in the state of Florida.

The division administers 15 professional boards, three department-regulated professions and one council; all with a mission of protecting the health, safety and welfare of those who live in and visit Florida by regulation of the professional licensees through education and compliance. This year the farm and child labor program was added to the Division of Professions by the Florida Legislature. The program provides statewide implementation of services and activities to help ensure that employers are providing quality services to minority labor groups and individuals to help reduce injury to and exploitation of workers.

The division has undergone great improvement over the past year. The division became reengineered with the department's new online licensing system and licensed professionals have taken notice.

"Your online site has to be one of the easiest Internet sites to use. It will make my job a lot easier and quicker." --*John M. Madden, Certified General Contractor*

"It's fantastic and fast. I've renewed all my licenses. A real one-stop shop." --*Michael Byrd, Certified General Contractor, Certified Roofing Contractor*

"Fantastic! A wonderful service that saves a lot of time. I will be online with DBPR just to keep informed of new changes taking place. Keep up the good work." --*Jacqueline M. Sweet, Cosmetologist*

"MyFlorida.com is a wonderful step forward for Florida! I have renewed my car registration, my contractor's license and found \$653.00 of mine with the Department of Banking and Finance, all in less than an hour on line. Tomorrow I will renew my driver's license." --*Michael Carver, Certified Residential Contractor*

**Division of Real Estate**

The Department's *Division of Real Estate* is responsible for licensing over 235,000 individuals, corporations and appraisers as well as real estate schools and instructors. Headquartered in Orlando, the division administers two professional boards, the Florida Real Estate Commission (FREC) and the Florida Real Estate Appraisal Board (FREAB).

The FREC consists of seven members charged with administering and enforcing the real estate license law; F.S. 475, Part I. The board is empowered to promulgate rules that enable it to implement statutorily authorized duties and responsibilities contained in F.A.C. 61J2.

The FREAB also consists of seven members charged with administering and enforcing the real estate appraiser license law, F.S. 475, Part II. The board is empowered to promulgate rules that enable it to implement statutorily authorized duties and responsibilities contained in F.A.C. 61J1.

The mission of the Division of Real Estate is to protect the health, safety and welfare of those who live in and visit Florida by regulation of the real estate professionals through education and compliance. This division has undergone great improvement over the past year as well. Real estate license holders are largely computer-oriented and the new 24/7 access to DBPR has been received with great adulation.

"I use your site all the time. I just renewed my license; I track my salespersons' licenses, addresses, everything. I use all the features. It's great!" --*Susan Graham, Broker*

"I renewed my license online and it is wonderful. It is so nice and easy to renew now. I just print out the changes and my license comes in the mail in a few days." --*Sharon Clayton, Realtor*

"I renewed online this year. It was so much easier!" --*Cathy Sheldon, Realtor*

"You've made everything so easy. Our job is hard enough as it is. Online renewals are great. I love it." --*Dianne James, Realtor*

**Division of Certified Public Accounting**

The Department's *Division of Certified Public Accounting* is responsible for the licensing of over 32,300 Certified Public Accounting (CPAs). The division administers the Florida Board of Accountancy which consists of nine members, seven CPAs and two consumer members.

Headquartered in Gainesville, the mission of the division is to ensure that licensees meet the statutory requirements for licensure and practice of certified public accounting as well as to protect the public from unscrupulous and unlicensed practitioners. This division has also undergone great improvement over the past year. Certified public accountants have been delighted to find that they can not only renew online but they can report their continuing education online with the department as well.

"I couldn't be happier. I'll be able to manage both of my DBPR licenses in one place. This is marvelous." --*Greg Hamilton, CPA, Real Estate Broker*

"Florida's website is better than any other state. It's ALL in one site and more things are available here than anywhere else." --*Steve Platau, CPA*

"This is great. Normally our secretary would write out the continuing education for us. This will be so much better for us and DBPR." --*Jayne Bates, CPA*

"I like this idea. I would much rather report my continuing education online. It's much more efficient than going to the post office, waiting in line and getting a certified mail receipt. It's just a great improvement." --*William Hejl, CPA*

"I love going online to conduct my business. This is very easy." --*David Kofsky, CPA*

**Division of Regulation/Compliance**

The Department's *Division of Regulation/Compliance* is responsible for the enforcement of the professions and related businesses licensed by DBPR to ensure that the laws, rules and standards set by the legislature are followed. Based in Tallahassee with field offices around the state, the division proactively monitors the professionals and related businesses by performing statutorily mandated inspections and aggressively pursuing and investigating complaints of wrongdoing.

The division aggressively utilizes a full range of compliance mechanisms to achieve its mission of protecting the health, safety and welfare of those that live in and visit Florida. The division strives to continually improve complaint analysis and legal sufficiency determinations. Initial determinations regarding complaints are critical. Correct analysis at this stage offers the greatest level of efficiency and enables the division to focus its enforcement efforts on those who pose the greatest threat of harm to the public.

In addition to notices of non-compliance and citations, the division places great emphasis on the effective use of alternative enforcement mechanisms such as the mediation program, alternative dispute resolution, stings, sweeps, industry partnerships and an aggressive annual unlicensed campaign focused on consumer awareness and public education. In FY 2001-2002, the department's mediation program successfully recovered over \$2 million for consumers who had been harmed and saved the department an additional \$590,000 in investigative and legal costs.

**REVENUES 2001-2002**

Professions, Real Estate, Accountancy \$39,535,621

**EXPENDITURES 2001-2002 (ACCRUAL)**

Professions, Real Estate, Accountancy \$37,769,536  
Regulation/Compliance \$5,460,940

**UNENCUMBERED CASH BALANCE IN TRUST FUND**

Professional Regulation Trust Fund  
Professions, Real Estate, Accountancy \$45,037,614



*Orlando Regional Administrator Kendall Burkett assists contractor Danny Miller with renewing his license at the Southeastern Building Conference in Orlando.*

**2001-2002  
Licensees by Professional Category**

	<u>ACTIVE</u>	<u>INACTIVE</u>	<u>TOTAL</u>
Accountancy	30,290	2,046	32,336
Architecture & Interior Design	13,486	925	14,411
Asbestos	420	23	443
Athlete Agents	170	11	181
Auctioneers	2,403	14	2,417
Barbers	12,208	433	12,641
Building Code Administrators/Inspectors	8,612	138	8,750
Community Association Managers	9,005	1,385	10,390
Construction	65,885	14,602	80,487
Cosmetology	144,893	2,529	147,422
Electrical Contractors	9,360	1,213	10,573
Employee Leasing	549	0	549
Funeral Directors/Embalmers	3,822	204	4,026
Geologists	2,022	88	2,110
Landscape Architecture	1,159	103	1,262
Pilot Commissioners	111	0	111
Real Estate Appraisal	8,380	587	8,967
Real Estate Commission	177,453	49,562	227,015
Surveyors/Mappers	3,901	176	4,077
Talent Agents	318	0	318
Veterinarians	6,914	392	7,306
<b>TOTAL</b>	<b>501,361</b>	<b>74,431</b>	<b>576,792</b>



**2001-2002  
Complaints by Professional Category**

	<b>COMPLAINTS ADDED/RECEIVED</b>	<b>COMPLAINTS LEGALLY SUFFICIENT</b>
Accountancy	234	191
Architecture & Interior Design	217	158
Asbestos	2	0
Athlete Agents	22	18
Auctioneers	86	55
Barbers	338	321
Building Code Administrators/Inspectors	53	45
Community Association Managers	163	81
Construction	3,780	2,290
Cosmetology	2,223	2,134
Electrical Contractors	353	250
Employee Leasing	77	128
Funeral Directors/Embalmers	241	151
Geologists	2	2
Landscape Architecture	7	6
Pilot Commissioners	36	32
Real Estate Appraisal	224	171
Real Estate Commission	4,246	1,872
Surveyors/Mappers	53	44
Talent Agents	76	56
Veterinarians	366	243

Note: The numbers in the "Legally Sufficient" column can pertain to files that were added or received in a prior fiscal year. A "Complaint" is any written communication made to or by the department, alleging that a violation of the laws and rules relating to the regulation of professions has occurred. "Legally sufficient complaints" are complaints identified by the department to have potentially violated the laws or rules relating to the regulation of professions and are subject to further investigation.

**2001-2002  
Complaints by Professional Category**

	PROBABLE CAUSE FOUND	NO PROBABLE CAUSE FOUND
Accountancy	92	121
Architecture and Interior Design	104	109
Asbestos	0	2
Athlete Agents	5	15
Auctioneers	20	74
Barbers	136	202
Building Code Administrators/Inspectors	6	52
Community Association Managers	20	160
Construction	1,031	2,352
Cosmetology	827	1,322
Electrical Contractors	155	156
Employee Leasing	91	67
Engineers	46	58
Funeral Directors/Embalmers	73	169
Geologists	1	0
Landscape Architecture	1	2
Pilot Commissioners	2	27
Real Estate Appraisal	49	97
Real Estate Commission	316	1,298
Surveyors/Mappers	17	42
Talent Agents	14	22
Veterinarians	49	283

## Annual Report – FY 2001-2002

Note: When an investigation is complete and found legally sufficient, it is submitted to the probable cause panel of the appropriate regulatory board. Determination of whether probable cause exists shall be made by majority vote of a probable cause panel of the board or by the department as appropriate, F.S. 455.225.

### Complaints by Professional Category

	ADMINISTRATIVE COMPLAINTS FILED	FILES CLOSED/ ORDERS OF CLOSURE	DISPOSITIONS OF DISCIPLINARY ACTION	TOTAL # OF DISPOSITIONS
Accountancy	67	3	35	38
Architecture and Interior Design	32	2	67	69
Asbestos	0	0	0	0
Athlete Agents	0	0	0	0
Auctioneers	18	2	8	10
Barbers	27	0	132	132
Building Code Administrators/Inspectors	5	3	5	8
Community Association Managers	16	1	7	8
Construction	606	55	556	611
Cosmetology	168	10	796	806
Electrical Contractors	68	15	91	106
Employee Leasing	74	0	110	110
Funeral Directors/Embalmers	57	2	20	22
Geologists	0	0	1	1
Landscape Architecture	1	0	1	1
Pilot Commissioners	1	0	3	3
Real Estate Appraisal	49	7	45	153
Real Estate Commission	387	42	384	1,523
Surveyors/Mappers	15	1	13	14
Talent Agents	11	0	2	2
Veterinarians	39	6	31	37

### **Statutory References**

455.2285(7) Disciplinary actions may include Revocations, Voluntary Relinquishments, Suspensions, Probation, Reprimands, Obligations Imposed, Limitations Imposed, Restitution, Citations or other.

455.2285(8) At the close of the fiscal year, the Division of Regulation/Compliance had 76 files existing for which an investigation had not been completed within one year after the initial filing of the complaint. These files are identified to the supervisors in the appropriate regional field offices and receive the highest priority for completion. Furthermore, the Division of Regulation/Compliance continues to increase its emphasis on mediation activities for complaints where harm caused by the licensee is economic in nature or can be remedied by the licensee. Complaints that are mediated are resolved very quickly as compared to the normal route of formal prosecution. By focusing on mediation and other compliance mechanisms such as the issuance of notices of noncompliance and citations, the Division of Regulation/Compliance provides an avenue for the expeditious processing and resolution of complaints.

455.2285(9) The department has established disciplinary guidelines for professions under our jurisdiction. The following boards/council either updated their disciplinary guideline rules during the fiscal year or promulgated rule making: Architecture and Interior Design, Professional Surveyors and Mappers, Cosmetology, Auctioneers, Community Association Managers, Pilots and Electrical Contractors. The department and the various boards continually review these guidelines for any possible revisions and improvements.

455.2285(10) The department continually reviews its rules and statutory provisions to determine if any regulatory provision or portion thereof, is unnecessary. For example, in 2001, the statute was modified to allow for null and void licensees to be permitted to reactivate their license if their license became null and void due to an unusual hardship. We are mindful of the cost of regulation and the burden on the regulated community. The department will continue to make every effort to keep these provisions as efficient as possible, while streamlining its business processes and providing Florida's citizens more efficient and customer friendly government. Our project to develop a statewide, single licensing system for all of our regulated businesses and professionals is on time and on budget.

### **Key Contacts**

**The Honorable Jeb Bush**, Governor of Florida

**Kim Binkley-Seyer**, Secretary Department of Business and Professional Regulation

**Mitch Hardin**, Chief of Staff

**Geoffrey Becker**, Deputy Secretary of Professions

**John Johnson**, Director of Certified Public Accountants

**Julie Baker**, Director Division of Professions

**Buddy Johnson**, Director of Real Estate

**James Varnado**, Director of Regulation/Compliance

**Hardy Roberts**, General Counsel

**Candace Jones-Wright**, Director Legislative Affairs

**Pat Parker**, Director Communications