

Florida Department of
**Business &
Professional
Regulation**



Unlicensed Activity Functional Activity Summary for Fiscal Year 2008-09

Charlie Crist
Governor

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**Department of Business and Professional Regulation
Professional Regulation Program**

**Unlicensed Activity Program
Fiscal Year 2008-2009**

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Unlicensed Activity Operational Budget and Expenditures Fiscal Year 2008-2009

Executive Summary:

In accordance with the Fiscal Year, 2009-2010 General Appropriations Act, this annual report on Professional Regulation Unlicensed Activity highlights the unlicensed activity functions performed by the department during Fiscal Year 2008-2009. This report outlines the Department of Business and Professional Regulation's (department) expenditures regarding unlicensed activity functions performed by the department during Fiscal Year 2008-2009 and contains a breakout of activities, revenues, expenditures by board, council and/or profession for the Divisions of Regulation, Real Estate, and Certified Public Accountants (CPAs) in compliance with section 455.2281, Florida Statutes. The department's enforcement and education activities were performed utilizing input from the appropriate board, commission or council.

The total appropriation for Fiscal Year 2008-2009 was \$1,280,050 with the Division of Regulation receiving an allocation of \$579,175, the Division of Real Estate receiving \$400,000, and the Division of Certified Public Accountants receiving \$200,000. The Engineers Management Corporation, (FEMC) received \$100,875. The unlicensed allocation for FEMC was implemented as part of a statutory contractual arrangement that includes both licensed and unlicensed activity enforcement.

Additional detailed information contained in this report includes:

Unlicensed Activity Media Campaign

Public awareness is an essential part of combating unlicensed activity and the department maintains a robust media campaign which disseminates unlicensed activity media information to consumers and licensees regarding the dangers of using unlicensed individuals. Several factors were considered while identifying the professions to be targeted. These factors included the professions that pose the greatest potential risk, the scope of potential consumers affected, and the volume of citizen complaints.

Unlicensed Activity Complaints, Investigations, and Prosecutions

The department received 4,420 unlicensed activity complaints, of which 3,684 were found to be legally sufficient and resulted in further investigation. Administrative Complaints were filed on 622 cases and disciplinary action was taken in 618.

Division of Regulation-Unlicensed Activity Sweeps, Stings and Consumer Outreach

The division worked to increase the number of proactive enforcement operations in the field through the use of sweep and sting operations. A *sweep* is a pre-emptive or proactive enforcement action performed in areas of known or suspected unlicensed activity. A *sting* is an enforcement action in which the division pursues known unlicensed persons by providing the unlicensed subject the opportunity to offer services that require licensure through bids, proposals or performance of the service to undercover investigators and/or law enforcement personnel.

Financial Summary

Revenue

Pursuant to section 455.2281,¹ Florida Statutes, the department assesses a special fee of \$5 per licensee upon initial licensure and for each renewal for all professional license types. The funds are deposited into the Professional Regulation Trust Fund and per statutory requirements a separate account is maintained for each profession. In addition, revenue collected for citations and fines from unlicensed activity cases are deposited into these accounts.

Fiscal Year 2008-09 Collections:

Unlicensed Activity Fees	\$2,424,040
Citations	274,686
Fines	219,998
Interest Income	<u>137,300</u>
Total	<u>\$3,056,024</u>

Appropriation/Expenditures

From funds provided in Specific Appropriation 2285 "Unlicensed Activities" \$1,177,649 were expended at the Division level as detailed in this report.

Fiscal Year 2008-09 Summary Expenditures:

Temporary Staff (OPS)	\$594,310
Travel and general expense	111,251
Media related expenditures	371,213
FI Engineers Management Corp.	<u>100,875</u>
Total	<u>\$1,177,649</u>

In addition to the specific appropriation, staff from the three divisions perform the functions of complaint handling, investigations, sweeps, and stings of unlicensed individuals and businesses. Division salary expenditures and associated costs are allocated to the appropriate profession's cash account. Pursuant to statute, no indirect costs are allocated to unlicensed activity accounts however, the revenue is subject to the 7.3% service charge to General Revenue.

¹ **455.2281 Unlicensed activities; fees; disposition.**--In order to protect the public and to ensure a consumer-oriented department, it is the intent of the Legislature that vigorous enforcement of regulation for all professional activities is a state priority. All enforcement costs should be covered by professions regulated by the department. Therefore, the department shall impose, upon initial licensure and each renewal thereof, a special fee of \$5 per licensee. Such fee shall be in addition to all other fees collected from each licensee and shall fund efforts to combat unlicensed activity. Any profession regulated by the department which offers services that are not subject to regulation when provided by an unlicensed person may use funds in its unlicensed activity account to inform the public of such situation. The board with concurrence of the department, or the department when there is no board, may earmark \$5 of the current licensure fee for this purpose, if such board, or profession regulated by the department, is not in a deficit and has a reasonable cash balance. A board or profession regulated by the department may authorize the transfer of funds from the operating fund account to the unlicensed activity account of that profession if the operating fund account is not in a deficit and has a reasonable cash balance. The department shall make direct charges to this fund by profession and shall not allocate indirect overhead. The department shall seek board advice regarding enforcement methods and strategies prior to expenditure of funds; however, the department may, without board advice, allocate funds to cover the costs of continuing education compliance monitoring under s. 455.2177. The department shall directly credit, by profession, revenues received from the department's efforts to enforce licensure provisions. The department shall include all financial and statistical data resulting from unlicensed activity enforcement and from continuing education compliance monitoring as separate categories in the quarterly management report provided for in s. 455.219. The department shall not charge the account of any profession for the costs incurred on behalf of any other profession. For an unlicensed activity account, a balance which remains at the end of a renewal cycle may, with concurrence of the applicable board and the department, be transferred to the operating fund account of that profession.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
 PROFESSIONAL REGULATION BOARDS, COMMISSIONS AND PROFESSIONS
 UNLICENSED ACTIVITY FISCAL YEAR 2008-09 REVENUE, EXPENDITURE AND ACCOUNT BALANCES

	Accountancy	Architects	Asbestos Consultants	Athletic Agents	Auctioneers	Barbers	Building Code Admin	Community Assoc. Mgrs.	Construction Industry	Cosmetology	Electrical Contractors	Employee Leasing	Engineers	Geologists	Landscape Architects	Pilot Commission	Surveyors & Mappers	Talent Agencies	Veterinary Medicine	Real Estate Appraisal	Real Estate Commission	
Unlicensed Activity Account																						
Beginning Account Balance	87,705	471,385	3,689	3,354	35,056	237,993	210,170	145,800	559,286	944,109	(23,031)	19,449	108,090	33,782	23,611	580	56,323	8,962	210,471	226,034	4,176,245	
Revenue	103,579	272,581	1,324	294	2,562	93,570	12,170	64,656	598,703	701,622	120,333	583	185,390	5,613	1,126	469	22,999	2,569	7,289	63,925	897,878	
Expenditures	194,072	73,613	396	69	6,964	25,542	3,513	38,886	410,878	1,159,351	137,180	693	114,947	1,106	1,884	200	8,184	2,278	8,333	68,758	477,849	
Current Yr Excess/Deficit	(90,493)	198,968	928	225	(4,402)	68,028	8,657	25,770	187,825	(457,729)	(16,847)	(110)	70,444	4,507	(758)	269	14,815	291	(1,044)	(4,833)	420,029	
Ending Account Balance	(2,788)	670,353	4,617	3,579	30,654	306,021	218,827	171,570	747,111	486,380	(39,878)	19,339	178,534	38,289	22,853	849	71,138	9,253	209,427	221,201	4,596,274	
Ending Account Balance 6-09 Sweep	(2,788)	670,353	4,617	3,579	30,654	306,021	218,827	171,570	747,111	486,380	(39,878)	19,339	178,534	38,289	22,853	849	71,138	9,253	209,427	221,201	4,596,274	
Adjusted Balance	(2,788)	325,353	4,617	3,579	30,654	166,021	218,827	66,570	747,111	486,380	(39,878)	19,339	178,534	38,289	22,853	849	71,138	9,253	169,427	221,201	1,596,274	

	Accountancy	Architects	Asbestos Consultants	Athletic Agents	Auctioneers	Barbers	Building Code Admin	Community Assoc. Mgrs.	Construction Industry	Cosmetology	Electrical Contractors	Employee Leasing	Engineers	Geologists	Landscape Architects	Pilot Commission	Surveyors & Mappers	Talent Agencies	Veterinary Medicine	Real Estate Appraisal	Real Estate Commission	Boxing Commission
Renewal Cycle	All Years	Feb Odd Yrs	All Years	May Even Yrs	Nov Odd Yrs	July Even Yrs	Nov Odd/Fees All	Sept Even Yrs	All Years	All Years	Aug Even Yrs	April Even Yrs	July Even Yrs	Nov Odd Yrs	Jan Odd Yrs	Feb Odd Yrs	May Even Yrs	May Even Yrs	Nov Even Yrs	All Years	All Years	NA
# of Licensees	33,795	16,055	470	210	2,897	13,604	1,490	13,738	185,373	183,233	12,001	723	49,637	2,193	1,565	108	4,056	302	8,548	9,946	310,550	NA
Fees:							Non-Govt															
A pplication	\$250	\$60	\$300	\$500	\$50	\$150	\$25	\$50	\$150	\$50	\$150	\$150	\$125	\$150	\$100	\$200	\$125	\$300	\$100	\$100	\$175	\$20
Initial License	\$50	\$100	\$500	\$750	\$150	\$100	\$25	\$100	\$200	\$25	\$300	\$1,500	\$100	\$100	\$300	\$195	\$200	\$400	\$200	\$175	\$80 / \$90	
Renewal - biennial	\$105	\$125	\$300	\$440	\$150	\$100	\$25	\$100	\$200	\$25	\$300	\$1,500	\$125	\$125	\$300	\$195	\$250	\$400	\$260	\$175	\$80 / \$90	

S&M Transferred to Dept of Agriculture effective 10-1-2009

Unlicensed Activity Multi-Media Campaign Summary

Unlicensed activity occurs when an individual bids, advertises, or is compensated for work that requires a state license, and the individual does not hold the required license. The laws and rules of Florida define in detail those specific professions that require a state license. If an individual performs those defined functions without a license, they are considered to be unlicensed. Unlicensed activity can threaten the livelihood of state-licensed professionals, and poses personal or financial harm to consumers. The department believes that consumers play an important role in combating unlicensed activity. In its continued effort to educate the public about the dangers of hiring unlicensed and unscrupulous persons, the department utilizes various media outlets as part its plan to use unlicensed activity funding for consumer education.

In Fiscal Year 2008-2009, the Divisions of Regulation, Real Estate and Certified Public Accountants set aside portions of their annual appropriations to concentrate on unlicensed activity media campaigns. The department's Division of Communications is charged with creative implementation of the media campaign for utilizing the department's unlicensed activity allocations. During the Fiscal Year 2008-2009, the department created a multi-media campaign for unlicensed activity that involved the utilization of public service announcements (PSA), the internet, and various advertising media throughout the state. These campaigns were aimed at educating consumers regarding the need to hire licensed professionals.

Last year's unlicensed activity media campaign was themed, "The Ugly Business" campaign. Below are details of this multi-media campaign:

Key Messages:

Unlicensed (profession) is (Risky, Dirty, Ugly, Funny) Business. Don't be a victim of unlicensed activity. Check licenses at [www. MyFloridaLicense.com](http://www.MyFloridaLicense.com). Report unlicensed activity at 1.866.532.1440.

Target Audience:

All Floridians were the target audience for the campaign; however, specific demographics were targeted for the more specific elements of the various campaigns.

Goal/Objectives:

- 1) Educate consumers about the importance of working with licensed professionals;
- 2) Teach consumers how to check credentials using department resources;
- 3) Warn the public about the dangers of working with unlicensed individuals, which could result in personal, material or financial harm;
- 4) Encourage consumers to report suspected unlicensed activity; and
- 5) Reduce unlicensed activity.

Outcome: The Office of Communications successfully executed the Fiscal Year 2008-2009 Unlicensed Activity Media Campaign, entitled “Ugly Business” campaign. Approximately 395,868,355 quantifiable impressions resulted from the funds spent on advertising outlets. This number does not include the Florida Association of Broadcasters TV and radio PSAs or the Florida Public Radio underwriting.

Budget: The total amount budgeted for the Fiscal Year 2008-2009 was \$404,000. The breakdown of the budget was:

- Division of Regulation – \$95,000;
- Division of Real Estate – \$184,000; and,
- Division of Certified Public Accountants – \$125,000.

The amount spent was:

- Division of Regulation –\$78,387.96;
- Division of Real Estate –\$169,810.20; and,
- Division of Certified Public Accountants – \$123,015.32.

The Office of Communications spent 92%, or \$371,213.48, of the budget allocated for the campaign.

Operational Budget Allocation and Expenditures

This section details expenditures for the Divisions of Regulation, Real Estate and Certified Public Accountants.

Division of Regulation Unlicensed Activity Program

Total Budget Allocated: \$579,175

The Division of Regulation's Unlicensed Activity Program is responsible for coordinating and providing quality control for consumer complaints of unlicensed activity as well as proactive outreach and enforcement actions. The deterrence of unlicensed activity regarding professions and related businesses regulated by the division is a high priority. Such activity is criminal in nature and may cause considerable consumer harm. Proactive measures include an increase of compliance and enforcement sweep and sting operations, airing of public service announcements, initiating partnerships with professional organizations and associations, and the production of consumer/licensee brochures.

The Division of Regulation (division) received \$579,175 in unlicensed activity funds. The division focused expenditures in three categories: 1) temporary staff for unlicensed enforcement activities at headquarters and the regional field offices; 2) operational expenses for equipment and supplies for preventative and enforcement actions; 3) media and educational campaigns including public service announcements and consumer outreach efforts throughout Florida. A total of \$360,568 was spent on temporary employees. These employees conducted preliminary analysis of unlicensed complaints, investigated unlicensed complaints, and performed sweeps, stings, and outreach efforts throughout the state. In addition to the aforementioned activities, temporary employees were utilized to operate and maintain the toll free consumer hotline. Information from the hotline was used for gathering reports of unlicensed activity and for processing unlicensed activity citations, and fines imposed by final orders.

The following page contains a detailed description of the staffing and operational expenditures incurred by the Division of Regulation:

Category	Amount	Details
Staffing	\$360,568	<p>(1) Citation/Final Order Manager-Temporary Employee (HDQ): Performed citation and final order management for a variety of professions. Formatted and tracked citation and final order case reports for compliance and payment in a timely manner. Tracked compliance with final orders for unlicensed cases.</p> <p>(1) Unlicensed Activity Investigator-Temporary Employee (HDQ): Sought out and investigated unlicensed activity. Engaged in proactive enforcement through close interaction with board members and professional associations affiliated with the various professions regulated by the department. Provided information to consumers regarding licensure and possible violations of laws and rules by licensees regulated by the department.</p> <p>(2) Unlicensed Activity Analysts - Toll Free Hotline-Temporary Employees (HDQ). Customer service representatives for a variety of professions, each with its own statutes and rules with which incumbent must be knowledgeable. Assisted in data entry for citations, sweeps, stings and other special unlicensed activity projects as they arose.</p> <p>(1) Unlicensed Complaint Analyst-Temporary Employee (HDQ): Performed preliminary analysis of new unlicensed complaints for legal sufficiency via the Headquarters complaint intake section. Entered data in the department's single licensing database and collected documents from complainants prior to assignment to Investigators.</p> <p>(13) Unlicensed Activity Investigators -Temporary Employees (Field): Sought out and investigated unlicensed activity. Engaged in proactive enforcement through close interaction with federal, state, county and city governmental entities within the region, as well as professional associations affiliated with the various professions regulated by the department. Assisted with unlicensed stings, sweeps and outreach efforts through the regional program offices.</p>
Equipment/ Supplies: Vehicles, Computers, Cell Phones/ Supplies & other Misc. Expenses.	\$87,470	Costs associated with furniture/equipment for unlicensed activity staff persons. Paid costs associated with unlicensed activity staff for sweeps, stings investigations, and equipment. Additional costs of office supplies to provide staff the necessary tools to carry out investigations and other activities related to the functions of the Unlicensed Activity section, both at headquarters and in the regional offices were paid.
Equipment Rentals and Data Processing Equipment	\$14,291	Equipment used for unlicensed investigations and outreach programs was either rented or purchased for continued use in prevention and enforcement efforts. GPS systems were updated for continued use in field operations. Copiers and equipment for data processing. Costs are shared for copiers, postage and postage meter leases.
Travel/ Training/ Outreach	\$9,324	Unlicensed activity staff attended board and professional association meetings speaking engagements; consumer awareness seminars and summits; tradeshow and professional conferences, as events arose, in conjunction with regional offices and the Division of Service Operations; and meetings of home owner associations, condo associations and retirement villages and other events that arose. Investigators and Inspectors received training on unlicensed activity through the Department on enforcement and regulation.
Media Campaign: PSAS Brochures Educational Materials	\$78,388	Distribution of public service announcement in partnership with Bob Vila. Distributed PSA for Community Association Managers. Both of these were produced the previous year, so cost was limited to distribution. Advertising in city magazines Google Ad Words, and a promotional campaign "Ugly Business" was designed to call attention to the potential hazards of hiring an unlicensed professional.
Total:	\$550,041	

Secretary's Sweep and Sting Proactive Enforcement Initiative

During "On the Road to Better Business," Secretary Charles W. Drago hit the road and worked from district offices across the state providing opportunities for customers to meet with him. They shared their experiences with the department and offered suggestions on how to enhance business. Many licensees raised concerns that unlicensed activity was creating serious harm to their professions by allowing unfair competition and unprofessional workmanship, among other issues. The Secretary introduced the idea of a *Statewide Sweep and Sting Initiative*. This provided a statewide push for finding and preventing unlicensed activity and brought media attention to the department's effort to combat this harmful practice. The operations were very successful resulting in arrests, issuance of cease and desist orders, citations, and cases.

Over the last three years, the division continued to strengthen its unlicensed proactive program for sweep, and sting events each year. In Fiscal Year 2008-09, the Division of Regulation performed 472 unlicensed sweeps and 33 sting operations. These numbers represent a 64% increase in proactive enforcement operations.

Unlicensed Activity Outreach, Sweep, and Sting Results: Fiscal Year 06-07, Fiscal Year 07-08, Fiscal Year 08-09

Table 1.0

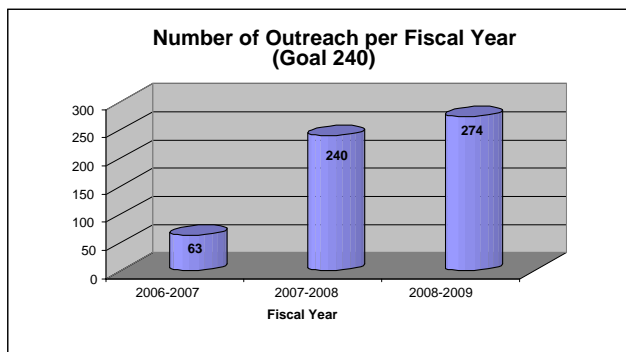


Table 1.1

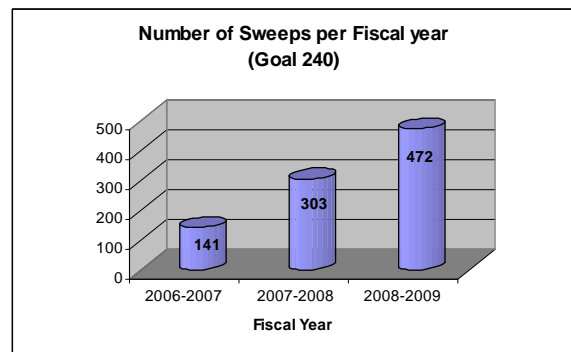
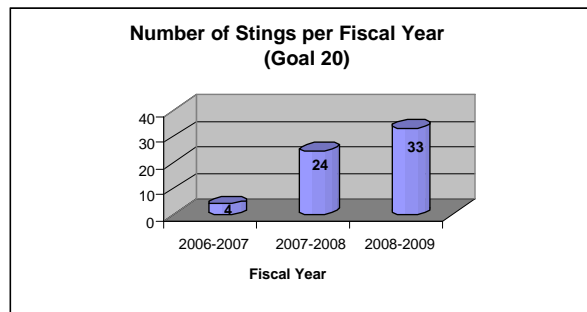


Table 1.2



Increased Media Coverage of Proactive Enforcement Efforts

The Division of Regulation and the department's Division of Communications worked together to increase the coverage of proactive enforcement efforts. Throughout the year, the department enjoyed an increase in positive coverage of news stories and press releases about unlicensed and unscrupulous persons as well as the proactive enforcement efforts. For example, in July 2009, a construction related sting operation in the Jacksonville Region resulted in worldwide coverage of the story. The Associated Press covered the event and within hours on July 24, 2009, the story ran in print, television and internet news sites around the globe including CNN, USA Today, ABC News, Money, and The World News, to name just a few. Below are links to samples of news articles that ran on the internet news sites last fiscal year.

Shoddy repairs can leave homeowners in a fix (Panama City News Herald © 06/29/2008)
<http://www.newsherald.com/news/panama-4732-repairs-city.html>

Bad contractors busted (St. Petersburg: WTSP (Ch. 10) © 07/04/2008)
<http://www.wtsp.com/news/local/story.aspx?storyid=84073&catid=8>

Unlicensed Contractor Targets South Fla. Residents
(Miami-WPLG (ABC) © (7/15/2008)
<http://www.justnews.com/news/16885720/detail.html>

Hurricane shutter scam artist gets 3 years : TCPalm.com
(Jupiter Courier © 07/24/2008)
<http://www.tcpalm.com/news/2008/jul/24/30gthurricane-shutter-scam-artist-gets-3-years/>

Bad economy sheds light on unlicensed contractors: (story on sting operation ran internationally. Below are samples of media outlets who ran the story.)

http://seattletimes.nwsources.com/html/business/technology/2009528692_apusunlicensedcontractors.html
<http://content.usatoday.com/topics/quote/George+Miller/09P509w4x9chM/058Xh0Ybfj5Q0/0>
<http://abcnews.go.com/Business/wireStory?id=8162561>
http://www.salon.com/wires/ap/business/2009/07/24/D99KN4A00_us_unlicensed_contractors/print.html
<http://www.huffingtonpost.com/huff-wires/20090724/us-unlicensed-contractors/>

Don't Fall Victim To Illegal Contractors (WPLG, Miami 7/19/2008)
<http://www.justnews.com/news/16655893/detail.html?taf=mia>

Florida Cracks down on Unlicensed Contractors (WTVY.Com 10/31/2008)
<http://www.wtvynews4.com/news/headlines/33650899.html>

DBPR cracks down on unlicensed contractors
(Tampa Bay Business Journal © 11/04/2008)
<http://tampabay.bizjournals.com/tampabay/stories/2008/11/03/daily10.html?surround=lf&brthrs=1>

Statewide Sweep Against Unlicensed Activity (WCTV.TV 02/18/2009)
<http://www.wctv.tv/news/headlines/39802117.html>

Crooked Contractors, listen up! (Orlando Sentinel 02/19/2009)
http://blogs.orlandosentinel.com/features_consumer_file/2009/02/crooked-contractors-listen-up.html

Shutting Down Unlicensed Contractors (WJXT Channel 4 Duval County © 06/05/2009)
<http://www.news4jax.com/seenon4/19660135/detail.html>

The Department of Business and Professional Regulation Conducts Statewide Operation to Protect Floridians Against Unlicensed Activity (Washington County News 06/05/2009)
<http://www.chipleypaper.com/articles/tallahassee-3604-operation-activity.html>

Don't hire just anyone to tune up your pool or air conditioner (Sun-Sentinel 06/29/2009)
<http://blogs.sun-sentinel.com/consumerblog/2009/06/dont-hire-just-anyone-to-tune-up-your-pool-or-air-conditioner.html>

Division of Regulation Outreach

In addition to contributing to a multi-media campaign to educate consumers in the fight against unlicensed activity, the division also carried out its own outreach program as part of its mission to protect the public from unlicensed activity. Outreach activities, as well as stings and sweeps, were performed by unlicensed activity investigators and full time employee investigative staff. Public education efforts included the division's presence at various trade and consumer events and speaking engagements with trade associations, consumer groups and other government agencies.

Last year the division exceeded its goal and increased the number of outreach events during the fiscal year. Staff presented at 274 different events and made contact with over 55,000 Floridians throughout the state. Educational materials were produced and purchased by the division and distributed during the events.

Below is a chart showing the number of unlicensed activity cases referred to the local State Attorney's in each region during the last reporting period, Fiscal Year 2008-09.

Region	# of Cases Referred
Pensacola Satellite Office	Forty-Eight (48)
Tallahassee	Eighty (80)
Jacksonville	Three Hundred Twenty Five (325)
Gainesville	One Hundred Ninety Four (194)
Orlando	Two Hundred One (201)
Tampa Satellite Office	Two Hundred One (201)
Ft. Myers	One Hundred Fifty One (151)
West Palm Beach	One Hundred Twenty (120)
Margate	One Hundred Eighty Eight (188)
Miami	Eighty-Three (83)
Total cases referred	One Thousand Five Hundred Ninety-One (1,591)

Below is a chart showing the number of unlicensed activity cases referred by the Division of Regulation to a particular State Attorney's Office for prosecution for the current reporting period, Fiscal Year July 1, 2009- to date (December 2009).

State Attorney Office	# of Cases Referred
1 st Judicial Circuit (Pensacola)	Sixteen (16)
2 nd Judicial Circuit (Tallahassee)	Twenty (20)
3 rd Judicial Circuit (Live Oak)	Six (6)
4 th Judicial Circuit (Jacksonville)	Thirty-Four (34)
5 th Judicial Circuit (Ocala)	Fifteen (15)
6 th Judicial Circuit (Clearwater)	Nineteen (16)
7 th Judicial Circuit (Daytona Beach)	Fifteen (15)
8 th Judicial Circuit (Gainesville)	Twenty-six (26)
9 th Judicial Circuit (Orlando)	Twenty-three (23)
10 th Judicial Circuit (Bartow)	Four (4)
11 th Judicial Circuit (Miami)	Thirty (30)
12 th Judicial Circuit (Sarasota)	Eleven (11)
13 th Judicial Circuit (Tampa)	Nineteen (19)
14 th Judicial Circuit (Panama City)	Sixteen (16)
15 th Judicial Circuit (West Palm Beach)	Twenty-six (26)
16 th Judicial Circuit (Key West)	Zero (0)
17 th Judicial Circuit (Fort Lauderdale)	Thirty-four (34)
18 th Judicial Circuit (Viera)	Four (4)
19 th Judicial Circuit (Fort Pierce)	Six (6)
20 th Judicial Circuit (Fort Myers)	Twenty-four (24)
Total	Three Hundred Forty-Five (345)

Referrals of Unlicensed Cases to the State Attorney

In accordance with Chapter 455, Florida Statute, the department referred 1,591 unlicensed activity cases to State Attorney's offices for prosecution. The department continues to work closely with many of the State Attorney's offices regarding unlicensed activity cases. In May 29, 2009, Secretary Drago attended the Florida Prosecuting Attorneys Association meeting and department staff provided training to State Attorney Circuits 8, 16 and 17 regarding the criminal aspects of professional licensure violations and unlicensed activity.

Division of Regulation Media Campaign

In previous years, the Division of Regulation's unlicensed activity media campaign budget was primarily spent on Construction/Electrical, Cosmetology, and Community Association Managers. This fiscal year, in an effort to extend the unlicensed activity media campaign to all professions that pay the \$5 unlicensed activity fee, the Office of Communications divided the budget based on the percentage of licensees in each profession as compared to the total number of licensees in all professions represented in the campaign.

In order to brand the campaign and provide consistent aesthetics and messaging, the Office of Communications used comic book-style graphics and similar language on each ad. By doing this, consumers could connect an advertisement for one profession, such as cosmetology, with an advertisement for another profession, such as construction. The end result is a cohesive campaign that establishes brand identity for the Department of Business and Professional Regulation.

Summary: The Division of Regulation's unlicensed activity funds were allocated based on the percentage of licensees in one profession compared to the total overall number of all combined professions. The professions with the largest number of licensees were Cosmetology (41%) and Construction (28%). The next highest profession was Architecture (3%). For all professions that fell under 10 percent, Google Ad Words were purchased in order to provide Web site coverage. For Construction and Cosmetology, a multi-media campaign was launched that included TV Public Service Announcements (Construction), bus advertisements, movie theater advertisements, back-lit mall displays, car decals (Construction), and Web advertising.

Key Messages:

Construction: Unlicensed Construction is Dirty Business. Don't be a victim of unlicensed activity. Check licenses at www.MyFloridaLicense.com. Report unlicensed activity at 1-866-532-1440.

Cosmetology: Unlicensed Cosmetology is Ugly Business. Don't be a victim of unlicensed activity. Check licenses at www.MyFloridaLicense.com. Report unlicensed activity at 1-866-532-1440.

Target Audience:

The target audience was consumers likely to use the services of a contractor or cosmetologist.

In order to reach a broad range of people who may hire a contractor, the plan included bus advertisements in Miami in both English and Spanish,

In order to reach a broad range of people who may use cosmetology services, the plan included statewide mall displays, statewide movie theater advertisements, and bus advertisements in Miami in both English and Spanish.

Breakdown of the Division of Regulation Media Campaign

Division Regulation Media:

Media Outlet	Advertisement Info.	Amount Spent	Impressions
CAM PSA	Florida Association of Broadcasters	\$7,850	NA
Construction PSA	Florida Association of Broadcasters	\$10,000	NA
Miami Transit Bus Advertising for Cosmetology and Construction	CBS Outdoor Advertising, 75 buses from April 1, 2009 through June 23, 2009. English and Spanish ads.	\$19,925	28,321,000
Cosmetology/Barber Mall Displays	Clear Channel Mall Advertising, 16 backlit mall displays in 8 malls in 4 geographic areas for one month	\$8,640	3,086,000
Google AdWords	Architects	\$4,873.22	891,718
	Veterinarians	\$1,397.02	117,810
	Surveyor and Mappers	\$914.47	92,710
	Auctioneers	\$595.01	32,763
	Geologists	\$507.72	204,124
	Landscape Architects	\$301.57	222,930
	Employee Leasing	\$94.97	15,604
	Athlete Agents	\$40.51	49,548
	Pilots	\$42.16	67,804
	Talent Agents	\$51.48	67,804
	<i>Google Total</i>	<i>\$8,818.13</i>	
Cosmetology Movie Theater Static Advertisements	Ad shown prior to movie on 627 screens in 45 counties for eight weeks from April 10-June 4.	\$15,972.83	175,560,000
Construction car decals		\$2,278	NA
Construction Florida Public Broadcasting		\$4,904	NA
TOTAL		\$78,387.96	208,729,851

Division of Real Estate Unlicensed Activity Program

Total Budget Allocated:

\$400,000

Category	Amount	Details
Staffing	\$233,742	(8) Temporary Employee (Field): Unlicensed Activity Investigators sought out and investigated unlicensed activity. Engaged in proactive enforcement through close interaction with federal, state, county and city governmental entities within the region. At times during the reporting period, investigators may have carried an average case load of 40+ cases.
Equipment	166	Supplies materials
Media Campaign:	169,810	Media Campaign involved Public Service Announcements, print advertising and internet Google Ad Words.
Total:	*\$403,718	

*Original projected expenditures for this program were based on historical staffing data. The staffing needs for this fiscal year exceeded the historical projections, resulting in the expenditures exceeding the amount allocated.

Division of Real Estate Media Campaign

Summary: The creation of two new real estate Public Service Announcements using Fiscal Year 2007-2008 funds allowed a majority of the budget to be dedicated to the airing of those PSAs. Additional advertising outlets were chosen based on the likelihood that they would be seen and read by those in the market to purchase a home.

Goals: 1) To reduce unlicensed real estate activity by:
a. Educating consumers about the dangers of doing business with unlicensed real estate agents; and
b. Encouraging consumers to check licensee certification.

Key Messages:

Your home is your biggest investment. Don't get into funny business. Work with a state-licensed real estate professional. Check licenses at: MyFloridaLicense.com.

Target Audience: Floridians who are in the market to purchase a new home or property.

Budget: \$184,000

PSA Results: \$76,000 was allocated for the airing of the two Real Estate Public Service Announcements. During the months of February, March, April and May, \$560,411 worth of air-time—both radio and TV—was provided with 10,008 spots.

The PSA ran in the following markets: Ft. Myers, Gainesville, Jacksonville, Miami, Orlando, Panama City, Pensacola, Tallahassee, Tampa, and West Palm.
Division of Real Estate Media Campaign

Media Outlet	Advertisement Info.	Amount Spent	Target Audience
Real Estate PSA	Florida Association of Broadcasters	\$76,000	NA, \$560,411 worth of air-time provided
Florida Public Broadcasting		\$9,876	NA
Homes & Land	Full-page color ads to run from April through June	\$18,078 (\$770 was refunded)	
Movie Theater Static Advertisements	Ad shown prior to movie on 627 screens in 45 counties for eight weeks from April 10-June 4.	\$15,972.83	175,560,000
Google	Ad Words & Web Advertisements	\$46,408.35	9,182,715
Florida Trend	e-Newsletter,	\$2,515	360,000
Educational Items	Coasters for distribution	\$960	NA
TOTAL		\$169,810.20	185,102,715

Division of Certified Public Accounting Media Campaign

Total Budget Allocated: \$200,000

All expenditures for this division were devoted to the media campaign

Summary:

The majority of the division's unlicensed activity media campaign budget was spent prior to and throughout tax season—when most consumers use CPAs. The Office of Communications focused on the CPA public service announcement, which ran throughout the state beginning in March. In addition, online advertisements targeted audiences likely to call on the services of a CPA. Online advertisements were secured in “Bizjournals” and Google Ad Words.

Goals:

The goal of the unlicensed media campaign for certified public accounting was to:

1. Educate consumers about the importance of working with licensed CPAs;
2. Teach consumers how to check credentials using department resources;
3. Warn the public about the dangers of disclosing important personal and financial information to unlicensed professionals, which could result in financial harm; and
4. To reduce unlicensed activity in certified public accounting.

Key Messages:

It's tax season. Are you doing business with a Florida-licensed CPA?

Giving your financial information can be “Risky Business.”

Don't take that risk. Check your CPA's credentials at MyFloridaLicense.com

Target Audience: The media campaign was tailored to reach an audience most likely to seek CPA services. The PSA and online advertisements were scheduled to run during tax season when it would be most effective.

PSA Results: \$100,000 was allocated for the airing of the CPA Public Service Announcement. During the months of February, March, April and May, \$1,053,940 worth of air-time—both radio and TV—was provided with 11,846 spots.

The PSA ran in the following markets: Ft. Myers, Gainesville, Jacksonville, Miami, Orlando, Panama City, Pensacola, Tallahassee, Tampa, and West Palm.

The table below is a description of the Division of Certified Public Accountant's media campaign:

Media Outlet	Advertisement Info.	Amount Spent	Target Audience
Public Service Announcement	Florida Association of Broadcasting	\$100,000	NA, \$1,053,940 worth of air-time provided
Florida Public Broadcasting	Public Radio throughout Florida	\$3,096	NA
Business Journals <ul style="list-style-type: none"> • Tampa Bay • South Florida • Orlando 	60-day online advertising, top leader board placement; 2/28/08 to 4/28/08	\$9,000	353,587
Educational Items	Coasters	\$960	NA
CPA Google AdWords Search Ads	Google Ad Words	\$9,959.32	1,682,202
TOTAL		\$123,015.32	2,035,789

Customer Friendly Complaint Access

The department encourages everyone to help fight unlicensed activity and has made efforts to make this process easy. Consumers and licensees have been provided several avenues through which to report unlicensed activity. Below are ways consumers can report unlicensed activity:

- Complaint forms are online at www.myfloridalicense.com,
- Consumers may send an e-mail to the unlicensed activity inbox, ula@dbpr.state.fl.us,
- Complaints may be mailed to the department at 1940 North Monroe Street; Tallahassee, FL 32399-0782.
- Consumers may call toll free hotline at 1.866.532.1440,
- Consumers may call the customer contact center at 850.487.1395.

Unlicensed Activity Complaints Report FY 2008- 2009

	Accountancy (Unlicensed)	Asbestos (Unlicensed)	Athlete Agents (Unlicensed)	Auctioneers (Unlicensed)	Barbers (Unlicensed)	BCAI (Unlicensed)	CAMS (Unlicensed)	CILB (Unlicensed)	Cosmetology (Unlicensed)	ECLB (Unlicensed)	Employee Leasing (Unlicensed)	Geologists (Unlicensed)	Harbor Pilots	Landscape Architecture (Unlicensed)	Real Estate Commission (Unlicensed)	Real Estate Appraisal Board (Unlicensed)	Surveyors & Mappers (Unlicensed)	Talent Agencies (Unlicensed)	Veterinary Medicine (Unlicensed)	Totals	
Unlicensed Complaints by Profession																					
Complaints Received	93	3	3	36	253	14	121	1855	748	678	8	1	1	10	496	1	27	42	30	4420	
Complaints Legally Sufficient	93	2	3	29	251	8	61	1546	508	608	7	0	1	5	496	1	25	20	20	3684	
Investigations Assigned	93	2	3	27	82	7	48	1271	111	483	5	0	0	5	496	1	23	16	21	2694	
Investigations Completed	93	1	2	21	59	5	41	1126	98	381	6	0	0	3	515	1	20	13	15	2400	
UL Citations Filed	0	1	0	4	199	0	0	246	389	140	1	0	0	0	0	0	0	4	0	984	
Office of the General Counsel																					
Prosecution Cases Opened	94	2	2	22	63	5	58	1261	97	427	6	0	1	3	444	1	25	12	16	2539	
Prosecution Cases Closed	85	3	1	16	36	7	41	807	77	265	7	1	0	4	351	7	22	10	11	1751	
Findings of Probable Cause	34	2	0	0	23	2	10	858	34	273	1	1	0	5	69	1	8	5	9	1335	
Administrative Complaints Filed	4	0	1	3	51	0	2	372	72	102	0	0	0	0	7	1	2	2	3	622	
Disciplinary Actions	0	0	0	0	23	0	2	438	34	87	0	0	0	2	23	1	4	0	4	618	

Complaints Received refers to unlicensed activity complaints actually received and entered into the department's single licensing computer system during the reporting period.

Legally Sufficient refers to unlicensed activity complaints reviewed by the division that met the standard of legal sufficiency established in section 455.225 (1), Florida Statutes. However, the number of "Complaints Legally Sufficient" may not include all "Complaints Received" during a reporting period and can include complaints from previous quarters.

Number of Investigations Assigned: refers to unlicensed activity complaints reviewed by the division that were found to be legally sufficient and assigned to an investigator.

Number of Investigations Completed refers to unlicensed activity cases that were completed by the division's investigator and forwarded to the department's Office of the General Counsel for review. However, the number of Investigations completed may include investigations of legally sufficient complaints that were referred for investigation during previous quarters.

Number of Citations Filed refers citations issued for unlicensed activity that were filed as final orders with the department's Agency Clerk after the statutory timetable has been completed.

Prosecution Cases Opened refers to cases received in the Office of General Counsel (OGC) during the reporting period from DBPR investigators after their investigation is complete.

Prosecution Cases Closed refers to cases closed by OGC after receipt during the reporting period. These were prosecuted. Reasons for closure include no finding of probable cause, withdrawal of complaint by complainant, issuance of notice to cease and desist, cessation of unlicensed activity, or insufficient evidence to prosecute.

Findings of Probable Cause refers to cases for which a Notice to Cease and Desist was issued, or a Citation and/or an Administrative Complaint was filed by the department. However, the number of "Findings of Probable Cause" may not include all "Prosecution Cases Opened" during the reporting period and may include cases from previous quarters. Probable cause means that there is some evidence that would reasonably indicate that the subject engaged in unlicensed activity.

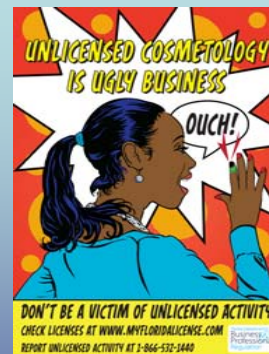
Administrative Complaints Filed. Refers to administrative complaints filed during the reporting period. An administrative complaint is the charging document that details the violations law for which probable cause was found and seeks disciplinary action. However, the "Number of Administrative Complaints Filed" may not include all "Prosecution Cases Opened" during the reporting period and may include cases from previous reporting periods.

Disciplinary Actions refers to disciplinary actions that were entered during the reporting period. Disciplinary actions may include any combination of the following: imposition of an administrative fine, payment of investigative costs, and/or any other relief the department deems appropriate via final order. However, the "Number of Disciplinary Actions" may not include all "Prosecution Cases Opened" during the reporting period and may include cases from previous reporting periods.

Unlicensed Activity Media Campaign 2008-2009

“Ugly Business”

By the Office of Communications



Appendix B

Target Audience

Primary

- Florida's Consumers

Secondary

- Individuals in the various professions

Goals of the Campaign

- Educate consumers about the importance of working with licensed professionals and how to check credentials.
- Warn public about the dangers of working with unlicensed individuals.
- Reduce unlicensed activity.

Why are individuals unlicensed?

- May not be able to meet financial requirements.
- May not be able to pass a background check.
- May not meet the education or experience requirements.
- May not meet the workers' compensation requirements.
- May not meet the liability insurance requirements.

Background

- Per Florida Statute 455.2281, licensees pay \$5 per initial and renewal licensure to assist in combating unlicensed activity.



Ways we Combat Unlicensed Activity

- In addition to unlicensed activity efforts, such as sweeps and stings, DBPR executes a Public Awareness Campaign.



Office of Communications

ULA Media Campaign Budget

- Regulation-\$115,000
- Real Estate- \$156,000
- Certified Public Accountants-\$145,000

Key Messages

- **Construction**: Unlicensed Construction is Dirty Business.
- **Cosmetology**: Unlicensed Cosmetology is Ugly Business.
- **Real Estate**: Unlicensed Real Estate is Funny Business.
- **CPAs**: Unlicensed Certified Public Accounting is Risky Business.



Office of Communications

Tools Used:

- TV and Radio Public Service Announcements
- Homes & Land and Florida Trend Magazines
- Bus Advertising in Miami
- Mall Displays
- Google Ad Words
- Movie Theaters
- Educational Items
- Business Journal Ads

Miami Bus Wraps

- **Cosmetology & Construction, English & Spanish, Miami area**
- **Results:** 45,000 views per day, three-month run: 4,050,000



Office of Communications

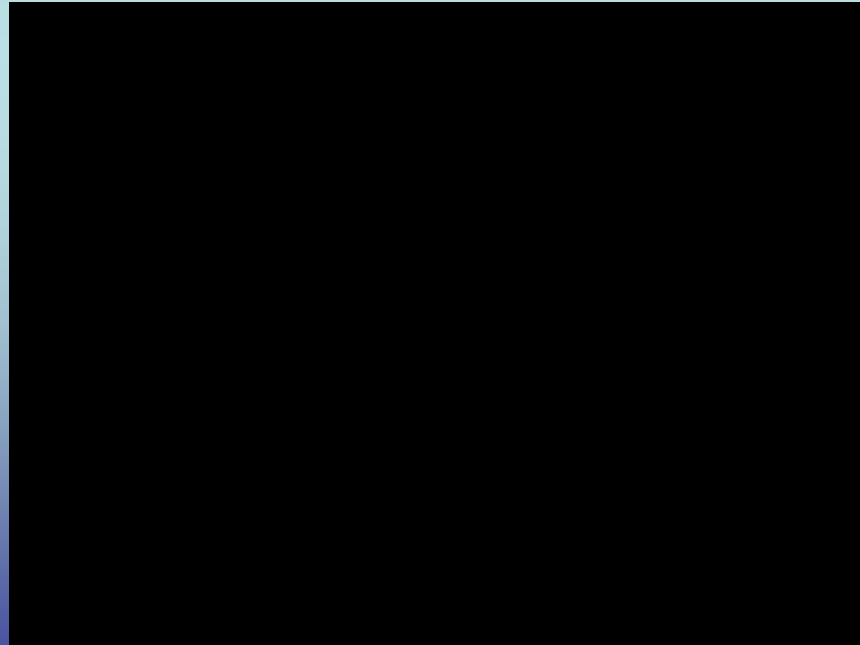
New CPA's Public Service Announcement:





Office of Communications

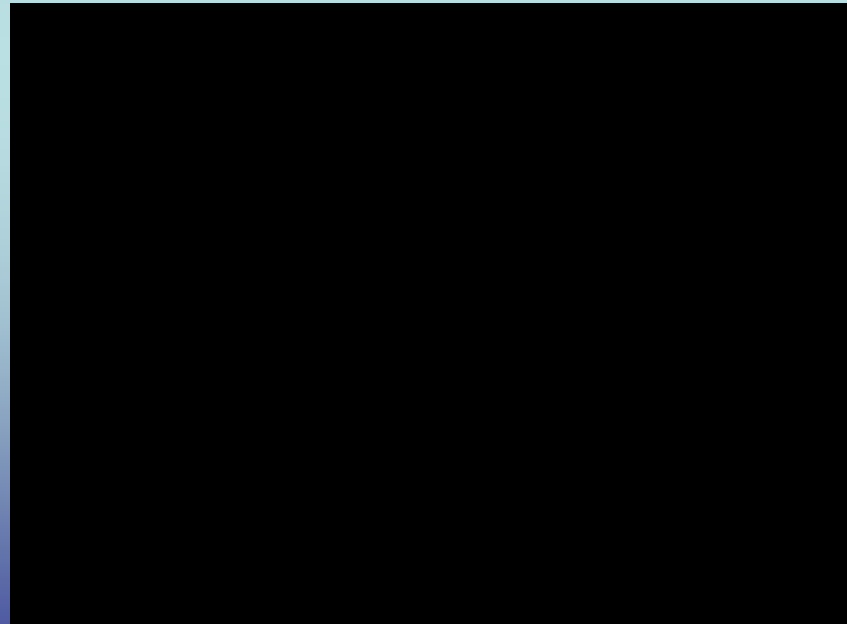
New Real Estate Public Service Announcements:





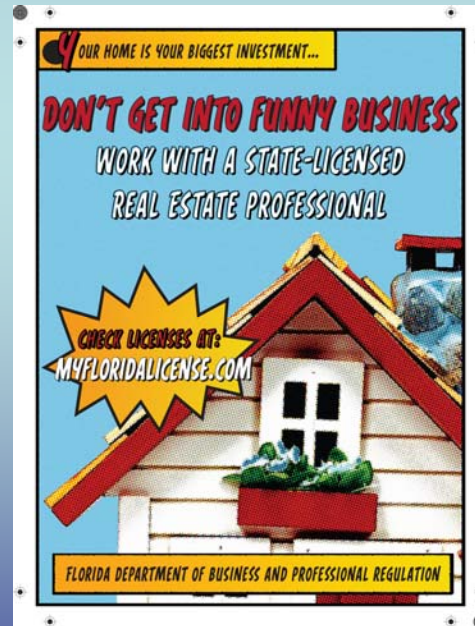
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New Real Estate Public Service Announcements:



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Real Estate Homes & Land Magazines



Office of Communication

- **Mall Displays Results:** Over 3,000,000 views in monthly traffic





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Mall Display Locations

- Prime St. Augustine
- Jacksonville Landing
- Prime Outlets Orlando
- Oviedo Marketplace
- Governor's Square, Tallahassee
- The Shops at Wiregrass
- Channelside Mall, Tampa
- Prime Outlets, Ellenton

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- **Movie Theater Ad Results :**
21,000,000 views per week





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Movie Theaters by County

- Seminole
- Palm Beach
- Orange
- Pinellas
- Jackson
- Putnam
- Hillsborough
- St. Lucie
- Broward
- Marion
- Polk
- Bay
- Highlands
- Sarasota
- Indian River
- St. Johns
- Manatee
- Volusia
- Leon
- Lee
- Brevard
- Miami-Dade
- Escambia

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- **Google Web Ads Results- Over 980,000 impressions and 2,700 clicks.**



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Office of Communications

Construction Car Decals Distributed to 10 Regional Regulation Offices

Report
Unlicensed Construction
1-866-532-1440
MyFloridaLicense.com

FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The graphic features a large blue silhouette of a hammer on the left side. The text is arranged in a clean, bold, sans-serif font. The word "Report" is at the top, followed by "Unlicensed Construction" in a larger font size. Below that is the phone number "1-866-532-1440" and the website "MyFloridaLicense.com". At the bottom, a blue horizontal bar contains the text "FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION" in white, all-caps font.



Office of Communications

Educational Materials – Coasters for Real Estate and CPA's





Office of Communications

**Comments &
Suggestions...**